NEW FOREST NATIONAL PARK (DESIGNATION) ORDER 2002

REPORT OF THE INQUIRY
PART 1. ISSUES OF PRINCIPLE AND ADMINISTRATION

GENERAL INTRODUCTION

1.1 The Secretary of State’s terms of reference for the inquiry provided participants with the opportunity to address non-boundary related matters such as:

(a) whether designation as a National Park is the appropriate response to the natural beauty and open-air recreational opportunities of the New Forest and

(b) whether, if designation occurs, it should be accompanied by the establishment of a standard National Park Authority (NPA), or by the making of some other administrative arrangements for management of the area.

1.2 The responses to the Designation Order – including those made to the Countryside Agency’s advice to Government on special arrangements for a New Forest National Park Authority (NFPNA), as set out in CD102 – produced a diversity of responses on these non-boundary related matters. These ranged from positions of opposition to any change in the current management arrangements for the area covered by the Order to those wholly in favour of every aspect of the Agency’s proposals. Between these two positions there is a very wide spectrum of views on non-boundary related matters.

1.3 Some of the major stakeholders favour more protection and resource-input for the area but are generally opposed to a standard National Park/NPA. These bodies took the opportunity to indicate their preferred ways for achieving a ‘tailor-made’ solution (eg the New Forest Verderers supported by the New Forest Commoners Defence Association, Hampshire County Council, New Forest District Council, and the New Forest Committee). Two local MPs – Desmond Swayne (211) and Julian Lewis (383) expressed views similar to those of the Verderers on the need for a tailor-made authority. Some bodies strongly against National Park designation (eg Minstead Parish Council) have indicated a preferred fall-back position if some form of designation is confirmed while others warmly enthusiastic about designation (eg the Council for National Parks) have pointed to changes which they would wish to see in the Agency’s advice on administrative arrangements.

1.4 In all there were about 160 responses from organisations and individuals stating that they (a) oppose designation in principle or (b) see no benefit in it, or (c), are agnostic about it or (d) cannot support a standard NPA. Such responses in themselves cover a wide range of views from a desire for no change from the present circumstances to acceptance that the right kind of tailor-made change could be beneficial. Among the organisations generally most strongly opposed to the whole principle of a New Forest National Park (NFNP) are Denny Lodge Parish Council (72), Boldre Parish Council (121), Minstead Parish Council (171), Minstead Manor Commoners (179), the New Forest Village Shops Association (197), the Commoning
Animals Protection Society (201), East Boldre Parish Council (221), Burley Parish Council (225), the New Forest Pony Breeding and Cattle Association (244), and Romsey Extra Parish Council (245). The individuals expressing this view include Christopher Chope MP (330) and 87 members of the New Forest Commoners Defence Association who submitted more or less identical objections.

1.5 About 55 persons and organisations were registered as outright ‘supporters’ of the Order. However, in addition, very many of those registered as ‘objectors’ because of their views on various boundary related issues or matters of detailed governance were not opposed to (or supported) the principle of designation of an appropriately defined area and expressed support for the concepts of an NFNP and an appropriately formed NFNPA.

1.6 Among the organisations expressing support or enthusiasm for designation of the National Park (albeit sometimes with qualifications about certain matters) are Wiltshire County Council (139), New Forest Friends of the Earth (150), Hants & IOW Wildlife Trust (166), Salisbury District Council (172), Test Valley Borough Council (175), English Nature (194), the RSPB (203), the YHA (218), the Ramblers Association (226), the National Trust (228), the Council for National Parks (354), Southampton Borough Council (355), the CPRE (357) and Ashbury & Colbury Parish Council (369).

SUMMARY OF THE CASES CONCERNING THE PRINCIPLE OF DESIGNATION AND THE ESTABLISHMENT OF AN NPA

Main themes of opposition to an NFNP and NFNPA

1.7 Briefly summarised, the main themes of opposition to the principle of an NFNP are that National Park designation would:

(1) duplicate or result in too much overlap and conflict with the strong constellation of existing institutions and powers now managing the New Forest which (although complex and untidy) is experienced, reasonably well in balance, long-established, locally-based and largely effective and which – by meeting local New Forest needs – also meet national needs

(2) create a confusing additional tier of remote bureaucracy, thus wasting resources, blurring responsibilities and increasing complexity without any clearly identifiable benefit; a better alternative would be to retain the powers and build up the resources of existing statutory organisations such as the Forestry Commission and the Verderers, give more support to commoners and assist the co-ordinating role of the New Forest Committee

(3) not be ‘especially desirable’ within the terms of S5 of the Act

(4) be unnecessary, in that whereas the 1949 Act was about obtaining access to open country for urban dwellers, public admittance to the New Forest was permitted as long ago as 1698; it has effectively served as a National Park since
then and many of its millions of annual visitors assume that it already has this status

(5) be a politically motivated imposition by Central Government, blatantly disregarding the recent advice of the former Countryside Commission (and successive expressions of advice before that) without any attempt to obtain a demonstrable mandate in the form of clearly expressed public demand, since it has been made clear throughout the staged and inadequate ‘consultation process’ that the principle of a National Park was non-negotiable

(6) place too much power in the hands of inadequately accountable NPA members with predominantly urban or suburban based knowledge and experience, and lacking adequate understanding of what is required to conserve the Forest and make it work

(7) remove planning powers from the hands of democratically elected local authorities

(8) materially prejudice the vested rights, working practices and benefits of commoners

(9) weaken the protection of the commonable lands and undermine the powers of the Verderers

(10) place too much emphasis on recreation and not enough on conservation of the New Forest’s internationally and nationally recognised habitats

(11) create a further marketing impetus for tourism, intensifying already excessive levels of recreational pressures arising from the area’s proximity to London and the South Coast cities and attracting too many additional visitors, vehicles, litter and fire risks, all putting more pressure on threatened and fragile Forest habitats and species

(12) exacerbate the trend towards regimentation, organisation and control, and lead to ‘prettification’, commercialisation and increased ‘themed’ use of the Forest, at the expense of its natural charms, mysteries and organic nature

(13) harm the appearance of the Park by bringing more intrusive and commercial tourism-related developments and their accompanying signage

(14) spur an increase in property prices, fuelling existing housing problems for those working in and maintaining the Forest

(15) attract and concentrate increased development pressures in areas just outside the Forest, especially areas to the north-east which may be sandwiched between the New Forest and South Downs National Parks

(16) be the smallest of England’s National Parks (at 670sq.km) and have the highest population (at 85,000 according to the Agency), and thus have a population
density about 4 times greater than the most densely populated existing National Park (see comparative figures at CD14 app K)

(17) extend too widely beyond the undoubtedly outstanding natural beauty and fine recreational opportunities found within the perambulation into highly populated areas and ‘ordinary’ countryside and thus water down the true identity and integrity of the real New Forest; unless these wider areas can be used to relieve visitor pressures there is no point in their being designated

(18) require too many resources to be expended on urban-related matters, including processing the increased number of small householder planning applications resulting from the less generous GPDO rights applying in National Parks.

The Agency’s response to the main themes of objection to an NFNP and NFNPA

1.8 The general case is set out in Position Papers 2 and 3 (CD156 and CD162).

1.9 In brief, designation of the NFNP and the creation of a NFNPA would:

(1) establish a boundary encompassing all the land meeting the statutory criteria which would not be subject to regular review through the local plan process as has been the case with the New Forest Heritage Area (NFHA).

(2) ensure that the whole area has recognised national and international status, protection, and exchequer funding to address the statutory National Park purposes

(3) bring integrated management across the whole area for conservation and public enjoyment and understanding in a way that cannot be achieved by present arrangements

(4) create a new body (the NPA) with a specific duty, commensurate powers and permanent resources to conserve and enhance the designated area in an integrated way, so providing opportunities for people to enjoy and understand the special qualities of the area

(5) ensure preparation of a statutory management plan for the designated area to achieve National Park purposes, and

(6) place a statutory duty on all public bodies to have due regard to National Park purposes.

1.10 Existing organisations and means of protection have done much over the years to conserve the special character of the New Forest and will continue to do so. However, as a result of the strong pressures upon it today the New Forest as a whole has conservation, enhancement and recreational management needs which require the intervention of a body with specific powers and resources to address these pressures. The NPA would work collaboratively by partnership and persuasion rather than by
regulation. It would not start from scratch, abandoning or duplicating the work of existing agencies or ignoring their achievements. It would encourage an integrated approach to strategic plans and programmes, allowing resources to be pooled, linked and supplemented across the whole of the designated area.

1.11 Consultation document CD111 gave the opportunity for alternatives to be expressed, but after considering those responses (see CD110) the Agency concluded that the area met the designation criteria and that it was especially desirable to establish an NPA.

1.12 There is no existing body with the purposes, powers and resources to be able to deliver the National Park purposes and to address the full range of conservation and visitor management issues needed across the whole of the New Forest. This can only be achieved by establishing an NPA. This makes the designation of the National Park ‘especially desirable’, as further detailed in Position Paper 3 (CD162).

1.13 CD115 explains the process by which the Agency moved from the position taken by the Countryside Commission in 1998 to the current proposals. At an early stage concern was focused on the statutory overlap with the New Forest Acts (see CD111, p23, issue 3) but there has been no real conflict identified other than a small degree of overlap with the Verderers’ powers. Special legislation is not now considered necessary to deal with that. The proposed close 3-way working relationship between the NPA, the Forestry Commission and the Verderers should provide for the resolution of any conflict. As indicated in CD119, para 21, the Agency’s officers ‘understand and share some of the concerns which have prompted calls for new legislation. The key question is whether new legislation is necessary to address such concerns. Having carried out the analysis summarised above we do not believe that it is.’

1.14 On the issue of lands beyond the perambulation, the boundary includes all of the land meeting the statutory criteria within an area of search which describes the New Forest as a topographic, geological, historical and cultural entity. The perambulation and the surrounding farmland are interdependent. Historically, settled communities on the fertile farmlands shared the heath and woodland resources of the less fertile plateau areas at the heart of the Forest.

The views of supporters of an NFNP and NFNPA

1.15 The main themes raised by supporters of designation were:

(1) agreement with the Agency’s views on the statutory criteria and the need for/benefits of designation

(2) desire to move on urgently to designation following a long process of consultation since 1999 and many years of delay before that

(3) concerns about existing and future pressures on the unique nature of the New Forest and support for the role of designation and the NPA in bringing additional powers and resources to achieve National Park purposes, particularly conservation
(4) concerns about development threats to the natural beauty and habitats of the New Forest and support for the role of National Park status in bringing strong permanent protection.

**SUGGESTED ALTERNATIVES TO THE PROPOSED NFNP and NFNPA**

**General overview and introduction**

1.16 As previously described, alternatives to National Park designation and an NPA were expressed both by objectors to the Order and supporters of it. The suggested alternative options range widely. At one end of the spectrum are various proposals to create a special tailor-made body to administer the area. At the other, some objectors would be content with very minor changes of wording to the Agency’s advice to the Secretary of State on special arrangements for a New Forest National Park Authority (CD102).

1.17 Views on tailor-making an authority were expressed by bodies (among others) such as the New Forest Consultative Panel (89), Hampshire Field Club (92), New Forest District Council (106), the New Forest Verderers (107), the New Forest Equestrian Association (108), the National Farmers Union (109), the New Forest Commoners Defence Association (110), Hampshire County Council (119), Boldre Parish Council (121), Dorset County Council (189), Christchurch Borough Council (202), , the New Forest Village Shops Association (197), East Boldre Parish Council (221), Bramshaw Parish Council (321), and the New Forest Committee (387).

1.18 A considerable number of individuals, including Col P Sweet (1), Desmond Swayne MP (211), Julian Lewis MP (383) also expressed the view that any authority created to assist in the management of the New Forest area should be tailor-made. The generally held view was that an appropriate tailor-made body could make improvements to the management of the New Forest without major bureaucratisation and loss of local sensitivity and democracy.

1.19 Julian Lewis MP (383) said that in his time as MP he had received some representations in favour of the status quo, many in favour of a tailor-made solution but very few indeed in favour of a standard NPA. In his view this indicates a strong local feeling that a National Park is being forced onto a community which does not want it and finds it insufficiently responsive to the needs of a working forest which is much more than just a ‘Park’ of any description. While the New Forest probably passes the tests to be a National Park, that does not mean that the concept of a standard National Park passes the tests necessary for securing the best future for the New Forest. On the other hand, if a National Park is imposed Ministers need to pay attention (as they have promised to do) to finding ways in which a standard NPA can be slimmed down and made more flexible and sensitive to the local needs and circumstances which – as almost everybody admits – render the New Forest different from any other National Park.
1.20 While he is ‘agnostic’ as to whether there is a need for change in the present consensual and interactive approach to National Park governance, Julian Lewis considers the standard NPA model inappropriate. In his view a satisfactory conceptual model for a tailor-made body would have about one-third of its membership taken from local authorities, one-third from commoning interests and one-third from scientific and national interests.

1.21 Those seeking a tailor-made solution commonly refer to the view of the former Countryside Commission as set out in ‘Protecting our Finest Countryside: Advice to Government’, published in 1998 by the Countryside Commission (CCP532). This concluded that the unique qualities and circumstances of the New Forest, particularly the existing management arrangements for the core area of the perambulation, dictate that ‘the New Forest would be most efficiently managed through tailor-made arrangements secured through special legislation. This would better respect the special local circumstances and reduce the scope for conflict.’ Such objectors feel that the Countryside Commission’s cogently-stated objections to a standard NPA model (as expressed in CCP532) still hold true. They are unconvinced by the reasons given by the Agency for its change of opinion. In their view this is based only on pragmatic recognition of the Government statement that Parliamentary time cannot be found to enact special legislation. Reference is also commonly made to the Government consultation of 1992, which proposed a statutory version of the New Forest Committee as the favoured tailor-made solution (106/4/1 app3).

1.22 Those in favour of a tailor-made solution commonly observed that legislation will be required to implement some of the recommendations in the Review of English National Park Authorities (CD14) and that the Action Plan on the outcome of the review envisages a need for legislative changes. This encouraged objectors to outline the kind of legislative changes that would be required to provide their preferred version of an administrative body for the New Forest.

1.23 Many objectors, whether putting forward specific ideas for legislative change or not, expressed little faith that the Agency’s advice could give long-term security of the kind essential to protect the National Park if it is only recorded by Circular or some other form of New Forest-specific mandate, directive or advice. Even if it could be put into an acceptable form now its content could be too easily changed at will by a future Minister. Therefore it is important to make time for the right legislative changes, even at the expense of a certain time-lag before designation. In the meantime the existing methods of management can continue.

1.24 Suggestions for the precise form of a tailor-made solution differ substantially. I therefore deal with these very varied alternatives by first setting out the views of certain parties who expressed detailed views on a number of alternative models as follows:

- The New Forest Verderers
- Hampshire County Council
- New Forest District Council and the New Forest Committee
- National Farmers Union
- Minstead Parish Council and Minstead Manor Commoners
- Lymington Harbour Commissioners

1.25 I then summarise additional comments made by other parties based around the main subheadings of the Agency’s advice as follows:

- Membership of a New Forest National Park Authority (paragraphs 18-20)
- Relationship between a New Forest National Park Authority, the New Forest Verderers and the Forestry Commission (paragraphs 21-23)
- Planning (paragraphs 24-25)
- Land management (paragraphs 26-27)
- Visitor management (paragraph 28)
- Involving local expertise and working in partnership (paragraph 29)

MAIN SUGGESTIONS FOR A TAILOR-MADE BODY

The case for the New Forest Verderers

1.26 The Verderers support the need for measures to give the New Forest permanent protection and offer no objection to the boundary identified in the Order. However, in their view a standard NPA would not reflect the culture that has contributed so much to the long history of the Forest. They believe that a tailor-made solution would be preferable. Consequently they object to the Order.

1.27 The Verderers of the New Forest are a statutory body deriving powers from the New Forest Acts. Apart from their regulation of the agricultural use of the forest by commoners, the functions of the Verderers’ Court include control over almost all forms of development that may be proposed upon the commonable lands managed by the Forestry Commission. In relation to recreational activities, the precise items and activities over which such control is exercised is codified in a memorandum of understanding between the Commissioners and the Verderers (107/3/3).

1.28 There is no appeal against decisions of the Verderers’ Court except in relation to road construction, in which cases the highway authority may refer the reasonableness of the Verderers’ decisions to arbitration. However, it is a measure of the strength of the Verderers’ position that no referrals have taken place since the provisions were enacted more than 50 years ago. In the case of the proposed Lyndhurst Bypass the Highway Authority promoted a Private Bill in an attempt to circumvent the Verderers’ Court but this was rejected by Parliament after inquiries before Select Committees.
1.29 The Court exercises its power of veto responsibly and has approved over 100 car parks and extensive camping facilities over the past 30 years. However, in recent years it has concluded that the New Forest is exceeding its capacity to absorb recreational demands without damage. It has therefore been resisting new demands and working with the Forestry Commission to reduce existing pressures by closing some car parks and camp sites and reducing certain forms of organised recreation. The Verderers’ control has also kept the commonable lands relatively free from other forms of development such as mobile phone masts, pipelines and various types of public utility works.

1.30 The Verderers’ sole responsibility is to the Forest and its traditional character and culture. They do not have to reflect social and economic matters and have no obligation to provide for recreation. By carrying out their duties under the New Forest Act to have regard to the desirability of conserving flora, fauna and geological and physiographical features of special interest and taking account of the responsibilities of European conservation designations, they act as a restraining influence on the Forestry Commission’s desire to enhance recreational facilities.

1.31 The Forestry Commission and Verderers’ Court therefore have to work together in a system of dual control. This system of management of the commonable lands (ie the area generally perceived by the public as the New Forest) works well. The Verderers’ concern is that under a National Park Authority the balance of interests and loyalties could swing away from this state of equilibrium and afford too much weight to inappropriate decision makers and interests.

1.32 The Agency has not demonstrated that the system is flawed or justified its statement that “doing nothing is not an option”. However, if the designation order is to be confirmed, the Verderers seek enactment of the measures described beneath. If these safeguards were to be set in place this would represent an appropriate ‘tailor-made’ arrangement.

1.33 First, the NPA must not be dominated by local authority members. Only a tiny minority of the local electorate and local authority members are drawn from rural backgrounds or have any longstanding links with the Forest. Most are urban or suburban minded and expect their councillors to provide more and better recreational facilities for the large urban populations surrounding the Forest. Even if a local authority member were to have appropriate rural knowledge he/she would have little statistical chance of being selected as a member of the NPA. Because of this urban mindset local authorities have shown a tendency over many years to promote development which would damage the Forest such as:

- Rockford Common – HCC supported destruction of about 30 acres for gravel extraction in the 1960s;

- Hythe Bypass – Promoted by HCC and secured against the Verderers’ wishes on the threat that the perambulation would not be gridded – 1960s;
- Refuse tips at Setley, Longdown and Ocknell – wartime encroachments operated by NFDC which the Verderers forced to close in the 1970s;

- Burley Bypass – Proposed by HCC on Forest land along former railway but rejected by the Verderers and withdrawn at early stage – 1970s;

- Blackhamsley Refuse Tip – proposed by the local authority and refused by the Verderers – 1970s;

- Stoney Cross Junction (A31) – Major land take and traffic threat proposed by the Highways Agency and supported by HCC and NFDC – fought through public inquiry but abandoned because the Verderers would not grant land – 1980s;

- Oil drilling by Shell – Supported by HCC until half way through public inquiry – opposed by the Verderers and the Forestry Commission. Rejected 1980s.

- Traffic diversion A31 to Fordingbridge Road – HCC promoted scheme to divert traffic through important grazing and recreation area but abandoned after Verderers’ opposition – 1990s;

- West Wellow Bypass – Southern option suggested by Dept of Transport withdrawn at an early stage in the face of opposition from the Verderers and the National Trust

1.34 Schedule 7 of the Environment Act 1995 should therefore be amended because, under a standard NPA, commoners and rural interests would be likely to be relegated to just a tiny fraction of the NPA membership. Local authority members, including Parish Council representatives, should not exceed 50% of the membership of the NPA. Local people, foresters and Verderers should feature prominently in the Secretary of State appointees and the pool from which such appointments can be made should be restricted to persons with rural expertise, not including business and tourism. This would bring about a better balance of interests. In addition, the total number of NPA members should be limited to 20, as suggested in the DEFRA review. The advice should state that the 10 Secretary of State appointments should exclude those with urban and suburban interests as these would be adequately represented by the Council representatives. The SOS appointees should include 3 commoners, 1 Verderer, 1 representative from English Nature, 1 representative of the Forestry Commission, 2 representatives of scientific interests and 2 representatives of farming interests.

1.35 Secondly, the Verderers’ Court should be granted powers over NPA activities on the Crown commonable lands similar to those applying in respect of Forestry Commission activities. This is necessary in order to prevent significant erosion of the Verderers’ veto over development on such land. The veto over NPA development should be safeguarded by means of amendments to S65 of the Environment Act 1995 and backed up by an express injunction in the Secretary of State’s guidance against circumvention of the Verderers’ powers.
1.36 This is important because an NPA has considerable powers to promote recreational development under legislation other than the New Forest Acts. For example, S12 of the 1949 Act, read with S68(4) of the 1995 Act, expressly confers powers on an NPA, exercising the powers of an LPA, to provide buildings and works for accommodation, camp sites and parking places. S9 and 47 and Schedule 2 of the Countryside Act 1968 give an NPA acting as a local planning authority power to provide recreational facilities on common land and, importantly, land where previous common land status has been removed.

1.37 S65 of the 1995 Act makes it an express purpose of an NPA to ‘promote opportunities….for the public’ and empowers the NPA to ‘do anything which in the opinion of the NPA is conducive to accomplishing its purposes’.

1.38 The Agency’s Position Paper 3 (para 7) demonstrates the new impetus which NPA designation will give towards development: ‘It should contain qualities that might merit investment to deliver a markedly superior recreational experience’. However, it is difficult to see how such ‘investment’ could take place without involving buildings and works. Concern about the possible future activities of an NPA is sharpened by comments in the DEFRA review, such as: ‘The Park Authorities should invest in facilities…..designed to help visitors enjoy the parks… A proactive approach to less traditional forms of recreation could help rekindle interest’.

1.39 An NPA operating under such objectives would have the power and incentive to promote and find land for all the types of development in the Forestry Commission/Verderers memorandum of understanding as well as other more urban and intrusive types of development. Thus if an NPA were to be confirmed, the Forest would be subject to an authority with new powers of recreational development coupled with express legislative encouragement, yet not subject to the existing veto.

1.40 These new powers could be exercised in defiance of the Verderers on Crown commonable land. Compulsory purchase would be a means of changing the status of the land or, perhaps more likely, the land could merely be passed over from the Crown to the NPA (in the same way that the Forestry Commission has formerly sold land which has later been developed). Correspondence between the Parliamentary Under Secretary of State and Desmond Swayne MP dated 15th August, 7th September, 18th September, 1st November and 13th November 2000 (CD12) establishes that the Minister considers it inconceivable that the Secretary of State would give consent to an NPA exercising its compulsory purchase powers to override the Verderers’ veto, but does not deny that it would be possible. The fact that a particular Minister finds something inconceivable provides no guarantee that such action will not become conceivable and take place at some time in the future. It is not unlikely that such methods would be resorted to if it became clear that the Verderers would continue to resist the introduction of intrusive innovative recreational developments out of character in the New Forest. The fact that this situation has not arisen in other National Parks merely reflects the fact that powers such as those exercised by the Verderers do not exist elsewhere.

1.41 Safeguards quoted by the Agency such as the Sandford principle and the Habitats Directive are no substitute for straightforward power of veto. For example,
regulation 49 of the Habitats Directive allows development to go ahead if ‘there are imperative reasons of socio-economic public interest’. If it is agreed that it is unacceptable to bypass the Verderers’ veto through compulsory purchase, there can be no objection to legislative amendments being made and guidance written so that the inconceivable would also be legally impossible.

1.42 However, the danger of the loss of veto may not be limited to cases in which Crown land has been compulsorily purchased. It is possible that the NPA could enter into licences or leases or even informal arrangements with the Commission or the Minister so that the NPA could carry out development without the consent of the Verderers. The NPA would not need to obtain consent under the New Forest Acts because its powers stem from other legislation. The Acts’ significance could therefore dwindle if a new power is created not subject to the Verderers’ traditional control.

1.43 While legislation would be required for a departure from a standard NPA it is clear that legislation would also be necessary to implement a number of the recommendations of the DEFRA review. Hence there is less force in the position taken in 1999 that there is no parliamentary time to deal with this important issue. Provision of the correct administration for the New Forest is a subject of national importance justifying Parliamentary time. If it cannot be found, this merely reinforces the Verderers’ primary position that a new NPA is inappropriate. If the legislation is not amended the necessary permanent protection of the Verderers’ position needs to be made through some form of concordat or strongly worded advice included in a future Circular including any Circular replacing 12/96.

1.44 As a consequence of the above the Verderers seek alterations of S65 of the Environment Act to add the following subsections:

‘65(8) In relation to the land to which section 1 of the New Forest Act 1970 applied on 24th January 2002, a National Park Authority shall not exercise its powers in such a manner as to provide, arrange for or assist in the provision of tourist, recreational or sporting facilities or any equipment facilities or works ancillary thereto (including, without prejudice to that generality, accommodation for visitors, camping sites and caravan sites, places for meals and refreshments, picnic places, places for enjoying views, parking places, routes for nature study and footpaths, information and display centres, shops in connection with any of the aforesaid facilities and public conveniences) except with the agreement of the New Forest Verderers.

65(9) In relation to the land to which section 18 of the New Forest Act 1949 applied on 24th January 2002 a National Park Authority shall not, except with the agreement of the New Forest Verderers, exercise its powers in such a manner as to licence any activity referred to in section 18(1)(b)to(e) inclusive.’
1.45 In addition, a new paragraph should be inserted into the Agency’s advice as set out beneath. This would give a safeguard without taking up Parliamentary time and would go quite a long way to meeting the Verderers’ concerns.

‘23A Commoning is important to the cultural heritage of the New Forest and as a means of preserving the open land which is a distinctive feature of the area. As a means of safeguarding these interests section 18 of the New Forest Act 1949 and section 1 of the New Forest Act 1970 require the agreement of the New Forest Verderers before any recreational or tourist development of the commonable Crown Land in the New Forest can take place. Development contrary to the wishes of the Verderers which involves compulsory purchase of commonable Crown Land or which has the intention or effect of extinguishing rights of common or circumventing the existing powers of the Verderers should not be permitted.’

Other objectors generally supporting the Verderers

1.46 The issues raised by the Verderers were echoed by a number of other objectors including the Earl of Radnor (61), the New Forest Commoners Defence Association (110), Col P Sweet (1), D Hill (135), Mrs G Vivian Hill (140), Mrs O Collins (168), the Commoning Animals Protection Society (201), and Desmond Swayne MP (211).

1.47 The New Forest Commoners Defence Association (110), the Commoning Animals Protection Society (201) and others would ideally wish to see long-term statutory protection of commoning. Suggestions included making it a third statutory purpose of the NFNP or giving it a status comparable with that of crofting, particularly on issues such as protection of commonable lands, protection of commoners’ holdings including affordable dwellings and back-up grazing lands, and specially devised LEADER schemes.

The response for the Agency

1.48 The general case is set out in Position Paper 2 (CD156).

1.49 The powers of the Verderers under the New Forest Acts will not be amended by the designation of a National Park and the legislative changes sought by the Verderers are not considered necessary. The extent of the National Park is greater than the areas within the perambulation which are subject to commoning rights. There is a need for a body with powers and resources to work across the whole of the area to conserve it and address visitor management issues. The New Forest Acts do not conflict with National Park legislation but the Agency agrees that there is a particular need for close working between the Verderers, the Forestry Commission and the NPA as advocated in the Agency’s advice. Designation would give both the Verderers and the Commission a new statutory duty under S62 of the Environment Act to take account of National Park purposes when making decisions or carrying out their responsibilities within the National Park.
1.50 With regard to the issue of compulsory purchase by the NPA of commonable Crown Land, the Minister has given assurance that he cannot see any situation in which consent would be given for this. NPAs do not normally acquire land and existing NPAs own only small amounts. They work primarily as enablers and influencers. Land is normally acquired only as a means of last resort, eg to prevent threatened damage to National Park purposes, for research and experiment, to provide examples of good practice, and in cases where it is passed to them by an owner.

1.51 As for the legislative changes sought by the Verderers, it would be unsatisfactory to equip the NPA with powers relating to specific statutory purposes but then significantly erode their ability to achieve them.

1.52 NPAs do not have a duty to promote recreation and they are not tourist authorities. The New Forest is already a very well visited area subject to considerable development pressure. There is a need to manage issues across the whole of the Park, including visitor pressure, traffic growth, difficulties in the farming community, socio-economic and community development and pressure on the traditional commoning system. These issues cannot be adequately addressed by the existing measures. National Park designation would bring stronger planning protection, the creation of a statutory NPA and management plan and additional central government funding for the area, all of which would help to address these issues.

1.53 Turning to restricting the pool of membership of the NPA, the authority needs to encompass expertise across the full range of its statutory powers and duties. In addition to conservation of the natural beauty, wildlife and cultural heritage of the Park these powers and responsibilities include the promotion of opportunities for public enjoyment and understanding and a duty to foster the social and economic well-being of their local communities. The NPA therefore needs a balanced body, not one made up of representatives of a catalogue of interest groups.

1.54 As for the importance of commoning, this is already sufficiently acknowledged and highlighted in the Agency’s advice. Difficulties would be created by the suggested new paragraph 23A because there remains the theoretical possibility that compulsory purchase of commonable Crown Lands could be justified in a particular unusual instance and the Secretary of State cannot give advice contrary to primary legislation.

1.55 With regard to the views of the New Forest Commoners’ Defence Committee, the crucial cultural and management role of commoning in the New Forest has been recognised at all stages of the designation process and is re-emphasised in paragraphs 17, 18 and 26 of the Agency’s advice. It is difficult to know what more can be done.

1.56 The fear of conflict between conservation and recreation arising from the work of the NPA is a common theme arising from objectors’ views, but conservation interest and recreational pressures are already strong and sometimes in conflict. The need to strengthen mechanisms for managing current visitor pressures and avoiding these conflicts is therefore a factor that strengthens, rather than works against, the need for the National Park and the NPA. Elsewhere, NPAs are already heavily involved in such conflict-avoidance activities.
The case for Hampshire County Council

1.57 The County Council has long recognised the outstanding diverse landscapes of the New Forest and has worked to conserve them by participating in the New Forest Committee and other ventures. It welcomes the recognition of the area inherent in the proposal to designate it as a National Park and supports the need for an appropriate administrative solution giving permanent protection to the area defined in the Designation Order.

1.58 However, the special circumstances of the New Forest (its acknowledged international importance, the extent of the Crown land, and the role of the Forestry Commission and the Verderers as set out in the various New Forest Acts) warrant primary legislation in order to establish an effective mechanism. Since it is recognised that Parliamentary time is unlikely to be available the Council seeks amendments to the Agency's advice and its incorporation in a government circular dealing specifically with the circumstances of the New Forest.

1.59 The County Council has 2 primary concerns. Firstly, the NPA would have a democratic deficit in that it would take management of the New Forest further away from the local people who have previously sustained it. The advice should be refined to provide for more use of an electoral college system to ensure that the necessary knowledge and skills are obtained in a transparent way, but still working within the 1995 Act. Parish Council representatives could be drawn from members directly elected by the 3 local Associations of Parish Councils. Other appointees should be drawn from an electoral college comprising, for example,

- a member elected by Southampton City councillors (since a large proportion of New Forest visitors come from the City);
- a member elected by members of the Court of Verderers;
- a member representing the farming communities, elected by the Farming and Rural Issues Group;
- a member of the environmental and land management professions, elected from among their local branches;
- a member elected by the local County Wildlife Trusts;
- a member elected by the local Chambers of Commerce.

1.60 Combined with the local authority appointees such representatives would secure both national interests and the economic, social and environmental well-being of the NFNP.

1.61 The County Council does not consider that modernisation of NPA membership requires a reduction in the number of members. This can be achieved by cabinet-style government. Nor does it support an increase in the proportion of SOS appointments which would imply that local government cannot be trusted to look after national interests.

1.62 The second main concern is that the public is likely to be confused by the overlap between the Forestry Commission (which will manage some 40% of the land within the Designation Order) and the NPA. The former has very effectively
managed the Crown Lands on a long-term basis and has successfully integrated conservation and recreation into its forestry activities. The introduction of an NPA would result in two bodies seeking to secure conservation and recreation. The public will not understand this relationship, nor the way in which the NPA’s powers (over the 55% of its area within the perambulation) are constrained by those of the Forestry Commission and the Verderers.

1.63 This overlap is bound to create a duplication of functions and associated administrative costs and there will be scope for conflict and disagreement since the NPA will have little influence over the Commission. These arrangements will not maximise the benefits gained from scarce public funds and the operational and regulatory roles of the organisations will be made more complex.

1.64 In contrast to that situation the New Forest Committee has been a very successful non-statutory consortium of organisations all committed to working together in the interests of the New Forest, the people who live and work in it, and those who visit it. A great deal has been achieved with limited funds and a small number of very high quality staff. An example is the recent Strategy for the New Forest (CD215). However, an NPA is not necessarily going to deliver anything different. For example, while the continued exercising of commoning rights is crucial to the New Forest, DEFRA’s agricultural support systems provide scope to introduce tailored schemes to encourage this. The existence of an NPA is not a necessary pre-condition to such action by DEFRA and the NPA would have no powers of control over it.

1.65 The terms of the Agency’s advice do not secure any certainty that the Forestry Commission will continue to expend resources on conservation and recreation at anything like the current level, ie about 60% of the Commission’s budget for the New Forest of more than £5m (CD260-262). If a new administration with funds of its own is set up to deliver activities similar to those already provided by the Forestry Commission the latter may decide to scale down its local spending and redirect financial resources for conservation and recreation away from the New Forest. Removal of funds from the New Forest at that level would represent a major depletion of resources.

1.66 The Commission has been quite open with the County Council about the fact that about half of its New Forest expenditure is funded from the national forestry fund rather than locally, eg by the sale and leasing of land used for timber production in other parts of the country. This high level of investment in the New Forest has not been popular with other District Managers within the Forestry Commission since £5m represents 20% of the organisation’s entire annual national forestry investment.

1.67 Consequently the Agency’s advice at paragraph 22 should be amended as set out beneath. This would celebrate the achievements of the Forestry Commission and build upon its structure and resources. If necessary appropriate duties beholden upon the Commission under the New Forest Acts could be passed to the NPA through minor amendments to the Local Government Acts.
“Guidance should:

(a) ensure that the relevant parts of the National Park management plan are jointly prepared by the NPA, DEFRA and its agents, and the local authorities to ensure that all government bodies work in accordance with national park purposes by complying with the management plan in the delivery of policies, strategies and programmes.

(b) encourage the transfer of all functions, staff, budgets, accommodation and land from the Forestry Commission to form the basis of the new NFNPA.”

Response for the Agency

1.68 Many of the points raised by the County Council were considered by the Agency at earlier stages in the evolution of its advice (see, for example, CD110 and CD119). Moreover, specific issues about how the NPA would be set up and operate under the provisions of the Environment Act are matters for DEFRA rather than the Agency.

1.69 On the issue of membership, Parish Council nominees for some National Park Authorities are already chosen by the County Council’s suggested electoral college method. It would be for the Associations of Parish Councils to decide how to do this.

1.70 As for other Secretary of State appointees, Circular 12/96 and the ANPA’s publication ‘The National Park Authority: A guide for members’ explain the steps by which nominations are sought from a wide variety of conservation, recreation, cultural, volunteer and business groups. Opportunities are publicly advertised and appointments must follow the Nolan principles governing standards in public life. The bodies and interest groups set out in paragraph 18 of the advice seek to identify the kinds of people likely to have the personal qualities and experience, preferably in a combination of fields, to contribute to preserving the New Forest’s unique qualities. Nothing prevents such bodies from holding elections as a means of identifying nominees for the SOS to consider for appointment.

1.71 Turning to the suggestion that the Forestry Commission and the NPA should be brought together as a single body based on the present resources of the former, the Agency has acknowledged (CD111, p21) that although the powers of the Commission, the Verderers and the NPA do not conflict, there may be some small areas of overlap, resulting in a need for close working. Having considered all the responses to the consultations on special arrangements (CD110 and CD119) the Agency considers that any issues can be addressed through the measures set out, backed by the statutory requirement for the Commission to have regard to National Park purposes.

1.72 Since the Commission is a national body the County Council’s suggested merging of its New Forest activities with the NPA would require major legislation. It would also go far beyond the role of an NPA for it to be responsible for the
commercial production of timber. In addition, the Commission exercises its duties over a smaller area than that covered by the designation order.

1.73 Experience in other National Parks shows that NPAs and the Commission can, and do, work together. In 1993 the ANPA and the Commission signed an agreement on Native Woodlands in National Parks. In 2002 a renewed accord was signed providing a framework for the two organisations to work together, including a national umbrella for the development of local accords (some of which are already in operation) reflecting the distinctive nature of each National Park.

1.74 Creation of a NFNPA would not be a backward step. It would be a new statutory body with statutory powers and resources focused on conservation and public enjoyment and understanding and working mainly by partnership and persuasion rather than regulation.

1.75 It is accepted that there is some potential for public confusion between the roles of the NPA and the Commission but this is not insurmountable. For instance, the handling of wardening and ranger services would be a key aspect in this. The Recreation and Tourism Technical Working Party report (CD200) discusses the need for the NPA not to duplicate or seek to replace the systems operated by the Commission or by other bodies in their particular spheres. Rather, it would give leadership in the development of a unified (not uniform) wardening strategy for the Park in accordance with the recreation and conservation priorities developed in the management plan. The NPA would concentrate on filling gaps, thus adding value across the whole of the Park.

1.76 With regard to funding, paragraph 17 of the advice states that the unique qualities of the New Forest “should also be reflected in Government funding for the National Park Authority”. There is no reason to suppose that the Commission will scale down its input as it rightly regards the New Forest as a jewel in its crown.

1.77 Existing organisations have done much to preserve and protect the special character of the New Forest and will continue to do so. Such bodies include the New Forest Committee but, unlike an NPA, that body is a voluntary grouping of individual organisations with different interests and priorities. It has no statutory powers or executive authority and no central government funding to implement its strategy. As a result of today’s pressures the New Forest as a whole has conservation, enhancement and recreation management needs which need the intervention of a body with specific powers and resources. No other body has the purposes and powers to do this.

The cases for New Forest District Council (106) and the New Forest Committee (NFC) (378)

1.78 The Council has long sought to secure long-term protection for the New Forest, as demonstrated by its initiative to establish the NFHA in the absence of Government action. It therefore supports NFNPA designation but has always considered that a tailor-made New Forest Authority would be preferable to a standard
NPA. Those who have studied and made recommendations about the New Forest have consistently taken that view. For example:

- Dower (1945) and Hobhouse (1947) identified the New Forest but designation did not occur because of the special management arrangements provided by the Forestry Commission and the Verderers.

- The South Hampshire Coast AONB was designated (1967) to include part of the New Forest Perambulation but exclude the Crown Land managed by the Forestry Commission.

- In the 1970s the Countryside Commission considered designation but took no action because of the special management circumstances.

- In 1983 the Countryside Commission confirmed that designation was merited but required special administrative arrangements.

- In 1991 the Edwards Report recommended formal recognition as a National Park but with special legislation, like the Broads, to provide a tailor-made constitution. The Countryside Commission’s advice to Government endorsed this approach.

- The Government’s response to the Edwards Report in 1992 proposed designation with special administrative arrangements. Consultation began on the process of legislating for special administrative arrangements, developing the New Forest Committee into a statutory co-ordinating body (106/4/1 app3).

- In 1998 the Countryside Commission recommended designation under the 1949 Act but with tailor-made arrangements secured by legislation to better reflect special local circumstances (see the detailed Commission paper at CD115 Annex 1).

1.79 It was not until 1999 that the Countryside Agency decided to explore the extent to which designation could take place accompanied by special arrangements made without new legislation. However, the management circumstances of the New Forest have not changed, so the current approach is one of expediency, reacting to Ministerial statements that there is no time for legislation but that ‘doing nothing is not an option’.

1.80 The Council and the NFC support the principle of designation as soon as possible to provide immediate and long-term certainty about the status and protection of the area but do not consider there to be any over-riding need to establish an NPA immediately. The New Forest is not devoid of administration. The principal statutory and other bodies with responsibilities in and for the Forest have been meeting regularly for 10 years to co-ordinate the management of the area within the framework provided by the voluntary arrangements of the NFC. For some years action has been co-ordinated through the Strategy for the New Forest which is currently being reviewed (CD215). The NFC has observer status on the ANPA and the CNP and is supported by the New Forest Consultative Panel representing more
than 70 organisations with a wide-ranging spectrum of opinion and knowledge on Forest matters.

1.81 These arrangements do not need to be superseded immediately, especially as the prospects for legislative time for National Park matters appear to have changed with the publication of the implementation plan for the DEFRA review of English National Park Authorities.

1.82 The intention of the changes made to NPAs through the 1995 Act was to make them autonomous independent special purpose bodies which (albeit acting within their limited range of functions and powers) are at the heart of the administration of the National Park which they serve. While partnership working is an important aspect of their activities, NPAs are seen by other organisations and the public to be the principal bodies for promoting National Park purposes, particularly through the preparation of a National Park Management Plan. The recommendations of the DEFRA review seek to strengthen this central role in various ways.

1.83 However, it is unlikely that a New Forest NPA would be able to fulfil that role. The Forestry Commission has a position that is unlike that found in other National Parks. In addition to its forestry activities the Commission manages the Crown Lands, including their recreational use, in accordance with the New Forest Acts and the Minister’s specific New Forest Mandate which gives priority to conserving the natural and cultural heritage. In combination these powers and duties give the Commission a role very much like that of an NPA for 40% of the area within the Designation Order, including much of the core area within the Perambulation which is the area most readily identified by the public as the New Forest.

1.84 This role is very visible and well-established and is reinforced in the perceptions of residents and visitors by the common presence of Commission vehicles, uniformed staff, car park and camp site signs, and a wealth of printed material.

1.85 In drafting its advice the Agency has been mindful of the model for a New Forest Authority preferred by the District Council and the NFC (and previously by the Countryside Commission). In seeking to adapt a standard NPA within the constraints of the very limited opportunities afforded by the legislation the resulting advice does not offer a strong and well-identified new authority as the principal body charged with administration of the area. Nor does it provide a co-ordinating body whose purpose is to work through the powers and responsibilities of other organisations.

1.86 Introducing an NPA as proposed would create a relatively costly additional authority in a situation where there are already well established statutory, voluntary and other bodies charged with aspects of New Forest management operating within a special legislative framework. The fundamental issues of duplication, public identity and ultimate responsibility are not addressed by the advice. If anything they are compounded.

1.87 The District Council and the NFC support the model for a New Forest Authority drawn up by the New Forest Committee (106/4/1 app2), broadly as
consulted upon by the Government in 1992 (106/4/1 app3, part 4). This would be a statutory co-ordinating body with membership drawn from (and appointed by) all the key bodies with responsibilities for the New Forest, such as the local authorities, the Forestry Commission, the Verderers, English Nature and the Countryside Agency coming together on a basis of equal partnership. Appointments made in this way would bring a greater sense of commitment on the part of participating bodies. Ministerial appointees would form a limited bottom slice of the membership. Such an authority would avoid duplication, be relatively efficient in terms of the membership, and build upon the well-established local framework.

1.88 The key points are that:

- the proposed authority would be relatively smaller, cheaper and more cost-effective, more culturally acceptable and positively received, and would hold a narrow statutory brief to deliver NFNP purposes through the shared responsibility of its participants to prepare a strategic New Forest Management Plan;

- it would pour strong glue into the existing system, with one body preparing the over-arching management plan and giving a public focus;

- the participating bodies would come to the table as equal partners together responsible for the whole of the Forest with no loss of momentum or commitment to existing programmes and reduced likelihood of hierarchical tensions;

- the importance of commoning and the New Forest Acts would be fully integrated by the involvement of the Verderers and commoners on the new authority and by making support for commoning a statutory purpose;

- the overlapping role and responsibilities of the Forestry Commission would be fully integrated within the new authority;

- the authority would join up the whole range of expertise and functions necessary to carry out the core functions including a requirement for all organisations to have regard to the New Forest statutory purposes, akin to that imposed by S62 of the Environment Act 1995;

- the need to have extensive liaison arrangements (as would be required by a standard NPA) would be avoided;

- funding would come directly from central government as proposed in the DEFRA review.

1.89 An analogy can be drawn with the specially formulated Broads Authority where the water spaces (which form the dominant core attraction) can be compared with the Perambulation and the Crown Lands in the New Forest.

1.90 In the absence of new legislation guidance should be issued in the form of a Government Circular specific to the New Forest. In addition to other points this should deal with the need to integrate the management of the Crown Land and
surrounding parts of the designated area and manage the intense pressures for development in and around the New Forest including traffic management issues.

1.91 [Specific points relating to individual paragraphs of the Agency’s advice are reported under the relevant sub-headings below.]

Other objectors generally supporting the District Council and the New Forest Committee

1.92 A number of other objectors advocated generally similar solutions for building upon the New Forest Committee. For example, R Phelps (40) considered that the Committee’s management strategy for the NFHA should be adopted as supplementary planning guidance and integrated with other policies for the area provided by existing organisations, thus avoiding the need for an NFNPA.

Response by the Agency

1.93 Many of the points raised by the Council and the NFC were considered by the Agency at earlier stages in the evolution of its advice (see, for example, CD110 and CD119). Moreover, specific issues about how the NPA would be set up and operate under the provisions of the Environment Act are matters for DEFRA rather than the Agency.

1.94 It is agreed that existing organisations have done much over the years to conserve the special qualities of the New Forest, and will continue to do so. The Agency has supported the NFC since its inception, but the committee has no statutory powers of executive authority and no central government funding to implement its strategy. It relies on voluntary co-operation and action by others to take work forward.

1.95 It is unclear what would be achieved by turning the NFC into a statutory coordinating New Forest Authority. This could work to the same statutory purposes as an NPA but its proposed statutory powers and responsibilities would not give it a sufficient ethos and integrity of its own. Also, with appointments so heavily weighted towards those made by individual organisations (who might regard themselves as representatives of their parent organisations rather than broader park-wide interests) the overall representation might not result in a sufficiently wide overall expertise.

1.96 Each of the existing statutory bodies has their own powers, responsibilities and priorities but they do not, individually or together, have an NPA’s powers and duties focused on conservation and on public enjoyment and understanding across the whole of the designated area. Nor would the proposed New Forest Authority have the same security of resources focused on National Park purposes compared with an NPA. Although the NFC envisages the new body relying on ‘an appropriate balance of national and local contributions’ it is unclear which bodies would contribute funds or how such contributions would be agreed.
1.97 As a result of today’s pressures the designated area has conservation, enhancement and recreation needs requiring the intervention of a body with specific powers and responsibilities to address them. This can only be achieved by an NPA consistently exercising its own planning powers, preparing a broadly focused park-wide management plan and provided with its own resources to do so. By contrast, the proposed authority could be more focused on local interests and more dependent on unreliable funding from a diverse range of sources.

1.98 When the Government asked the Agency to consider designation of the New Forest under the 1949 Act the Board accepted that the preferred tailor-made option of the former Countryside Commission (as described at CD115 Annexes 1&2) was not available. It agreed that further work was necessary to consider appropriate administrative arrangements and noted (CD115, para 9) that ‘consideration.... has led officers to believe that particular administrative arrangements for a New Forest National Park could go some way to addressing these difficulties, which are in the main procedural and administrative rather than policy/legislation-based.’

The case for the National Farmers Union (109)

1.99 The New Forest has such a particular and unique character that it merits a management regime tailored specifically to those needs as in the case of The Broads. There is concern that the capacity of the Verderers to safeguard rights of common would be constrained by the powers vested in the NPA and that urban-dominated interests would prevail. It is a matter of concern that the Secretary of State’s advice to regional offices on SOS appointments (109/1/2) states at Annex 1b paragraph 6 that ‘farming/land owning interests…….are not a high priority for Secretary of State appointees’. Any NPA for the New Forest should have a very significant proportion of its membership drawn from those with understanding of local land management. The composition of the South Downs Conservation Board has often included only two active farmers.

1.100 Following the Policy Commission’s report on the Future of Farming and Food there is every reason to think that an appropriately tailored agri-environmental scheme will become available to commoners and farmers in the New Forest. The possibilities for such schemes are reinforced by the EU Commission’s proposals for the mid-term review of the CAP and the greater importance of linkage to ecological objectives. In such circumstances many of the main roles of an NPA would be rendered redundant while the more peripheral ones could be left to other existing agencies. Indeed there is a danger that the NPA bureaucracy could absorb public funds in such a way as to act against optimum funding of suitable agri-environmental schemes.

Response for the Agency

1.101 The New Forest certainly has unique features requiring bespoke administrative arrangements, but these can be met within existing legislation by applying the proposed advice to the SOS.
1.102 It is agreed that membership must not be urban-dominated. This is why the advice refers to the Verderers, the commoners, farming expertise and so on as well as to other considerations specific to the New Forest, not all of which relate to farming. It is necessary to achieve a balanced membership relevant to National Park purposes and local circumstances. Concerning the advice to regional offices, the quote is a partial one. The full text indicates that ‘There may already be coverage of farming/land owning interests from among the local authority and parish council members…….’ Nonetheless it is accepted that the New Forest advice should perhaps state that SOS appointments will be made in the light of prior knowledge of the local authority and parish members of the NPA so that the benefit of any desirable balancing of interests, skills and experience can be maximised.

1.103 Schemes resulting from the Curry report and other agricultural reforms may well assist the achievement of some National Park purposes but are not a substitute for the advantages gained by the establishment of an NPA in terms of broader conservation, enhancement and recreation management.

The cases for Minstead Parish Council (171) and Minstead Manor Commoners (179)

1.104 The organisations object to the concept of a National Park and consider that the need has never been clearly established. Public demand has never been properly examined or established by popular vote or face to face discussion and the terms of reference for the inquiry have been set out in a way calculated to make people think that it does not cover the principle of whether or not a National Park is necessary.

1.105 The Agency’s consultation process consisted of well-staged selling of a fixed model to cherry picked consultees and orchestrated committees and working parties. There was never any open and proper study of alternatives. Local authority members may have been bullied into accepting designation as the price to pay for having their planning powers delegated back to them.

1.106 The Deputy Prime Minister’s party political speech promising the National Park as a present to the nation to commemorate 50 years since the first Labour Government was populist claptrap and failed to recognise that the public have been permitted to use the New Forest since 1698.

1.107 It is not ‘especially desirable’ to set up an NPA, particularly one with such a democratic deficit in which, as many admit, the members selected for or appointed to the NPA will not have the expertise, knowledge or experience to run the New Forest. Those with experience of the area know that the current system with its checks and balances provides a safety net and that the Forest is not a showcase, museum or urban playground, but a unique and ancient working unit.

1.108 National Parkism is an unnecessary clog and fetter on a management system which has stood the test of time. Alternatives to an NPA have never been properly considered, but a more appropriate and less costly option would be to designate the New Forest as an Area of Outstanding Natural Beauty with a Conservation Board
established under Section 86 of the Countryside and Rights of Way Act (CROW), charged with the responsibility of preparing a park-wide management plan. As an AONB the designated area would have the same level of protection as a National Park in planning terms. The AONB route was one of the options considered by the Countryside Commission in 1998 but the option has never been revisited or seriously investigated in the present designation process even though the CROW Act had already begun to emerge when the consultation was under way and the Agency were involved in the evolution of the new Act.

1.109 While a Conservation Board would not have its own planning powers the Agency’s advice includes the concept of delegating many powers back to the District Council, so this is not a major disadvantage. In addition, since the designated area would contain an unusually dense population including large towns and densely developed areas this would be distracting for an NPA. Moreover, since national policy is that the threatened landscapes of AONBs are to have a standard of protection equal to that of National Parks (though achieved by normal local authority control) the simple logic is that a Conservation Board would be cheaper, involve the employment of fewer staff, and be more effective.

1.110 In terms of funding generally, the SOS can make money available to a Conservation Board, so if the Government considers that the New Forest needs more resources it can make them available equally well whether the recipient is an NPA or a Conservation Board.

1.111 The recreational powers of Conservation Boards are also similar to those of an NPA since Section 87(1) of the CROW Act makes it the duty of a Board to have regard to the purpose of increasing the understanding and enjoyment by the public of the special qualities of the AONB. Section 87(4) also gives the Board the power to do anything calculated to facilitate or be conducive to the accomplishment of this recreational purpose. In fact, however, there is nothing deficient about recreation in the New Forest, except that there is already too much of it. Thus an NPA regime with its recreational emphasis would be at odds with the Forestry Commission and the Verderers who are taking steps to slow down the recreational impetus.

1.112 Section 87(3) applies the same duties as apply in National Parks in relation to agriculture and forestry. As to highways and traffic, because of the flexibility of S86(3) of the CROW Act (which as a whole was aimed at setting up tailor-made authorities) a Conservation Board is more suitable than a NPA. There is also flexibility of membership.

1.113 In short, an NPA carries no advantages over a Conservation Board as far as powers and duties are concerned. The CROW Act is a modern one designed and drafted to enable the establishment of flexible tailor-made authorities and there is obvious advantage in its use.

1.114 The organisations therefore ask for the designation order not to be confirmed. If it is confirmed the SOS should (a) ensure that it comprises members who know what they are doing and (b) delay designation until such time as Parliamentary time is available to deal with the New Forest’s unique features. As the Forest was founded
more than 900 years ago there is no rush. Alternatively, a Conservation Board should be established as discussed above and a boundary revision undertaken so that all land considered worthy of designation by the inquiry can be taken into the Hampshire County and New Forest District areas. Whatever form of governance and administration is imposed the powers of the Verderers Court should be held intact and established as a statutory consultee in all town and country planning matters touching on commoning, whether on commonable or other lands.

1.115 [Col P Sweet (1) also advocates the Conservation Board approach.]

Response for the Agency

1.116 The land in the order meets the two statutory criteria and (in order to address the two statutory purposes) designation as a National Park is ‘especially desirable’, as explained in Position Paper 3 (CD162).

1.117 Designation, accompanied by the creation of an NPA, would have all the advantages set out in paragraph 1.9 above.

1.118 On the issue of inadequate consultation, a wide process was undertaken on both designation and administration, as explained in Position Paper 1 (paras 80-85 and 91-105).

1.119 On lack of expertise on the NPA, 75% are locally elected county, district and parish councillors. The 25% comprising appointees are people with special expertise and experience relevant to local circumstances combined wherever possible with a local association. The Agency’s advice to the SOS is designed to indicate the particular areas of expertise and experience that are necessary in the New Forest context.

1.120 On the suggested need for a boundary review, there is no reason why National Parks cannot include land from more than one local authority area and most do.

1.121 Turning to the proposed AONB/Conservation Board approach, if land meets the criteria for a National Park it should be designated as such and it would be ultra vires to follow the AONB route. AONBs are not designated for their opportunities for open air recreation although in management terms Conservation Boards need to have regard to the Section 87 duty to have regard to the purpose of increasing the understanding and enjoyment by the public of the special qualities of the AONB. The option of designating the New Forest as an AONB was considered and rejected by the Countryside Commission in 1998.

1.122 A Conservation Board would not have the duties, powers or resources of the NFNPA including, importantly, its own planning powers. As for funding, while Boards could be funded directly by DEFRA it is currently proposed that they will be funded by the Countryside Agency at a rate of 75% for core costs and up to 50% for project costs whereas NPAs receive 75% of their approved annual budget directly from Central Government and 25% from local authorities (which in turn is recovered by grant from Central Government).
The case for Lymington Harbour Commissioners (184)

1.123 The Commissioners make a number of suggestions as to how various details of the Agency’s advice could be amended to take better account of their interests concerning the harbour, if it were to be included in the NFNP.

1.124 These changes are set out in detail at 184/1/3 (para 7). Broadly, they request the inclusion in paragraphs 17, 18, 21, 22, 24, and 27-29 of specific references to the Lymington Harbour Commissioners and their role. The Commissioners also consider it important for the Department of Transport to have a role in finalising the content of any published advice.

Response for the Agency

1.125 The NPA would work collaboratively and expect to include joint working where relevant with bodies responsible for ‘coastal management and recreation’ [para 18 (d) of the advice].

MEMBERSHIP OF A NEW FOREST NPA (paragraphs 18-20 of the Agency’s advice)

Views of objectors

1.126 A considerable number of objectors take up the theme (already referred to in a number of the objections described above) that the membership composition of a standard NPA would not adequately provide the mix required to give best protection to the uniqueness of the New Forest.

1.127 However, there is a wide range of suggested different membership mixes with the two main themes pointing in opposite directions. A first group of objectors feel that local authority members and electorates come from overwhelmingly urban and suburban backgrounds, viewpoints and mindsets. In their view such people have little understanding and experience of the factors underlying the uniqueness of the New Forest and needing to be protected to conserve its special qualities. For example, only one of the County Council members representing the New Forest (and two of the District Council members) were considered by one objector to be New Foresters with knowledge of commoning. In contrast, a second group of objectors believes that SOS appointments would result in a democratic deficit that should be redressed. A number of specific suggestions are made for doing so.

1.128 Those within the first group tend to suggest that the proportion of Secretary of State appointments should be increased beyond the standard level of 25% or that the Agency’s advice should be amended to provide for dedicated representation of certain bodies or interest groups such as the commoners and the Verderers. However, there is
also a view, represented by Minstead Parish Council (171), that this should apply not only to local authority appointed members but also to Secretary of State appointees.

1.129 Typical of the first group, the New Forest Commoners Defence Association (110) is concerned that the crucial activity of commoning (along with the Forestry Commission and English Nature) is not guaranteed direct representation on the NPA, whereas that would have been the case under the model for a statutory New Forest Committee consulted upon by Government in 1992. Representation of commoning via Parish Council members is not acceptable to the Association, and they consider it unsatisfactory that Dorset Authorities would be represented (even though they oppose inclusion in the Park) whereas those who are the architects of the Park’s continuing existence may not. In the Association’s view participation in the NPA via working groups and committees is no substitute for representation.

1.130 Other objectors with similar views are the New Forest Association (111) and East Boldre Parish Council (221) who consider that the Verderers should be guaranteed representation on the NPA as of right. The Parish Council also believes that the commoners should be similarly represented.

1.131 The Country Landowners and Business Association (229) considers that commoners, farmers, land owners and private foresters should all have membership as of right.

1.132 The New Forest Association (111) objects to the fact that the Minister responsible for the Forestry Commission will approach that body for advice about the appointment of a suitable forestry expert. In their view any such appointment should be seen to be totally independent.

1.133 Mr R Spurr (367) considers that the Verderers should represent the interests of commoning since individual commoners often disagree with each other, few are true practising commoners rather than middle-class hobby farmers, and the Association is not representative of all. Bodies such as English Nature, the National Trust. The RSPB and the Wildlife Trusts should have strong representation.

1.134 Objectors from the fishing industry – Southern Sea Fisheries District (41), Stanswood Bay Oystermen (89), and Keyhaven Fishermen’s Association and others (195) – consider that if the National Park covers their area of interest below MHW the industry should be guaranteed representation among the appointed members. At the very least the reference to ‘coastal management’ in paragraph 18(d) of the advice should refer more specifically to the industry.

1.135 Turning to the second group of objectors, J Beaumont (12), J Wingham (209) and Mr and Mrs Lowndes (325) are representative of the view that there would be too many SOS appointees on the NPA, resulting in a ‘democratic deficit’ insofar as decisions made by the NPA would not be properly accountable to the local electorate.

1.136 The New Forest Equestrian Association (108) represents a view that the system of Secretary of State appointments cannot be relied upon to ensure that the rural population, landowners and other stakeholders in the Forest proper are properly
represented even if the Agency’s advice is followed to the letter. Their suggestion for overcoming this is a tailor-made solution comprising a mix of direct elections to the NPA by an electorate restricted to those living within the boundary of the Park with some national appointments.

1.137 Boldre Parish Council (121) takes the view that all members should be drawn from those who live or work within the designated area.

1.138 Mrs O Collins (168) believes that a standard NPA membership mix could contravene her right to free elections under the Human Rights Act 1998, First Protocol Article 3(e). She would prefer a hybrid model comprising a majority of members directly elected by residents living within the Park boundary complemented by others elected by the Verderers and the commoners respectively. As an alternative, she suggests two administrative bodies, one similar to an NPA ‘taking on the role of the local authorities’ and another based on existing bodies responsible for the overall management of the area within the perambulation.

1.139 M Byrne (205) considers that the democratic deficit would make it difficult for local people to remove appointed members who were not performing well. The existing system of managing the New Forest is better than this standard model with insufficient democracy. In his view there should be a referendum about the move to NPA status, especially as the Ministerial statement on the recommendations of the DEFRA review accepts that one size may not fit all and that Parks have different characteristics and cultures.

1.140 R Phelps (40) considers that the inclusion in NPA decision-making (eg on planning matters) of representatives of special interest groups such as the Verderers would be contrary to Nolan principles.

1.141 Dorset County Council (189) and Christchurch Borough Council (202) see it as an advantage to the NPA in membership terms if all parts of Dorset are omitted from the NFNP. The organisation would be streamlined by the omission of the relevant District Councillors and the proportionate scaling down of Parish Council and SOS appointed members. However, if the order is confirmed on the present boundaries there should be 2 Dorset County Council representatives and one each from Christchurch Borough and East Dorset District. There should also be at least one nomination from Dorset Parish Councils.

**Response for the Agency**

1.142 The present membership mix within a standard NPA is what Parliament has decided is necessary to provide an appropriate body to manage a National Park, which is a national resource as well as a local one. If all members were elected there could be no certainty that an appropriate mix of national and local experience and other skills would be achieved.

1.143 The advice at paragraphs 18-20 is intended to provide a framework within which both the Secretary of State and the local authorities can exercise their responsibilities in the best way to achieve the right mix of membership for the
NPNFA. Other aspects of the advice stress that the choice for organisations is not between membership of the NPA on the one hand and exclusion from its thinking and working on the other. NPAs work in collaborative ways and there are mechanisms for ensuring that the Authority draws on the full range of available expertise.

1.144 As indicated at paragraph 35 of Circular 12/96, individuals will be selected by the Secretary of State for ‘their personal qualities and experience and not as delegates or representatives of specific groups or organisations’. Those selected should have the capacity to contribute wider experience in a combination of fields with direct relevance to the character of the National Park. Preference is to be given to those who combine these qualities with local association to the Park.

1.145 The Secretary of State’s appointment of Parish Council members enables a further balancing between national interests and the truly local concerns of those living and working in the Park. Like all NPA members, parish members are appointed to represent the wider Park view and are not delegates of the parish groups who nominate them.

1.146 With regard to the preponderance of urban and suburban interests, the whole thrust of the statutory framework and purposes within which the NPA has to operate (e.g. Section 5 of the 1949 Act, Section 62 of the Environment Act 1995 and Section 37 of the Countryside Act) is the conservation of the natural beauty of the open countryside rather than attention to the interests of built-up areas.


**Views of objectors**

1.147 Most of the points raised by objectors under this heading reiterate matters of concern already reported. Chief among these is the lack of any guarantee within the terms of the Agency’s advice that the NPA membership would include even one Verderer or commoner and fears that the powers and roles of the Verderers and the Commission will be challenged and diluted, rather than complemented, by the advent of the NPA.

1.148 New Forest District Council (106) considers it necessary for the SOS to issue a statement making explicit the ongoing validity of the New Forest Acts and their relationship with National Park legislation. The Council supports the changes sought by the Verderers concerning the need to secure retention of their powers to block inappropriate recreational development.

1.149 Fundamentally, in the Council's view, the difficulties posed by the duplication of management responsibilities caused by the introduction of an NPA cannot be overcome by means of advice from the SOS. Preparation of the National Park management plan should involve the Forestry Commission, but the plan could not
formally be a joint document. The advice should reaffirm the S62 duty and stress the importance that must be given to the management plan as the overarching document for the management of the whole of the designated area. It will be difficult for the NPA to maintain its proper role as an autonomous body while also achieving balanced joint working where appropriate. The SOS should therefore not be specific about the number or composition of any joint committees.

1.150 The New Forest Association (111) considers that recreation and forestry issues ‘do not make easy bedfellows’. In their view action should be taken to separate the Forestry Commission’s twin powers for forestry and recreation in the Crown Lands, or remove the Commission’s need to use recreation as a source of funds.

Response for the Agency

1.151 The important roles of the Commission and the Verderers have been carefully considered by the Agency in its work in devising the special arrangements (CD110, CD111, CD119). The Agency acknowledges at CD111, page 21, that although these powers do not conflict there may be some overlap between the powers of these organisations (eg in making byelaws) and that there is a need for close working as described in paragraphs 21-23 of the advice.

PLANNING (paragraphs 24-25 of the Agency’s advice)

Structure Plans

Introduction

1.152 All participants recognised the uncertainty attached to this issue given the evolving state of the Government’s proposals for reform of the development plan system through the Planning and Compulsory Purchase Bill together with possible changes to regional government.

Views of objectors

1.153 The Council for National Parks (354) and the Ramblers Association (226) consider that the NFNP needs a strong voice at the regional level where policies will increasingly be set and decisions made. The Planning Minister’s confirmation that NPAs will be statutory consultees on Regional Spatial Strategies (RSS) is not enough. The new Planning Policy Statement on Regional Planning (PPS11) should specifically encourage the South East and South West Regional Planning Bodies to involve the NFNPA (through an agency agreement) as an equal and active partner in the preparation, monitoring and review of the RSS, not just as a consultee. This is important because the joint structure plan working between the County Council and the NFNP should not be replaced with a system that offers a reduced role to the NPA. This requirement should not just be prescribed in PPS11 but also on the face of the Act.
1.154 Dorset County Council (189) and Christchurch Borough Council (202) point out that the area of Dorset included within the designation order is very small in strategic terms but will create administrative complexities without benefit for Dorset residents, especially as these very small areas are in the South West Region.

1.155 The South West of England Regional Development Agency (326) and the CNP (354) note that the inclusion of any part of Dorset within the NFNP would cause the National Park to overlap the areas of two regions, two sets of regional planning guidance and two sets of regional economic strategies. The implications of this are not acknowledged in the Agency’s special advice. Some means needs to be found to ensure consideration and resolution of inter-regional issues such as the increasing role of Bournemouth Airport as against the protection to be afforded to areas within the Designation Order only a short distance away from the airport.

Response of the Agency and its supporters

1.156 With regard to the regional planning dimension, PPG11 advises that where National Parks cross regional boundaries any planning issues should be dealt with entirely by one RPG. This makes sense both under the RPG and RSS systems. The Technical Advisory Group on planning (CD203) considered that this should be the South East Region. This should not cause insuperable difficulties because this situation already exists in other National Parks. Also, part of the South West region is already included in the NFHA (ie parts of Wiltshire) and the County Council and Salisbury District Council have supported the inclusion of further parts of Wiltshire within the NFNP.

1.157 The NFNP would be a strategic authority and should contribute positively to spatial planning as an equal partner. The Agency’s advice to the SOS does not alter the fact that ultimate responsibility for all planning within an NFNP would rest with the NPA. If the proposed arrangements require an agency agreement that would be supported but the duty placed on all public bodies by the 1995 Act to have regard to National Park purposes would also assist that approach.

1.158 The CRPE (357) considers that the joint structure plan working arrangements should ensure that the National Park is set within an appropriate wider setting and give the NFNP a voice within the wider region.

Local Plans

Introduction

1.159 All participants recognised the uncertainty attached to this issue given the evolving state of the Government’s proposals for reform of the development plan system through the Planning and Compulsory Purchase Bill.

Views of objectors

1.160 Dorset County Council (189), Christchurch Borough Council (202), the Ramblers Association (226) and the Council for National Parks (354) oppose the
The concept of “a joint local plan for the National Park, prepared by the NFNPA with New Forest District Council, with an advisory role for the other District Councils with land which falls within the National Park”.

1.161 The Dorset Authorities are concerned that a joint NPA/NFDC approach would sever the linkages between the urban and rural parts of Christchurch Borough and weaken its ability to plan effectively for about 40% of its rural area. The Borough’s local plan already minimises impacts on the New Forest and the Green Belt and it is unclear how the Agency’s preferred approach would be any more beneficial. The National Park would be unusually close to major coastal urban areas and designation could intensify development pressures and increase negative impacts within the excluded parts of the Borough, especially if the NFNPA’s local plan were to direct visitor oriented developments towards less sensitive parts of an NFNP expanded beyond the NFHA. The Borough Council is unclear what role it would play in the local plan process, but the balance of the NPA membership pattern would not favour the positive involvement of a Christchurch member in decision making. If any part of the Borough were to be included in the Park the responsibilities for the planning function should be transferred to the Borough Council.

1.162 Turning to minerals and waste local plans, the separation within the NFNP area of Dorset’s integrated community-supported waste planning and waste management approach would prejudice the high standards achieved in Dorset which is the best performing county in terms of recycling. Similarly, passing responsibility to the NFNPA would make it more difficult to sustain the joint working between Hampshire and Dorset on aggregates reserves assessments and could hinder careful exploitation of valuable reserves near the NFNP boundary. Complexities would also increase in transport planning and local transport plans.

1.164 The CNP (354) and the Ramblers Association (226) consider that National Park purposes would best be served by the NFNPA solely preparing a park-wide local plan or Local Development Framework (LDF). This view is based on practical experience of joint working in the Pembrokeshire Coast National Park where the NPA has tried to agree a joint UDP with the County Council. This has exposed the difficulties in agreeing points of detail. While joint planning on strategic policies has worked reasonably well it has proved much more difficult to achieve agreement for detailed policies, land allocations and settlement maps. This has diluted some of the key policies and led to public confusion about which policies apply in the National Park, which apply outside it, and which are joint.

1.165 Since the NFNPA would no longer have structure planning responsibilities and may have uncertain anchorage in the RSS the LDF will be the principal mechanism to ensure that National Park purposes are enshrined in the planning policy framework. It is therefore essential that the NFNPA’s means of asserting National Park purposes in the Development Plan is fully effective. A plan prepared in such a way would not be ‘isolated’ because all the other stakeholding authorities would be both represented on the NPA itself and fully consulted on its contents, as happens in existing National Parks.
1.166 The CNP also has concerns about joint NPA/District Council working stemming from observation of the policy approach to the NFHA adopted by Council members in making the First Alteration to the District Local Plan.

1.167 These concerns also apply to the concept of joint NPA/Hampshire County Council minerals and waste local plans. This would be a departure from the existing approach in other National Parks without satisfactory justification. It is doubtful whether the County Council could follow an objective approach when setting long-term priorities for sand and gravel issues in relation to the New Forest because of the possible wider consequences for other areas outside the Park. For example, the County Council has already tried to weaken the policy approach to mineral extraction in National Parks through its comments on the revision of MPG6. The most appropriate place to review and consider strategic minerals policies would be the Regional Aggregates Working Parties, not a joint County Council/NFNPA minerals plan.

1.168 As with other types of local plans, relevant County and District Authorities with territory in the NFNP would be both represented on the NPA and full consultees.

1.169 Like others, the CNP drew attention to recommendation 11 of the DEFRA review of English National Park Authorities (CD14) that:

‘National Park Authorities’ statutory planning responsibilities should remain unchanged’

and to second and third following paragraphs which state that:

‘....a substantial number of respondents, including National Park Authorities and conservation interests, believe that achievement of National Park purposes would be far more difficult if they did not have responsibility for local plans or development control. They argue that without one Park-wide authority responsible for planning policy and development control, it would not be possible to guarantee effective environmental protection and consistency of decisions.

That is particularly true where a Park covers part, or all, of several different local authority areas. In the case of the Broads, where District Councils undertake development control processing, concern has been expressed along these lines. The arguments for retaining Park-wide planning powers are strong, particularly in relation to the production of Park-wide plans.’

1.170 While the CPRE (357) formerly campaigned for and supported the 1995 Act’s change to NPAs as planning authorities preparing park-wide plans it recognises that the circumstances of the New Forest make the proposed joint working the best solution. However, it considers that joint minerals and waste plans prepared with the County Council could result in conflicts with National Park purposes unless the NPA is given a veto on potentially damaging proposals or these matters are included within the wider joint local plan prepared with the District Council.
Response for the Agency and its supporters

1.171 As explained in CD111 (p22-26), the joint plan-making approach would ensure proper linkages between the Park and its surrounding area. It would also make the link between town and country planning and other local authority community planning functions, and enable the NFNPA to influence policies for neighbouring areas which may have an impact on the Park. For example waterside settlements such as Marchwood and Hythe should not be isolated from the forest hinterland in planning terms. The same issues hold true for LDFs.

1.172 Because of the size of the NFNP in relation to the area of New Forest District Council the latter would be left with only a very small LDF area which would not make sense on its own. A joint local plan or LDF therefore offers added benefits in those terms.

1.173 Turning to minerals and waste matters, the planning working group advised (see CD203) that the scale and type of casework on these issues would be too small and too specialist in nature to justify separate handling by the NPA. The Agency accepted this and concluded that a joint plan would ensure that the approach was effective and efficient. Involvement of the NPA would ensure that National Park purposes remained uppermost while avoiding the need to replicate the specialist team.

1.174 Concern about the past actions of Hampshire County Council should not be taken as evidence about how they would act in future. At present they have no statutory duty to have regard to National Park purposes and are not working jointly with an NPA. As for the Regional Aggregates Working Parties, there is no reason why the NPA should not be fully involved in that important process.

1.175 Salisbury District Council (172) supports the preparation of a joint local plan prepared by the NFNPA and the New Forest District Council provided that the District Council is consulted.

1.176 The Country Land and Business Association (229) supports the joint structure plan solution on grounds of cost reduction and avoidance of duplication.

1.177 Bramshaw Parish Council (321) welcomes the proposal to involve the NFNPA in the local transport plan.

1.178 New Forest District Council (106) and the New Forest Committee (378) support the Agency’s suggestions for joint plan making. In the Council’s view there would be difficulties in preparing a sensible local plan for the small fragmented parts of the District that would remain outside the NFNP if the latter is defined on broad boundaries.
Development Control

Views of objectors

1.179 A number of bodies oppose the NFNPA delegating ‘planning decisions with no overall impact on National Park purposes’ to the local authorities with the NFNPA ‘taking decisions on significant cases and retaining overall responsibility’. This view is taken by the Ramblers Association (226), the National Trust (228), Bramshaw Parish Council (321), the Council for National Parks (354), the Association of National Park Authorities (356), and the CPRE (357).

1.180 These bodies point out that planning is one of the core functions of an NPA and an important means of delivering the statutory purposes. In their view delegation arrangements would be open to too much interpretation, especially (as here) where a number of different local authorities is involved. The proposed approach would not ensure the maintenance of the necessary consistency and high standards across the whole of the NFNP and may not maintain the integrity of the plan-led system.

1.181 The National Trust (228) refers to its experience as a landowner in a number of AONBs where planning powers are retained by local authorities and examples have been found of inconsistent approaches from one authority to another within a single AONB.

1.182 A mixed development control system is considered to be wasteful and confusing to the public and other users of the system (a view endorsed by the Edwards Report on National Parks in 1991) and contrary to the Government’s current aim of simplifying planning procedures. Operation of the delegation agreement could also give rise to potential unfortunate disputes and conflicts between the NPA and the local authorities.

1.183 The National Trust (228) and the CNP (354) point to experience in the Broads where a scheme of delegation to District Councils has led to concerns about lack of consistency, confusion about which body is making decisions, dilution of the statutory purposes, and difficulty in identifying and addressing cumulative effects. Moreover, the Broads has fewer applications than the New Forest and they are generally less contentious. A current best-value review is likely to result in the discontinuance of these arrangements.

1.184 Suggested advantages of delegation (such as making best use of staff resources and accessibility to customers) are overstated in the New Forest context. If there are instances where the necessary skills and experience are in short supply, such as minerals planning, this could be overcome by using County staff on a consultancy or service level agreement basis, as has been done in other National Parks, or through working parties or staff secondment.

1.185 The organisations refer to the paragraphs following Recommendation 11 of the DEFRA review in which the review team concluded that all aspects of planning should rest with NPAs and a following paragraph in which they were not convinced that delegation of development control ‘would deliver consistent decision-making and
support integrated management of Parks. It would also mean [NPAs] being seen as a negative influence in planning. In the absence of authoritative evidence to the contrary, responsibility for both local planning policy and development control should remain with NPAs.’

1.186 R F Giddings & Co (148) is concerned that retired members would dominate the NFNPA and that planning decisions by such people would be inherently unlikely to give enough emphasis to any kind of industry for fear that this would damage their recreational enjoyment of the Forest. In the company’s view planning powers should stay with the local authorities. J Wingham (209) also shares this view.

1.187 Mr R Spurr (367) objects to delegation to New Forest District Council on the grounds that its decisions show it to be incapable of delivering National Park standards.

1.188 Dorset County Council (189) and Christchurch Borough Council (202) regard delegated development control as ‘the lesser of two evils’. Development control carried out wholly by the NPA is seen as the worse option as it would entirely split the planning and building control functions which would be confusing and geographically inconvenient to users of the two systems. However, delegated development control would also be problematic in that the same issue would arise with the more contentious applications decided by the NPA. In addition, a District Council could find itself having to enforce policies with which its members and its community disagreed, with officers having to field criticisms of the NPA by disaffected parties.

**Response for the Agency and its supporters**

1.189 No matter which authority takes the development control decisions they will have to be taken in the context of the development plans or LDFs prepared by the NPA. Thus, provided the scheme of delegation is clear there should be no issue of inconsistency or danger to National Park purposes.

1.190 The NFNP will include larger towns and settlements than is the case in other National Parks so its casework will be more urban in nature and more suitable for delegation to the District Council who will be well versed in dealing with such proposals.

1.191 The system should not result in greater confusion to the public since, whatever administration is adopted, there will be policies applying within the NFNP boundary and others applying outside it. Any disadvantages of the system will be outweighed by the benefits – accessibility to users, the relationship of the NFNP to the remaining area of New Forest DC, and the ability to engage with and build upon the experience of existing District Council members and staff. These individuals would not be easy to replace since they have local knowledge and have been operating policies for the NFHA (equivalent to a National Park) since 1994. The key aim should be to design a workable delegation agreement rather than attach too much weight to what may have been an individually dysfunctional arrangement in the Broads where priorities may not have been sufficiently carefully prescribed.
1.192 Salisbury District Council (172) supports the concept of a clear scheme for delegating non-strategic decisions to the existing local planning authorities.

1.193 The Country Land and Business Association (229) supports the delegation option on the grounds that it would involve least duplication, reduce costs and make use of existing technical expertise. The CPRE (357) also supports delegation as long as it is supported by very strong guidance from the NFNPA and that the latter maintains an overview of the incremental effects of small-scale developments.

1.194 New Forest District Council (106) and the New Forest Committee (378) endorse the Agency’s proposals for development control and consider that a significant level of delegation may be appropriate to avoid NPA members becoming over-dominated by development control.

LAND MANAGEMENT (paragraphs 26-27 of the Agency’s advice)

Views of objectors

1.195 Lymington Harbour Commissioners (184) are concerned that no reference is made to the need for advice to be available on harbour and coastal management.

1.196 Associated British Ports (350) is concerned that none of the Agency’s documents acknowledge the existence of the statutory Port of Southampton or ABP’s statutory functions as Harbour Authority (350/1/10). Nor has the company ever been invited to participate in the consultations that took place about the proposed administrative arrangements.

1.197 In the correspondence between the Agency’s Chief Executive and the Lymington Harbour Commissioners (184/0/7) the former states that ‘investigation of this detailed matter (the powers and responsibilities of coastal organisations in the New Forest Area and any potential overlap with an NPA) has taken some time’. The resulting ‘notes’ indicate that the Agency has a limited appreciation of harbours in general and the Solent and Southampton Water in particular.

1.198 Firstly, it makes no reference to the Port of Southampton despite the fact that the NFNP boundary would include water areas of the Port managed by the Southampton Harbour Authority. These are by far the most commercially important areas covered by the Order. Secondly, it is incorrect – in relation to the Port of Southampton – to say that MHW and MLW coincide or nearly do so. The Harbour Authority manages extensive intertidal areas on the New Forest side of the Test and Southampton Water which require to be managed by the Harbour Authority in the exercise of its functions.

1.199 The Agency’s note indicates that there are areas of overlap, but remarks that most of the areas of potential conflict between a Harbour Authority and a National Park require proposed action to be approved by the Secretary of State, who would act
as arbiter. This is not satisfactory. The nature of harbour management requires a Harbour Authority to make decisions swiftly through the kind of forums listed at 350/1/10 app 1 rather than through formal procedures.

1.200 The Agency’s advice makes no mention of the fact that the NFNP includes areas of offshore water, nor on how such areas should be managed in the context of the objectives of the 1949 Act. Yet there is an obvious need to manage such water areas independently for a wide range of purposes most of which, such as commercial shipping and defence, are outside the scope of the 1949 Act.

1.201 Dorset County Council (189) and Christchurch Borough Council (202) do not consider that the included parts of Dorset have land and visitor management issues requiring the leadership and strategic direction of an NPA. A large part of the included area is intensively farmed while the remaining areas are fundamentally different from the core of the Forest in landscape, ecology, history and usage. Commoning issues are of limited relevance to these areas and they require different forms of land and visitor management which are being effectively provided already by the programmes, partnerships and funding put in place by the County Council. Management coherence would not be assisted by addition of an NFNPA.

1.202 The authorities also see community planning as an issue. If the NPA has to engage actively in the community planning processes of up to 8 Districts this will put too much pressure on its resources. Exclusion of the Dorset areas would therefore help to make the NPA more efficient and effective in that regard.

1.203 The Councils ask, specifically, that any advice or guidance from the Secretary of State should provide for ‘clear and effective arrangements for collaboration and consultation between the NPA and the relevant local authorities covering, in addition to land use planning, local transport plans, land and visitor management and community planning’.

1.204 The Country Land and Business Association (229) considers it necessary for the NPA to set up action-oriented joint working forums to coordinate land management bodies.

1.205 Bramshaw Parish Council (321) wishes to see specific reference to the National Trust.

Other organisations

1.206 New Forest District Council and the New Forest Committee support the advice that particular priority should be given to commoning through emphasis on filling gaps and building on existing structures and expertise, especially issues outside the remit of the Verderers.

Response for the Agency

1.207 Paragraph 18(d) makes reference to coastal management and recreation.
1.208 Other points were not specifically responded to except in terms that the absence of reference in the advice to many detailed matters does not mean that the NPA will not work collaboratively with all relevant interests.

VISITOR MANAGEMENT (paragraph 28 of the Agency’s advice)

Views of objectors

1.209 New Forest District Council (106) and the New Forest Committee consider that (as recommended generally by the DEFRA review) there may be advantages in giving the NFNPA statutory responsibility for Rights of Way because access responsibilities would otherwise be fragmented.

1.210 New Forest Commoners Defence Association (110) supports the concept of providing adequate longer term protection for the area and wishes to see protection for the cultural heritage and the tranquillity of the New Forest. However, there must be no retreat from the Section 62 Sandford principle in an effort to bring greater bias towards recreation and tourism whether in a series of small steps or a few large ones.

1.211 Lymington Harbour Commissioners note the absence of reference to access to the sea and intertidal areas and would be concerned if the NPA became active in the management of access by visitors to Lymington Harbour.

1.212 Christchurch Borough Council (202) is concerned that participation of the NFNPA would have consequences for the continued coordinated practices applied within the Dorset Nature Reserves and is concerned that the voice of the Dorset Authorities will not carry sufficient weight.

1.213 The Country Land and Business Association (229) raises points about provision of funds by the NPA for waymarking etc.

1.214 Bramshaw Parish Council (321) considers that there should be specific mention of the need to work with the National Trust, the Forestry Commission and tourism bodies.

1.215 Mrs F Mason (363) is concerned that the NFNPA’s access and rights of way plan could lead to restriction of access.

Response by the Agency

1.216 Although the proposed system for managing rights of way (at paragraph 28a) is different from that applying in most other National Parks the nature of the rights of way system within the designated area points to this as the more efficient and effective solution.

1.217 As for Mrs Mason’s concern about access restrictions, the NPA would not have the power to restrict access on Crown Lands, other public land or private land.
1.218 As for the NFCDA’s concerns, there cannot be a retreat from the principle since it is a Section 62 duty upon all public bodies.

**IN INVOLVING LOCAL EXPERTISE AND WORKING IN PARTNERSHIP**
*(paragraph 29 of the Agency’s advice)*

1.219 There were no particular objections raised about the content of this paragraph.

**INSPECTOR’S CONCLUSIONS**

1.220 I set out my conclusions under the following headings:

(1) Does the New Forest meet the statutory criteria for designation as a National Park?

(2) Is some form of National Park Authority the best vehicle for administering a designated area in the New Forest?

(3) How should a National Park Authority be ‘tailor-made’?

(4) Should changes be made to the terms of the Agency’s advice to the Secretary of State?

(1) Does the New Forest meet the statutory criteria for designation as a National Park?

1.221 I can deal with this question very briefly. From Dower onwards, those asked by Central Government to consider the issue have consistently recognised the merits of the New Forest in this respect, although this is the first time that the current level of detailed consideration has been given to precisely what land may fulfil both of the statutory designation criteria. Few suggest that there is no core of land meeting the criteria although there has been plenty of disagreement about the extent of the qualifying ‘extensive tract’. That issue is dealt with in detail in parts 2-6 of this report. I do not consider it further here.

(2) Is some form of National Park Authority the best vehicle for administering a designated area in the New Forest?

1.222 Some accept that an area meeting the statutory criteria can be identified and that there is a need to protect and enhance agriculture (especially commoning) and local wildlife, to support sustainable levels and forms of recreation, and to bring relief from pressures resulting from inadequate powers and resources and conflicts between
competing interests. However, they see designation of an NFNP as a potential impediment to those objectives. They would prefer the Forestry Commission, the Verderers (complemented by the actions of the commoners), the Local Authorities, and other statutory agencies such as English Nature to continue to act as now, perhaps with more resources diverted to them using funds that would otherwise be devoted to the NPA.

1.223 A factor of importance here is the range of perceptions about a number of matters. I found that many views expressed at the inquiry and in writing echo the perceptions and misperceptions identified at paragraphs 12-14 of the analysis of the public consultation responses to the Agency’s draft advice to the Secretary of State (CD110). Matters identified in that document include the perceived ‘remoteness’ of an NPA, and ideas that it would set out to encourage too many visitors, be too expensive, and duplicate local bodies.

1.224 In some cases these perceptions are based on misunderstandings. For example, some incorrectly assumed that the NPA would act like a tourism authority with a duty to encourage and provide for as many new visitors (and new forms of mass tourism) as possible, regardless of the effects on the primary statutory purpose (conservation).

1.225 Other misunderstandings centred on the powers and responsibilities of an NPA and their interaction with those exercised by existing bodies. Some believed that an NPA would take over many or even all of the functions of the District Council rather than the narrow range provided for in the legislation. Others feared that there would be a major conflict of powers between an NPA and the Forestry Commission and the Verderers, or that the powers of the existing bodies would be usurped. However, the content of Appendix VI of CD111, laying out the duties, functions and powers of the 3 bodies, demonstrates that this is not the case.

1.226 Although some appeared to assume that the standard NPA model would lead to competition, disputes and friction between the Authority, the Forestry Commission and the Verderers, it does not appear to me that it would lead inexorably to the creation of irreconcilable problems. The three bodies will certainly require to work closely on some issues but in my view the establishment of an NPA would create a positive opportunity to tackle issues touching on the individual roles and responsibilities of the bodies by making use of the additional skills, powers and resources brought by the Authority. Both the Commission and the Verderers will be bound up in the process of preparing the NFNP Management Plan, which will provide them with the opportunity of ensuring that it furthers their interests rather than competing with them.

1.227 Another problem of perception is that the term ‘New Forest’ clearly means very different things to different people in different contexts. The perceived geographical extent of the New Forest can range successively outwards from (a) the Crown Lands to (b) land within the perambulation, to (c) land within some version of the NFHA, to (d) land within some version of a wider ‘historic dispersed pastoral system’ and (e) in some cases even beyond that. Many of those suggesting the ‘little or no change’ option restrict their consideration of the New Forest to the lands within
the perambulation (or even just the Crown Lands). This is understandable because the perambulation represents the extent of the New Forest in the eyes of many local people and visitors. However, the area of land meeting the designation criteria goes wider than this (albeit in my view considerably less widely than the area included in the Designation Order).

1.228 If this wider area is worthy of designation it must be capable of being managed in a coherent way capable of meeting the statutory purposes of designation across its whole area, ie conservation and the appropriate provision and management of opportunities for open-air recreation. In my view this is unlikely to be achieved without the creation of some form of dedicated, area-wide body which has the resources to act effectively in matters of development planning and land management. I consider these in turn.

Planning arrangements

1.229 It seems to me that most respondents wish in some way to hold onto the ‘National Park-equivalent’ status currently afforded to the NFHA in planning terms because this is seen as affording protection from undesirable development pressures threatening the New Forest, however this is defined.

1.230 Retaining National Park-equivalent status for development control purposes could be achieved without designation by continuing with the NFHA and the South Hampshire Coast AONB which has the same status as a National Park for planning control purposes. If necessary a differently defined extent of land could be recognised in a future development plan as having this type of protection. However, some, including the Agency, see the potential for regular review of the extent of the NFHA via the statutory development plan/local development framework as a destabilising factor which introduces too much uncertainty into the system. This is an understandable view which I support. Certainly, it would be an uncomfortable mix to continue with a regularly-reviewed NFHA and an AONB which has not been reviewed since designation in 1967. However, if the Secretary of State were to prefer the NFHA-type option to National Park designation, it would probably be necessary to confirm the South Hampshire Coast AONB Revocation Order and allow a differently-defined equivalent of the NFHA to be identified through the development plan and afforded National Park-equivalent status.

1.231 I recognise that New Forest District Council has undertaken important planning initiatives to recognise and protect the value of the NFHA, supported by the other local planning authorities, parts of whose areas overlap it. However, continuing with a Heritage Area would not provide a single-tier local planning authority focused on achieving the statutory National Park purposes (and subject to the duties introduced by Section 62 of the 1995 Act). In my view a full National Park planning regime is much to be preferred as a means of providing the level and quality of protection sought by most organisations and individuals expressing views to the inquiry. Even with ‘National Park-equivalent’ protection the NFHA delivers a dispersed, incomplete National Park planning system, in that development control is administered by a number of authorities, including at present the County Councils for minerals and waste matters. Development plan matters are covered by parts of 3
District-wide plans plus the County Councils’ structure plans and minerals and waste local plans. Thus from the planning standpoint I consider that full designation is the most appropriate option.

**Land management**

1.232 A New Forest National Park would be unique in having such a large percentage of its core occupied by an area with the character of the perambulation, so long managed for farming, forestry and recreation under the interlocking powers of the Forestry Commission and the Verderers. The perambulation occupies 55% of the land in the designation order (as made by the Agency), while the Crown Lands within the perambulation occupy 40%. Those percentages would increase quite significantly if the area of the National Park is reduced in accordance with my recommendations.

1.233 With regard to recreation, those opposing the principle of designation express strong fears that a National Park would exacerbate the harmful effects of too much visitor activity and the development pressures that this can bring. I accept that the existing bodies have done much to encourage responsible use (and discourage irresponsible exploitation) of the New Forest. However, neither the Forestry Commission nor the Verderers have any role in the management of conservation and recreation outside the mostly highly vulnerable habitats of the Crown Lands (ie on private or other publicly owned land within or without the perambulation). These bodies cannot act across the whole of the area meeting the designation criteria and can only seek to combat the more negative impacts of recreation by acting within what are generally the most fragile and sensitive areas in conservation terms.

1.234 Wider approaches, taking in the whole of the NFHA, have been introduced though the efforts of the member bodies of the New Forest Committee. These have resulted in some important initiatives and increased integration of effort. A major example is the Strategy for the New Forest, a form of management plan setting out ways in which the member organisations will work together on a voluntary basis to achieve shared aims. However, valuable as it is, this form of co-operative working does not bring the additional resources and powers that would be attached to a National Park. For instance the budget of the New Forest Committee in 2002/03 was about £183,000 (CD 176) whereas the Agency indicated to the inquiry that the annual budget for the NFNP would probably be in the region of £2-3m.

1.235 The conservation and recreation pressures on this relatively small, fragile, but highly accessible area have increased immeasurably in the 50 years or so since the New Forest was first considered for designation and they continue to do so. In my view there is now an important need to introduce the additional ingredient of an NPA. This will enable the twin statutory purposes to be addressed throughout the area as a whole through the preparation of a well-resourced statutory management plan by a properly empowered authority. It will also impose the Section 62 (1995 Act) duties on all public bodies in the area.
The Conservation Board proposal

1.236 As described earlier, the proposal by Minstead Parish Council and Minstead Manor Commoners is that an AONB be designated, covering whatever area is considered to qualify on natural beauty grounds, and that the area be managed by a Conservation Board under the CROW Act. However, a Board would not have its own planning powers whereas I have indicated above that I consider it necessary for a full National Park planning regime to be introduced, provided by a single-tier local planning authority focused on achieving the statutory National Park purposes. Having regard to the national budget for AONBs it would also not have access to the same level of Central Government resources dedicated to the achievement of the two National Park purposes, including recreation. In the circumstances of the New Forest, where recreation pressures are in need of more positive management across the whole of the designated area, this proposal would not serve the area well.

Conclusion

1.237 I conclude that a National Park Authority is the appropriate organisation for administering a designated NFNP and so turn to consider the views expressed about the appropriate form of such a body.

How should a National Park Authority be ‘tailor-made’?

1.238 From Dower onwards those reporting to Government on the New Forest as a possible National Park have consistently recommended that it is, in effect, ‘especially desirable that the necessary measures be taken’ to uphold the statutory purposes of a National Park. The major reason why designation has never followed any of these reports has been the equally consistent conclusion that the special circumstances of the area (the statutory responsibilities of the Verderers and the Forestry Commission, the importance of commoning, the area’s very high nature conservation interest, and the large areas of Crown Land managed by the Commission) require non-standard, tailor-made administrative arrangements to be devised rather than the establishment of a standard National Park Authority.

1.239 Until the Agency’s current proposals it has always been concluded that this would require legislation. However, as described by the Agency at p34-51 of Position Paper 2 (CD156), it now considers that appropriate tailoring to New Forest circumstances can be achieved by means of the advice to the Secretary of State.

Suggested models for a tailor-made authority for the NFNP

1.240 The evidence to the inquiry demonstrated the wide variety of views held by various organisations and individuals about the way in which a New Forest National Park Authority should be formed. Many of the suggestions for tailor-made models centre on membership issues. I deal with these separately below. First, I deal with alternative bodies proposed by some objectors.
1.241 The tailor-made authority suggested by New Forest District Council draws considerably on the model consulted upon by Government in 1992 when a statutory form of New Forest Committee was proposed. Like the body suggested at that time, the model now put forward by the District Council would be a body whose executive functions would largely be limited to preparing a statutory park-wide management plan.

1.242 The Council’s representative said that a New Forest Authority of this kind would ‘pour strong glue’ into the gaps between the existing bodies serving the Forest, providing a common focus to their individual programmes and activities. However, since the body would not be an NPA under Section 63 of the Environment Act 1995 it would lack the powers and resources attached to such a body. Although ‘economy’ was said to be one of the advantages of the Council’s proposal it seems to me a weakness that the body would be able to do little more than co-ordinate the efforts of others without bringing more resources to the issues to be tackled by the Park management plan. Importantly, the Council’s proposal would also leave the new authority without the necessary dedicated full planning powers discussed at 1.229 to 1.231 above.

1.243 Hampshire County Council has two main suggestions. The first is that DEFRA and its agents should commit themselves to joint working with the NPA on preparation and implementation of aspects of the National Park Management Plan. It is a matter for the SOS whether or not it is necessary to make such a statement within the Circular suggested by the Agency. In my view the NPA could reasonably expect all public bodies with responsibilities in this area to work with it on relevant aspects of the management plan if invited to do so.

1.244 The Council’s second suggestion (that all Forestry Commission functions, staff, budgets, accommodation and land should be transferred to the NFNPA to form the basis of its operation) is much more radical. It seems to me somewhat unlikely that amputation of an important part of the Commission and its activities could be achieved by minor amendments to the Local Government Acts as suggested. In any case, an NPA does not seem to be a suitable organisation to engage in forestry on this scale. Such activities are not consistent with the statutory purposes of an NPA and could unbalance its work and divert attention from its primary purposes. Clearly, the Commission and the NPA would have to work together very closely on matters concerning recreation on the Crown Lands and both would need to have regard to their S62 duties (1995 Act) concerning the recreational purpose. However, overall, it could be beneficial to both parties and the area as a whole for the two bodies to tackle recreational and other issues across the whole Park in a complementary way.

1.245 I agree with the County Council that there would be justifiable concern if the advent of an NPA were to be taken as an opportunity for the Commission to reduce its commitment to funding of recreation provision and management in the Crown Lands. This would significantly limit the purpose and potential of designation. However, the Commission would still be bound by the terms of the Minister’s mandate, which would no doubt be amended if there were matters that the Crown wished the Commission to handle differently in its relationship with the NPA. It is for the SOS
to consider whether the Council’s concern needs to be met by some form of commitment in the Circular. I do not make any recommendation on this matter.

1.246 The Verderers’ suggestions for a tailor-made solution revolve around (i) the perceived loss of their veto on inappropriate recreational development on the Crown Lands and (ii) membership issues. I cover the second matter below. As far as the veto is concerned, the Verderers have provided an amendment to Section 65 of the Environment Act 1995 that would satisfy their concerns. Alternatively, they provide an amendment to paragraph 23 of the advice to the Secretary of State that ‘would go quite a long way’ towards meeting them. A number of other objectors, such as the New Forest Commoners Defence Association and Desmond Swayne MP, associate themselves with these views.

1.247 In the light of the view expressed by the Minister in the correspondence referred to at paragraph 1.40 above it may be possible to give more reassurance to the Verderers and other parties than is currently given by the Agency’s advice. However, I accept that this is a difficult matter and that (as the Agency pointed out) the SOS would have difficulty in giving advice appearing to fetter her powers under primary legislation. I have recommended one possible form of wording which is slightly different from that submitted by the Verderers and indicates that such development ‘will not be permitted unless there is demonstrated to be a very exceptional case for doing so’. This is intended to pose a stronger test than that set for confirmation of a CPO, which requires a ‘compelling case in the public interest’. I am less convinced by the need to amend Section 65 to provide specifically for what may be a very unlikely eventuality simply because one could not necessarily be certain that in all circumstances and for all time a very exceptional case would not occur.

**An additional statutory purpose concerning commoning**

1.248 As indicated at paragraph 1.48, some suggested that commoning is of such importance to the New Forest that special legislation is required to make ‘protection of commoning’ a third statutory purpose for the NFNP. I am not convinced that this is necessary. In my view the references to commoning in the Agency’s advice to the Secretary of State leave no room for doubt about the special importance of this activity.

1.249 Some objectors pressed the point further, suggesting that commoning should be given statutory protection similar to that enjoyed by crofting. This is a very wide issue going beyond the scope of designation issues and I do not comment upon it.

**NPA membership issues**

1.250 The membership composition of a standard NPA gave rise to the greatest single area of concern among objectors. However, suggestions on tailor-making the membership mix of the NFNPA cover a wide range. There is no clear preference among objectors for any particular departure from the standard arrangements.

1.251 At one extreme is a suggestion to institute 100% direct election of members by an electorate confined to those living (and/or working) within the boundaries of the
designated area. At the other are suggestions that Section 7 of the 1995 Act should be amended to increase the proportion of Secretary of State (non Parish Council) appointees from the standard 25% to 40%, as recommended in the DEFRA review, or even to 50% as suggested by the Verderers and the New Forest Committee. The underlying motive of all these suggestions (from both extremes) is to reduce the influence of members seen to be in some way ‘remote’ and lacking familiarity with the needs of the Forest. Those seeking a higher proportion of directly elected members seek to overcome this ‘remoteness’ by eliminating or diminishing the number of appointees (who are seen as detached and democratically unaccountable). Those wishing to increase the proportion of appointees see this as the best way of counterbalancing the excessive influence of councillors lacking sufficient knowledge of Forest requirements and answerable to electorates with largely urban and suburban mindsets.

1.252 I note that similar themes about the relative merits of local versus national appointments emerge in discussion about the size and mix of membership in the report of the DEFRA review of NPAs. This includes the comment that ‘there is little consensus about what changes should be made.’

1.253 The DEFRA review comments that the hybrid status of NPAs as special purpose statutory authorities ‘brings advantages by providing a genuine mix of people with different experience and skills and legitimately different views. Where the combination works well there is rounded and balanced decision-making. But, crucially, it depends to a large degree on the goodwill and constructive working relationships between…..members’

1.254 It also observes that ‘In most parks the current mix of members seems to be working reasonably well’ and that ‘It is perhaps inevitable that there is sometimes tension between those members who see themselves as promoting local interests and those appointed by the Secretary of State to represent national interests’.

1.255 These comments (and the guidelines on membership appointments set out in paragraphs 33-41 of Circular 12/96) reflect the need for NPA members, however they are appointed, to act together with good will in the best interests of the Park and its statutory purposes. Local authority appointees are to be chosen with regard to the ‘desirability of appointing members who represent divisions or wards situated wholly or partly within the Park’. Secretary of State appointees should have a capacity to present a wider national viewpoint and experience with direct relevance to the character and responsibilities of the particular National Park preferably combined with local associations. Moreover, they are to be ‘selected for their personal qualities and experience and not as representatives of specific groups or organisations’.

1.256 The membership of any New Forest NPA clearly needs to be tailored to the unusual circumstances of the Park. It is of central importance that Secretary of State appointees can (together) bring a thorough understanding of the roles of the Forestry Commission, the Verderers, the commoning community, and a range of other interests of vital relevance to the area. In my view the advice to the Secretary of State sets out all the relevant areas of expertise in a straightforward and unambiguous way. However, although many organisations and interest groups seek representation as of
right on behalf of themselves or others I do not consider it appropriate to provide for that, either through specific legislation or amendments to the advice. To do so would be contrary to the approach in the Circular that Secretary of State appointments are made in recognition of the individual’s own personal qualities and experience rather than as representatives of particular organisations. I note from CD110 (para 77) that the Forestry Commission does not itself seek membership of the NPA.

1.257 I do not know if Secretary of State appointments are made after the receipt of information about local authority appointments (and therefore in full knowledge of the skills and experience of those members). If this is the case I consider that it would be beneficial to indicate in the Circular that SOS appointments will be made with a view to completing the best overall balance of experience across the membership as a whole by concentrating on filling any perceived gaps in experience and skills. The Agency indicated that it would agree with this.

1.258 Turning to the percentage of SOS non-Parish Council appointees required to give the right membership balance for an NFNPA, if the NPA had about 26 members (a typical number among the smaller English National Parks) there would be about 7 national appointees. If, in the longer term, Recommendation 22 of the DEFRA review is implemented the number could rise to about 8-10 (ie 40% of some 20-25 members). This may be a more comfortable number to give good representation of the wide spread of areas of national interest needing to be reflected in an NFNPA. However, I do not consider that 7 would be too few to do so or that designation should await legislative changes of this nature. Consequently I am not convinced that any departure from the standard NPA membership pattern is required. In my view sufficient provision for ‘tailoring’ of membership can be achieved through the Agency’s advice.

Conclusion

1.259 My overall conclusion is that the circumstances of the New Forest, though unique, can be adequately addressed through a standard NPA complemented by appropriate New Forest-specific advice issued by the Secretary of State. This would enable the long-awaited designation of the NFNP to take place and provide suitable advice for the establishment of an NPA.

1.260 I am not convinced by the suggestions that designation should await a future legislative opportunity so that a more ‘tailor made’ NPA can be put in place adopting some of the preferences put forward at the inquiry. There has not been any great consensus about how such a body would differ from the standard model and I am not confident that it would be possible to achieve such consensus, so this option would probably be a recipe for yet more delay. In general it seems to me that the various alternatives put forward would be less well-equipped in terms of their powers and resources to tackle the needs of the area worthy of designation.

1.260 I have reported that some are concerned that advice issued in the form of a Circular can too easily be changed by an individual Government or Secretary of State, whereas tailor-made proposals expressed in terms of legislation are likely to carry a greater guarantee of commitment and longevity. However, both legislation and
circulars have to change from time to time to respond to evolving circumstances. In my view the advice generally contains good sound common sense reflecting the current needs and circumstances of the New Forest and nothing would be gained by taking an alternative route, especially when there is so little consensus about what that should be.

**Should changes be made to the terms of the Agency’s advice on special measures for the establishment and administration of a New Forest National Park Authority?**

1.261 I do not consider it necessary for me to comment on paragraphs 1-15 of CD102 which contain introductory background material. Nor do I need to comment further on paragraph 16, with which I have agreed. My comments are therefore confined to paragraphs 17-29 which address matters that would be covered in the Secretary of State’s guidance.

**Special guidance (Paragraph 17)**

1.262 It was generally assumed at the inquiry that this would take the form of a Circular specific to the New Forest National Park. I have no comments to make on this content of this paragraph except that, to stress Government-wide responsibilities, I would suggest adding at the end of the second sentence ‘…..authority and other government-funded bodies with S11A (2) [1949 Act] duties towards the New Forest National Park.’ Alternatively, this matter could be addressed within the advice at paragraph 23.

**Membership of a New Forest National Park Authority (Paragraphs 18-20)**

1.263 I have discussed membership issues at paragraphs 1.250 to 1.258 above and have no comment to make upon paragraphs 18-20 of the advice, which I endorse.

1.264 I have taken it that the reference, in paragraph 19, to a ‘statement’ by the Secretary of State refers to coverage in the Circular of matters relating to SOS appointments to the NPA.

**Relationship between a New Forest National Park Authority, the New Forest Verderers and the Forestry Commission (Paragraphs 21-23)**

1.265 Again, I have taken it that mention of a ‘statement’, in paragraph 21, is a reference to the Circular.

1.266 I am recommending that, after paragraph 23, an additional paragraph be inserted concerning the Verderers’ veto on inappropriate development on the commonable Crown Lands, as discussed at paragraph 1.247 above.
1.267 I also suggest that the factual information on the respective statutory powers of the 3 bodies (set out in Appendix VI of CD111) be appended to the Circular.

1.268 Otherwise, I consider that the advice sets out clear guidance on the relationships that will have to be forged between the bodies concerned.

Planning arrangements (Paragraphs 24 and 25)

1.269 The Review of English National Park Authorities (CD14) has recently considered the statutory planning responsibilities of NPAs under the Environment Act 1995, concluding that the arguments for retaining Park-wide planning powers are strong, and recommending that the present position should remain unchanged. I have not heard any convincing arguments for departing from that arrangement in the New Forest for both the development plan and development control functions. Effective consultation will be required with neighbouring authorities about matters of cross-border interest, but that is not unique to the NFNP and applies in the case of every National Park. Like those carrying out the DEFRA review of NPAs, I was informed about the example of The Broads, where delegated development control has not always proved satisfactory. It seems to me highly desirable that the NPA should retain the ability to make consistent decisions on all applications within its area and be plainly recognised as doing so without the complication of delegation arrangements which are likely to confuse the public and potentially produce inconsistent decisions. If the NPA encounters occasional issues requiring specialist input I consider that such matters would be better dealt with by staff secondment or service agreements rather than delegating the actual decision. In the case of minerals and waste planning I recognise that it could make for economy to prepare a joint local plan with Hampshire County Council, but in my view this is a decision best left to the future NPA and does not need to be covered by advice from the Secretary of State.

1.270 Of course I recognise that no system of organisation involving National Parks will avoid a certain amount of confusion to the public about which body is responsible for decisions about particular matters (including, for example, the split between bodies dealing with planning control and building control). The geographical circumstances here can be seen as adding to the difficulty of this issue because the NPA would assume planning powers over an extensive rural area in the centre of New Forest District leaving the District Council to administer such powers over a surrounding ring of urban, suburban and rural areas. However, my recommendations with respect to the NFNP boundaries would remove some areas from the National Park, including the towns of Lymington and Ringwood and the sizeable village of Bransgore. This would increase the area left with the District Council for planning purposes and relieve the NPA of the financial and professional burden of dealing with the planning issues of urban and suburban areas unconnected with National Park purposes and together containing a population of over 32,000. Much of this work would involve relatively minor proposals of no significance to the NFNP of the kind that the Agency’s proposal for delegation was designed to cater for. A benefit of omitting these areas would be to avoid the additional development control workload otherwise arising from the need for planning permission to be sought for very small developments under the more restricted GPDO rights applying within the National Park.
1.271 In short, if National Park-level planning protection is to be afforded to the designated area, I agree with the Agency, objectors such as the CNP, and the DEFRA Review of English National Park Authorities that the model of a dedicated local planning authority provided by the Environment Act 1995 is the most appropriate for the New Forest. However I do not support the concept of delegating decision making to the District Councils.

1.272 I therefore consider that the terms of the special advice relating to planning can be simplified and the opportunity taken to bring it up to date with the Planning and Compulsory Purchase Bill. I recommend accordingly.

**Land management (paragraphs 26-27); Visitor management (paragraph 28); and Involving local expertise and working in partnership (paragraph 29)**

1.273 In general I see no requirement for change to these paragraphs. However, I recommend one change to point up the importance of the NPA developing close working relationships with the Port of Southampton and the Lymington Harbour Commissioners. My boundary recommendations greatly reduce the areas of these ports included in the NFNP although small areas of both are still retained within it. Nonetheless, there is still a need for greater recognition of the particular issues raised by the harbour authorities than is accorded by the existing advice.

**RECOMMENDATIONS**

1.274 I recommend:

1. (1) That the New Forest National Park (Designation) Order 2002 be confirmed, with modifications to the boundary as indicated on the series of maps (numbers INSP 1-20) found at the end of Parts 2-6 of this report 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 order 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 on the issue of special guidance to the National Park Authority be considered by her as if it were subject to the following amendments:

Para 17 Add at the end of the second sentence ‘.....authority and other government-funded bodies with S11A (2) [1949 Act] duties towards the New Forest National Park.’ Alternatively, this matter could be addressed within the advice at paragraph 23.
Paras 18-20  [No change]

Paras 21-23  Add an additional paragraph as follows:

‘23A Commoning is important to the cultural heritage of the New Forest and the preservation of its open access land. As a means of safeguarding these interests Section 18 of the New Forest Act 1949 and section 1 of the New Forest Act 1970 require the agreement of the New Forest Verderers before any recreational or tourist development can take place on the commonable Crown Land in the New Forest. Development contrary to the wishes of the Verderers which involves compulsory purchase of commonable Crown Land or which has the intention or effect of extinguishing rights of common or circumventing the existing powers of the Verderers will not be permitted unless there are demonstrated to be very exceptional grounds for doing so.’

Append information to the Circular on the respective statutory powers and responsibilities of the 3 bodies (as set out in Appendix VI of CD111).

Paras 24-25  Replace as follows:

‘The NFNPA will be the sole planning authority for its area, responsible for carrying out all statutory plan-making and development control functions under Section 4A of the Town and Country Planning Act 1990 as provided for by Section 67 of the Environment Act 1995 (or any succeeding legislation). The NPA will not be expected to delegate any powers of decision making to other authorities but is advised to establish clear, efficient and effective consultation arrangements with neighbouring local planning authorities over matters of mutual interest.

Guidance should also advise the NFNPA to work with other relevant authorities on preparing (a) a local transport plan and (b) community strategies, relevant outcomes of which should be reflected in the National Park Management Plan.’

Paras 26-29  Add a reference as follows:

‘Guidance should advise the NFNPA to work closely with the Harbour Authority of the Port of Southampton and the Lymington Harbour Commissioners to identify any areas of technically overlapping powers and devise codes of conduct to ensure that the overall efficiency, safety and economy of the ports is not impaired, while paying appropriate regard to the S62 duty.’
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 Criddlestyle. 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.
PART 2. BOUNDARY SECTIONS 1 & 2

INTRODUCTION

2.1 The above objections can be most conveniently considered under the following sub-areas:

- land north of Totton, east of the A326/A36(T)
- land west of the A326/A36(T)
- Totton urban area

2.2 In addition, I deal here with an objection by Minstead Manor Commoners since Minstead (although well within the perambulation) is probably closer to these boundary sections than any others.

LAND NORTH OF TOTTON

2.3 J S Bloor Ltd (163), Bovis Homes Ltd (331), the Barker Mill Estate (178), Southern Water Services Ltd (219), and R J Latham (233) are broadly concerned with an area of contention as defined at 331 & 163/2/2/app1. The objectors seek exclusion of the land to the east of the north-south line of the A36T/A326 between the Ower Roundabout in the north and the north-western edge of the built-up area of Totton in the south.

2.4 Test Valley Borough Council (175) has a similar view but only seeks the exclusion of a more limited part of the above area at Calmore Croft – ie, the land between Totton, the A326 and Salisbury Road (A36). Laurel Bank Residential Home (128) is concerned with a still more limited area confined to the area of its own site at Cooks Lane.

OBJECTIONS BY BOVIS HOMES LTD, J S BLOOR LTD, BARKER MILL ESTATE, AND TEST VALLEY BOROUGH COUNCIL

The case for the objectors

General conceptual matters

2.5 The objectors made submissions about a number of general conceptual matters as listed beneath. These issues are dealt with in the Landscape Assessor’s report at Appendix 1:

- the lack of any significant difference between the NFNP natural beauty test and that applied to the NFHA, which should result in the NFNP boundary being the same or smaller than the NFHA when the ‘back-up grazing’ criterion is removed and the recreation criterion is added to the process, unless there are special factors that are explained and justified;

- the need to confine designation to areas with a truly unified sense of ‘New Forestness’ as opposed to the Agency’s over-inclusive approach, commencing with an area of search which extended beyond both the National Character Area and the Natural Area covering the New Forest;
over-reliance of the Agency on landscape character areas and landscape types as determinants of natural beauty, and failure to make a landscape value assessment based on the criteria in CD229;

- insufficient consideration by the Agency of the weight accorded to detractors;

- the apparent new emphasis on the ‘historic dispersed pastoral system’ with the implication that this somewhat nebulous factor can of itself constitute natural beauty or materially assist in qualifying land for inclusion in the NFNP despite assurances from the Agency that land cannot qualify only through its possible or potential provision of back-up grazing;

- lack of recognition that there are more effective ways of protecting back-up grazing than necessarily including it in the NFNP;

- the failure of the Agency to make available its landscape consultants’ field survey notes;

- the Agency’s confusion between landscape quality and landscape value.

Site specific matters

Past history of the area of contention

2.6 This area of contention has a complex ‘past history’ of inclusion and non-inclusion within the NFHA since 1991.

2.7 In April 1991 the deposit version of the New Forest (East) Local Plan confined the NFHA to the west of the (then proposed but not yet built) line of the A326/A36(T). However, the LUC report of June 1991 (CD206) recommended that the NFHA should extend east of the road-line as far as the River Blackwater, considering all the land within the area of contention to be within landscape type 5 (ancient forest farmlands).

2.8 In November 1991 the Council published a Proposed Change to the deposited local plan. This extended the boundary of the NFHA eastwards – not as far as proposed by LUC but to the line represented by the River Blackwater to the north and Hillstreet to the east – as indicated at 331 & 163/2/2 replacement p30. The area east of Hillstreet and south of the M27 was largely safeguarded for future reservoir construction.

2.9 The Inspector’s report into objections to the local plan (CD235, part 12.1) had to consider not only the District Council’s proposed eastern boundary of the NFHA at Hillstreet but also an extension east to the Blackwater as proposed by Netley Marsh PC. He concluded that ‘while displaying some of the characteristics of landscape type 5’ the area north of Totton did not do so ‘in sufficient strength or depth to justify its inclusion in the NFHA as part of the wider Forest landscape’. In particular he considered that this area:

- was not of outstanding national importance for natural beauty in its own right;
- would be ecologically severed from the Forest;
- could not be reasonably included on back-up grazing grounds; and
- that the line of the new road would be firm, clear and defensible, remarking that Junction 2 would be properly perceived as the gateway to the NFHA (and in the longer term to the National Park).
2.10 In June 1994 the Council published modifications to the plan. The Inspector’s recommendation to position the boundary along the new road line was not accepted but the Council stopped short of including the land up to Hillstreet within the NFHA partly because the Secretary of State expressed concern that their reasons did not provide convincing justification for overriding the recommendation. Instead, the adopted New Forest (East) Local Plan (December 1995) contained a holding policy that:

‘Land north of Totton...is a protected area within which development will not be permitted which would prejudice consideration of the inclusion of the land within the NFHA’.

2.11 By this time the Council had already commenced consultation on the first District-wide Local Plan. This placed a smaller area east of the A326/A369T within the NFHA – that is, only the approximate triangle of land south of Salisbury Road at Calmore Croft, as indicated at 331 & 162/2/2/p152. Again, objections to the inclusion of this land were taken to a public inquiry. Despite the District Council’s case being supported by evidence given by a Countryside Commission Officer, the Local Plan Inspector’s report issued in 1998 (CD236, paras 5.1.9-17) concluded that there was insufficient justification for rejecting the first Inspector’s conclusions. He was satisfied with the criteria used for defining the boundary and considered that the quality of the landscape south of Salisbury Road was insufficient to justify inclusion. Despite its classification as ancient forest farmland he felt that it had a limited measure of historical and visual continuity with land to the west of the new road.

2.12 After consideration of the Inspector’s report the District Council rejected the Inspector’s recommendation despite the lack of a clear recommendation to do so from their officers but in accordance with the wishes of the Countryside Agency. The adopted Local Plan (1999) therefore included the area south of Salisbury Road within the NFHA. The Secretary of State again expressed concern about the adequacy of reasoning but took no action. Consequently Bovis Homes sought judicial review, resulting in a judgement quashing the Council’s decision on 25th January 2002 (the day after the NFNP designation order was made). Transcripts at 331 & 163/2/2/app9 indicate that the District Council’s reasoning was found to be defective.

2.13 On the issue of the legal adequacy of the Council’s reasoning Mr Justice Ouseley found that the Council had ‘not grappled with the Inspector’s reasoning, showing a true and fair understanding of it and then explaining why the essence of the reasoning is rejected through the reasons for its decision.....It is not clear whether relevant parts of the Inspector’s reasoning were effectively ignored or misunderstood.’ He remarked that the Inspector’s conclusions were ‘expressed with robust conviction, rather than as a result of striking a difficult balance’. He also found that the Council had acted with a degree of bias and had not approached the matter with an open mind but been predetermined in its decision making.

2.14 In view of all this history it is very surprising that none of it is addressed in the boundary study and that the Agency’s officers did not refer this section of the NFNP boundary to the Board for review in the light of the Court’s judgement, especially as the District Council had been strongly reliant on reasoning provided by an officer of the Countryside Commission. Moreover, the considerations now relied upon to justify designation are the same as those found wanting in the judgement.

2.15 In July 2001 the District Council issued the First Deposit Draft of the First Alterations to the current adopted plan (CD223). This recognises that it would be inappropriate to seek to review the NFHA boundaries while the National Park designation procedures are taking place. However, the revised deposit in May 2002 amended the NFHA to delete the land affected by the
High Court decision. The first alterations to the plan also include a new protective policy for the Test Valley (DW-E30A) covering the whole of the area of contention.

2.16 In view of these lengthy and unsuccessful attempts to include land to the north of Totton within the New Forest despite the views of independent arbiters, it is a questionable course of action for the Countryside Agency to revisit this matter for a third time in 10 years.

2.17 The Agency has failed to demonstrate that the area of contention has any particular degree of quality in relation to the statutory criteria, let alone the necessary exceptional quality. Rather, it seems to be that because the land falls within a particular landscape type, therefore it should be designated, even if the natural beauty is less than exceptional and the recreational opportunities less than markedly superior.

Natural beauty

2.18 [Inspector’s note – Bovis Homes, J S Bloor and the Barker Mill Estate all produced separate evidence covering essentially the same area between Totton and the M27. In the interests of brevity I have framed most of the account of these cases around that presented by Bovis, inserting a limited number of additional specific references taken from the other two objectors].

2.19 The whole of the area of contention lies outside the New Forest Character and Natural Areas, falling within the South Hampshire Lowlands Character Area and the South Coast Plain and Hampshire Lowlands Natural Area. Although the area contains a ridge projecting north-east from the New Forest plateau this effectively turns its back on the forest and the views from it are all outward looking.

2.20 The New Forest District Landscape Assessment (CD127) placed most of the area north of Salisbury Road within the ‘Enclosed Valley Sides’ type and the area to the south within the ‘Heath associated small holdings and dwellings’ type. This is a different approach from LUC: in their NFHA study (CD206) the whole area was categorised as ‘Ancient Forest Farmlands’ but neither approach accords with what is apparent on the ground since the area has no strong forest character.

2.21 South of the M27 the area of contention forms two distinct zones to the west and east of Hillstreet. That to the east forms a continuation of the western side of the Test Valley with above average but not outstanding scenic quality. That to the west is an atypical tail transition from the New Forest landscape which is both below average scenic quality and separated from the landscapes of the perambulation by the 3-4km belt of the Copythorne Farmlands.

2.22 The area to the west of Hillstreet slopes gently northwards from Brookes Hill and consists mainly of regular large fields in arable use divided by largely treeless hedges. Wade Hill Drove historically connected the New Forest to the Test Valley but is now severed by the M27 and A326. In the southern part of the area of contention the landscape is only moderately attractive. Its rural nature is undermined by severance from the main forest by the A326 cutting and suburbanisation. Nearer the M27 there are some views towards the forest to the north-west but much is ordinary arable landscape punctuated by main roads and pylons. Towards the east the area is of a higher landscape quality with small enclosed fields and some attractive views towards the Test but the M27 and the lines of pylons intrude.

2.23 There are detractors in the area of contention in the form of the small industrial estate and chicken farm at Clamore Croft; industrial areas and a suburbanised landscape on the northern
edge of Totton; noise from the M27, A36 and A326; the line of pylons; the depot at M27 Junction 2; and development work around Testwood Lakes.

2.24 There is no element of rarity in this landscape and the part west of Hillstreet is more of a transition zone than representative of the ‘heath-associated smallholdings and dwellings’ landscape type. The eastern area is fairly representative of ‘valley sides’.

2.25 There are no ecological designations within this area and previous ecological surveys did not reveal anything of particular merit. Nor does the area have any sense of remoteness, wildness or artistic associations. It is linked by proximity and roads to north Totton and has something of an urban edge character. Any sense of place is either of urbanised countryside or of an enclosed part of the Test Valley. Traffic noise, light pollution and urban-edge effects make this a significantly less tranquil area than areas to the west of the A326/A36(T).

2.26 Turning to the area north of the M27, the main habitat is arable rotation and mixed grassland. There is little woodland although the hedgerows are heavily treed and the surrounding area is well wooded. The ERM classification of this area as ‘enclosed valley side’ fails to describe it adequately since it falls into 3 sub-areas. One (the Test Valley side) is an area of above average quality away from the M27 but below average close to it. A second forms the Blackwater Valley bottom: this is an area of irregular fields of high scenic quality in the east but average to poor in the west near the A36(T). The remainder, like the area to west of Hillstreet south of the motorway, is an atypical tail-end of the New Forest used mainly for arable farming with large fields and relatively little tree cover.

2.27 Referring to commoning considerations, the significance of this area for commoning has been exaggerated. It is important to recall that the weight ascribed to this issue by the Agency (and before that the Countryside Commission) was considered but did not find support at the two previous inquiries concerning the inclusion of the area in the NFHA.

2.28 As far as the land of interest to Bovis is concerned (ie the land south of Salisbury Road) it is not disputed that it had a historical functional relationship with the open forest. The majority of land has rights of common and it must be assumed that these were once exercised. However, even at the time of the LUC work (1991) the area described as ‘Hillstreet’ was assessed to have had only a medium historical use as back-up land during the previous 50 years. LUC relied on work done by Way in 1988. This identified 3 parcels of active back-up land (in an area greater than the present area of contention) and 7 active commoners in the built-up area of Totton.

2.29 In 1991 the land south of Salisbury Road was described as “a mixed area of under-used (mainly) grazing land generally in short-term licenses, on informal arrangements or in quasi-domestic owner-occupier uses”. Of the 9 owners and occupiers of the land ‘over 80%’ were said to be unaware of the forest rights attached to the land. Only one knew of a right being exercised but that had ceased 10 years before.

2.30 The survey was repeated in 1997. This identified two interests whose land was in very small scale back-up use and a further former interest that had ceased 8 years previously.

2.31 The current position is that Bovis has secured the freehold of the land identified by Way as back-up grazing land and it is currently unused as such. Thus, over the 15 year period that evidence has been available to those considering the matter, the area of land used for back-up grazing south of Salisbury Road has been insignificant and has now ceased.
2.32 Turning to the land of interest to the Barker Mill Estate and J S Bloor (between the A326, Salisbury Road, Hillstreet and the M27) none of this land has rights of common. Most of the land is let on a Farm Business Tenancy and used to graze stock, while one field adjoining Hillstreet is let on a grazing agreement and used as pony paddocks. Although the Way report identifies part of the larger area as being in use for back-up grazing in 1999, the tenant confirms that this has not the case during the time he has occupied it (1996-2002).

2.33 Throughout the 1990s the NFHA has represented a defined area specifically drawn up to secure an adequate supply of back-up land. It is for the Agency to demonstrate that the NFHA is no longer able to secure this supply and that it cannot be achieved without the inclusion of this large area of contention north of Totton within the NFNP. Yet there is no evidence of an increased need since LUC considered the matter. The number of active commoners in the area has changed little between 1988 and 2000. In the parishes of Totton & Eling and Netley Marsh it has decreased from 19 to 18 between 1988 and 2000, while further west in Copythorne parish it has increased from 16 to 18.

2.34 The Way report’s Map 1 (CD204) is inaccurate concerning back-up grazing south of the M27 (see information above) and also incorrectly shows BUG on a triangle of land to the north of the M27 which is in arable use. The report’s assessment of the area of contention north of Totton as ‘highly suitable’ as an area of potential back-up grazing (CD 205) is not supported by any clear justification. This area is about 5 km from the ‘good access to open forest at Cadnum’ identified by Way. Moreover, a 1987 report to the New Forest District Council considered the busy A326 to be a barrier limiting the functional area definable as being part of the New Forest.

Opportunities for open-air recreation

2.35 As indicated in the District-wide Landscape Character Assessment (CD127A), the land in the area of contention is ‘mostly private land – difficult public access’. There are no open access areas and recreational opportunities are limited to 3 discontinuous bridleways serving only localised functions and having very low usage. The attraction of Wade Hill Drove is diminished by its overgrown nature in places, its proximity to the main roads and the fact that it crosses the M27 by footbridge and passes under the A326 in a concrete tunnel. A recent survey of usage by walkers found almost no use (331/1/3 app8).

2.36 The Agency’s claim that there are ‘clear recreational grounds for inclusion’ does not chime with a situation where nothing ‘markedly superior’ is identified or remotely feasible.

Human rights issues

2.37 The inquiry is grappling with matters that engage both Article 1 of the First Protocol and Article 6 of the European Convention on Human Rights. Designation constitutes a control of property needing to be justified and a determination of rights within Article 6.

2.38 Whereas a development plan allocation does not constitute a determination of a landowner’s rights, National Park designation causes immediate loss of certain GPDO rights. Ouseley J accepted that Article 6 might therefore apply (see his summary of Oerlemans v Netherlands (1991) 15 EHRR 56 at 331 & 163/2/2 app9 p129 at paras 273-3 and p133A at para 301). It may be that the residual remedy of judicial review would be sufficient to ensure compliance with Article 6. However, the fact that these matters are engaged underscores the point that the Agency needs to be able to show clearly why land should be designated with proper application of the relevant criteria.
The response for the Agency

2.39 The Agency’s response to the general conceptual issues is dealt with in the Landscape Assessor’s report.

Natural beauty

2.40 This area of contention has been included in the NFNP on strong natural beauty grounds. Firstly, there are a number of unifying factors that make it part of the New Forest. It is geologically and topographically part of the raised New Forest plateau and surrounds, forming the eastern edge of the plateau together with the slope down to the River Blackwater. It is not significant that the area is not within the nationally drawn New Forest Character and Natural Areas since these are indicative national boundaries drawn through transition zones. This area is part of the Copythorne Forest Farmlands landscape character area stretching from the perambulation north-eastwards to include all the land north of Totton and comprising ‘heath associated smallholdings and dwellings’ and ‘enclosed valley sides’ landscape types.

2.41 It is not agreed that the ‘enclosed valley sides’ are not a New Forest landscape type. LUC classified them as part of the ‘ancient forest farmlands’ and although they were renamed in the District Landscape Character Assessment to be consistent with the Test Valley Borough Character Assessment much of the area of contention accords with the description of ancient forest farmlands.

2.42 Secondly, the character, quality and value of the area of contention, together with the other key components of natural beauty – historical, ecological and cultural (ie commoning) considerations – were examined through the process described in the boundary study (CD126) and the subsequent consultation stages (CD103, 104 and 107). The main reasons for including this area were as follows.

2.43 In this area the line of Hillstreet marks a clear topographic edge to the extent of the New Forest plateau. This edge is very visible from the Test Valley and the M27 as one approaches from the east and creates a definite impression of entering the New Forest, reinforced by views of prominent wooded skylines to the north and south. It also provides very fine outward views over the Test Valley giving a strong sense of being on the edge of the Forest. This ridge and the views associated with it create both a gateway to the forest and a rare opportunity to appreciate the New Forest at a strategic level in its wider landscape context.

2.44 In general the landscape within the contention area is larger scale and more open north of the A36 and west of Hillstreet and smaller scale and more enclosed in the south and east. However, its quality (condition and intactness) is everywhere good. Ancient forest features (such as fine mature hedgerow oaks, strong hedgerows and intact field patterns, small areas of woodland and remnant heathland and dense riparian woodlands) occur throughout.

2.45 In the northern part there are open unspoiled northerly views over the Blackwater Valley seen across fields of improved and unimproved pasture. Hillstreet, as it descends to Wade Bridge, has a winding leafy and sunken character reflecting its former role as part of the drove road connecting the Forest to summer grazing in the Test Valley.

2.46 To the east, beyond Hillstreet, the small-scale field patterns on the east-facing slopes above the valley are very intact and frame views over the floodplain and lakes. Hillstreet itself is a typical linear Forest settlement with traditional dwellings.
2.47 To the south of the A36 the ‘heath associated smallholdings and dwellings’ landscape type is characterised by smaller fields, often of unimproved pasture, and there is linear roadside settlement. While there are local detractors such as Calmore Croft Farm, their impact is contained because the landscape is very well-treed and enclosed.

2.48 While acknowledging the influence of the M27 (and the adjacent transmission lines) and the A326 as detractors, these also have a localised impact since both roads are in cutting in this boundary section and do not intrude unduly into views or one’s experience of the landscape.

2.49 Overall, the landscape within the area is of good quality and has a number of important and valued features. Its topography and views are of strategic benefit to the New Forest National Park and it retains a wealth of ancient features within a landscape framework which is still largely intact. Despite the presence of localised detractors there is a strong sense of being in the Forest. These are the primary natural beauty reasons for inclusion of this area. However, other factors support inclusion on the natural beauty grounds – conservation interests and the area’s role as part of the historic dispersed pastoral system.

2.50 In terms of conservation interests, the land to the east of Hillstreet has been recognised as having features of national landscape, wildlife and historic interest through its inclusion in the Test Valley ESA. Within this area the Testwood Lakes area is currently managed for nature conservation and appreciation and for quiet recreation such as walking and angling.

2.51 In terms of commoning, the area of contention is an especially valuable part of the commoning system. Much of the land is ancient enclosure, probably dating from around 1670 and has rights of common attached. Before the gridding the area was within the range of summer and winter straying for stock making their way down to the Blackwater and Test. There is a very active commoning economy in this part of the Forest with high numbers of commoners and stock and a shortage of affordable grazing due in part to development pressure and recreational horse keeping. According to the Way report (CD205) a considerable amount of land within the area of contention is in use as present or past back-up grazing and the area west and south of the Blackwater is generally potentially ‘highly suitable’. This is because of the amount of land in use for grazing and for hay production, the area’s good access to the open forest at Cadnam, and the existence of relatively lower cost housing in a locality that is popular with commoners.

2.52 The tenant quoted by Barker Mill Estate (Mr Maton) may not use his rented land at Hillstreet as back-up grazing because it is too far away from his farm at Minstead. However, he is a commoner and by some definitions it could be said that his tenancy and use of this land contributes to maintenance of the commoning economy.

Opportunities for open-air recreation

2.53 There are clear recreational grounds for including the area of contention in the NFNP. Its views, wealth of ancient features, and generally high landscape quality offer scope for understanding and enjoyment of the special qualities of the Forest, especially its relationship to the adjoining landscape of the Test Valley and the role of commoning in maintaining New Forest landscape character. Its position as a gateway for visitors entering the area from the east means that it could have a particular role in starting to introduce an understanding and appreciation of the New Forest landscape.

2.54 There is a number of rights of way, notably bridleways along Wade Hill Drove (which links to the Test Way), Green Lane and the lane south of Calmore Croft Farm and the footpath at
Testwood Lakes. In addition there is permissive access to the lakes for quiet recreation and for nature study and interpretation. This is a good network of access opportunities providing for a range of different recreational activities, all of which will benefit the Park.

2.55 While the A326 does constrain access links to the rest of the New Forest, such links do survive, notably at Calmore Croft where a subway links the bridleway to an extensive network of footpaths and quiet lanes to the west. Inclusion of the area of contention in the NFNP offers particular recreational benefits for the nearby urban population of Totton which has easy access to this part of the park.

Boundary setting issues (Table 2 of CD104)

2.56 Criterion 2(d) indicates that boundaries should include land and settlements which contribute to the rural economy and community life of the Park and its special qualities and purposes. This applies because of the area’s importance for commoning.

2.57 Criterion 2(e) seeks easily identifiable boundaries; in this case the Blackwater is an easily distinguishable boundary and makes sense in landscape terms.

2.58 Criterion 2(i) states that mineral extraction sites may be included where they will be restored to a use and quality contributing to Park purposes. This is the case with Testwood Lakes.

OBJECTION BY SOUTHERN WATER

Case for the objector

2.59 The company owns about 57ha of land in the Test and Blackwater Valleys east of Hillstreet. This land comprises Little Testwood Lake, Testwood Lake and land beyond that as far as the M27 including Meadow Lake.

2.60 All the general conceptual points made about the wider area of contention on behalf of Bovis Homes Ltd, J S Bloor and the Barker Mill Estate are fully endorsed. Clearly, if those objections succeed, Southern Water’s land will be excluded from the NFNP. However, the site-specific case for excluding the company’s land is even more compelling.

Natural beauty

2.61 Before the designation order the company’s land has never been linked with the New Forest. Although the LUC report recommended that the NFHA should extend to the Blackwater, Hillstreet was the limit of the NFHA in the local plan deposited shortly afterwards. Although an objector to the plan suggested that it should extend to the Blackwater the Inspector rejected that proposal when recommending that the line be cut back to the A326/A36(T).

2.62 The Testwood Lakes complex has been developed as a regionally significant public supply reservoir, storing water abstracted from the River Test before its treatment at the neighbouring Testwood Water Supply Works and onward supply to 200,000 people in the Southampton area.

2.63 At the time of the LUC report (which classified the site as part of the ‘ancient forest farmland’ landscape type) none of the current development had taken place. The majority of
Southern Water’s land was improved valley floor pasture of comparatively little interest (see 219/1/2 apps 7&8). Since then the landscape has been extensively remodelled in accordance with planning permissions to extract gravel and construct 3 reservoirs and a nature conservation area, subject to a management plan.

2.64 Gravel extraction has been completed and the first stage of reservoir development (Little Testwood Lake and a pumping station) has been implemented. This lake has a two-day storage capacity. The second stage was to have been the construction of a larger reservoir (Testwood Lake) with 5m high embankments, providing a seven-day capacity. This development currently stands postponed on financial and need grounds although the relevant planning permission does not expire until 2004. Instead, a smaller natural filling lake has been created, unconnected with the supply works but providing benefits for wildlife. Extensive re-contouring of ground levels has taken place north of Testwood Lake including a large raised mound, a conservation mere and the creation of Meadow Lake. In addition, an interpretation centre has been built.

2.65 This new landscape is of higher quality as a useable landscape than that which previously existed (which was a broken landscape forming part of the Test Valley) but it is now a man-made landscape forming an atypical part of the valley.

2.66 The management plan (219/0/1) ensures that the site has been carefully landscaped to integrate the artificial landform as sensitively as possible into its setting, maintaining or creating a considerable variety of landscape elements and habitat types and ‘creating an exciting landscape in aesthetic and amenity terms’. However, it will not transform it into one of the most beautiful landscapes in the UK.

2.67 Consequently, this area does not meet the natural beauty criterion. It has none of the necessary ‘striking qualities’, ‘remoteness’ or ‘extensive areas of semi-natural vegetation’ considered to be of paramount importance by the Edwards Committee. It also has no New Forest characteristics since it is within the Test Valley and is dominated by artificial landforms (which can be expected to increase when the second reservoir is built). The ridge to the west of the site has some New Forest characteristics but these have been eroded by the new major roads and their grade-separated intersections.

2.68 The site has no existing international, national or local landscape quality or ecological designations. Part is within the Test Valley ESA but that designation predated the planning permissions for the site and there is nothing to suggest that this small part of the overall ESA should be regarded as part of the New Forest. In particular, there is no evidence to support the Agency’s view that the Testwood Lakes area is perceived culturally to be part of the Forest. If the Large Bounds ever stretched to the Blackwater that was for a limited period some 700 years ago.

2.69 There is no history of the site being used for back-up grazing, at least during the time that Southern Water have been owners (15 years) and it has never been suggested that it should be an objective of the management plan to create such grazing. Although the plan provides for grazing licences to be let across certain parts of the site this will only make available summer grazing at a time when commoning stock would be depastured on the Forest. Specifically, the Blackwater floodplain and land around the conservation mere will accommodate about 4 animals for 3 months during the summer; the slope near Colbury House and land west of Alder Gully may provide for a longer summer grazing season but only for about 4 animals; the slope to the west of Meadow Lake could accommodate about 5 animals, again during the summer; and the new drier raised land to the north and west of Testwood Lake could also accommodate about 5 animals during the summer season.
Opportunities for open-air recreation

2.70 The recreational experience here will be similar to that enjoyed on well-restored gravel lakes and reservoirs elsewhere in the country but will be affected by detractors such as the M27, the pylons and the nearby industrial estate which give the site an urban-edge character. The management plan aims to provide for a range of activities that do not bring conflict between recreation and nature conservation but this has to be done in a way that does not prejudice the primary requirement to provide for a safe and secure water supply. This means that its capacity to accommodate public recreation is limited and the scale and variety of recreational activities may have to be restricted if operational requirements dictate this.

2.71 The existing public footpath across the site will be supplemented by another leading from Hillstreet to the Blackwater, while other permissive paths will operate around the two lakes. Little Testwood Lake is stocked as a coarse fishery (although it has not been particularly popular so far) while Testwood Lake will be used for water sports (sailing and canoeing) during the winter months.

2.72 The northern part of the site will be devoted to nature conservation, centred on the interpretation centre, and there will only be warden-controlled access to the nature conservation area and bird hide within access zone 1 at the northern end of the site. The main intention of the interpretation facilities is to provide an identity for the site as well as an educational and recreation resource for local people. This local basis is reflected in the scheme’s limited parking provision (for about 89 cars and 2 coaches) but enhanced pedestrian access. The interpretation strategy devised by Southern Water and the Hampshire Wildlife Trust is to provide information about the operational role of the site as part of the water cycle, its history, and its existing nature conservation interest and relationship, eg to the lower Test Valley. It has never been suggested that there should be interpretation of the site in a New Forest context and it could not serve as an appropriate ‘gateway’ to the Forest since there is no other way to reach it by road except via an industrial estate. The site’s character, and the recreation opportunities offered here (though excellent in themselves) are not such as to fulfil the statutory purpose of ‘promoting....the understanding and enjoyment of the special qualities’ of the New Forest. In any case, a wider role of this kind would be inconsistent with the site’s perceived relatively low-profile local function and could attract visitor numbers beyond the limited recreational carrying capacity of the site.

Other matters

2.73 The Agency’s reluctance to accept that the site is committed within the terms of boundary-setting criterion 2(i) is hard to understand. The land was previously allocated for reservoir development in previous development plans but now that planning permissions have been granted and (except for the embanked reservoir at Testwood Lake) executed there cannot be any doubt about this issue.

2.74 If inclusion in the NFNP is seen by the Agency as a means of introducing stronger planning controls that could militate against the future realisation of the second reservoir, so jeopardising the site’s long-recognised primary function. This would be a matter of grave concern. It would not be desirable (let alone ‘especially desirable’) in the public interest for this to occur. In addition, designation would affect the company’s rights under the GPDO (219/1/5).

2.75 Overall, therefore, designation of the area would create the risk that Southern Water could be prevented from making any use of the site for water supply purposes beyond the present
extent. This would be a serious handicap, given the absence of alternative reservoir sites in the area.

**The response for the Agency**

*Natural beauty*

2.76 The western part of this site lies on the slopes of the New Forest ridge extending to Hillstreet while the eastern part is on the floodplain of the Blackwater. The latter is part of the drainage system and geomorphology of the New Forest and has a different character from the Test, being a typical base-poor flashy forest river, rather than base-rich like its larger and steadier neighbour. There is no sensible intermediate boundary which would include only land forming part of the ridge. However, the Blackwater forms a pragmatic, historic, robust and easily defined boundary to the New Forest in this area, especially as the re-engineered areas of the site are of such high landscape standard, being spacious and tranquil and possessing the restful quality introduced by areas of water. Taken as part of the wider ‘extensive tract’ north of Totton the objection site meets the natural beauty criterion, although it is accepted that it would not do so in isolation.

2.77 The end of the ridge lies within the objection area and is very visible from the Test Valley and the M27 on the approach from the east, creating a definite impression of entering the New Forest, reinforced by prominent wooded skylines to the north and south. This creates ‘both a gateway to the New Forest and a rare opportunity to appreciate the New Forest at a strategic level in its wider landscape context’. It also provides fine outward views over the Test Valley.

2.78 The restoration scheme for the lakes is producing an attractive sequence of lakes and wetlands carefully integrated with the floodplain and the rising ground of the ridge. The site will be well enclosed with belts of native woodland, tree and hedgerow planting augmenting and extending the existing attractive small-scale field patterns on the slopes. The latter are very intact and frame views over the river. The quality of this landscape will be good, albeit immature, and is likely to develop a wealth of nature conservation interest across the whole of the site, not just within the ESA. The landscape masterplan is of a high standard and won an institute award in 1994. The landscape will not be urban fringe in character. Although the power lines and industrial estate are incongruous features their impact is localised and they are outweighed by the merits of the scheme in which views to the M27 and the large warehouse at Testwood House will be completely masked (and motorway noise diminished) by woodland planting. The area will become a good example of the ‘enclosed valley side’ landscape type with the scheme enhancing the sense of enclosure and the riparian character of the landscape. Even if the bunded reservoir were to be built the landscape proposals would mitigate its impact so that it need not be an incongruous feature and there would probably be scope for the objection area to meet the statutory criteria.

2.79 The area’s contribution to the historic dispersed pastoral system strongly supports its inclusion on natural beauty grounds. All the fields between Hillstreet and the Blackwater have forest rights and the area to the Blackwater was formerly within the limits of winter straying. There is an active commoning economy in this area and a shortage of affordable grazing due to development pressures and recreational horse keeping. Since maintenance of the site will require it to be grazed it is reasonable to suppose that commoners will be able to rent this land, especially as the Hampshire Wildlife Trust have shown willingness to offer land elsewhere on a preferential basis.
2.80 The Testwood Lakes site has yielded some significant Bronze Age archaeological evidence which, if displayed at the interpretation centre, may contribute to people’s understanding and appreciation of the impact of the formative Bronze Age clearances on the open forest and associated river valleys.

Opportunities for open-air recreation

2.81 In terms of the recreational criterion, the objection site offers a rare opportunity for people to enjoy quiet recreational pursuits such as walking, boating, fishing and bird watching within attractive wetland scenery in a part of the Test floodplain that is otherwise relatively inaccessible. The new interpretation centre with its wardening and bird-watching facilities will provide an excellent opportunity to understand and enjoy the special qualities of the New Forest, especially its relationship to the small-scale landscapes that are so characteristic of the forest edge and form part of the historic dispersed pastoral system. Of particular importance, the enhanced network of excellent footpaths on the site provides good access from the nearby urban area of Totton.

2.82 The management plan makes it clear that there are limits to the recreational use of the site but the provision is generous, imaginative and diverse and will provide a set of high quality uses that contribute to National Park purposes. The formal recreational uses are directed at local people (eg leases to local clubs), as are the informal activities but there is no effective limit placed on the latter.

OBSESSION BY LAUREL BANK CARE HOME

The case for the objector

2.83 Laurel Bank Care Home (128) is sited at the junction of Salisbury Road and Cooks Lane, just outside the defined edge of the built-up area up area of Totton as defined in the local plan and just inside the designation order. The company seeks a minor redrawing of the NFNP boundary around the site on grounds that it considers itself to be part of the community of Totton, the former home of most of its 35 residents, the current home of most residents’ families and the home’s 26 staff, and the source of most of its supply services.

2.84 The area around the home does not resemble the image of a National Park, considering the proximity of Totton, the South Hampshire Industrial Park, the businesses at Testwood House and the scrubby field on the other side of Salisbury Road. Concern is expressed that inclusion in the NFNP could bring a more restrictive approach to any future developments of the business that may require planning permission.

The response for the Agency

2.85 Laurel Bank is surrounded on 3 sides by open countryside of the ‘heath associated smallholdings and dwellings’ landscape type characterised by a strong sense of enclosure, small irregular pastures, winding leafy lanes and distinctive linear settlements. Varying the boundary in response to one-off objections such as this would result in a piecemeal, inconsistent and convoluted boundary which would not be robust or easily identifiable on the ground.
AREAS TO THE WEST OF THE A326/A36T

The cases for the objectors

2.86  **K Buxton** (48) suggests that the land corridor occupied by the M27 be excluded from the National Park together with the area of Paultons Park. In his view the inclusion of a motorway and a theme park could set undesirable precedents for development in National Parks elsewhere.

2.87  **R J Spurr** (367) feels that large areas of the NFHA are unworthy of National Park status because of uncontrolled and unsightly commercialisation of buildings. He makes specific reference to Ower and Cadnam in this respect. In his view such areas should be excluded from the National Park unless they can be brought up to the necessary standards.

The response for the Agency

2.88 Concerning the M27 and Paultons Park, these features are located well inside the boundary within a much broader sweep of land meeting the designation criteria and retaining a strong New Forest character. There are long distance views across the forest from the motorway and it acts as a gateway to the Forest. As for fear of precedents, national policy (including the ‘Silkin test’ contained in legislation) and EU regulations require that any other development proposals would be rigorously examined and only permitted in exceptional circumstances.

TOTTON URBAN AREA

The cases for the objectors

2.89  **Cllr Edith Randall** (417) is a county and town councillor. In her view, and that of the Town Council, Totton should have the protection of inclusion in the NFNP in order to prevent overdevelopment and possible eventual amalgamation with Southampton.

2.90  Totton and Eling are Saxon settlements with more ancient origins than some of the largely Victorian settlements already included in the Order and are less urbanised than Ringwood and Lymington. A number of features in and around the town make it worthy of inclusion – Eling Great Marsh, Lower Test Marshes SSSI and Nature Reserve, Testwood Lakes, Loperwood, Eling Quay and Tide Mill, Hanger Farm and Barn, and listed buildings in the town centre and at Hounsdown.

2.91  **D & G Wallis** (59) support the Order but are disappointed that the Lower Test Marshes have been excluded and ask for this to be reconsidered.

The response for the Agency

2.92  Totton is an urban and industrial area which mainly serves as a dormitory town for Southampton. It is dominated by extensive suburban development of no special townscape quality. The A326 severs it from the New Forest and it does not contribute to its character and rural economy or serve any material gateway function. It does not meet the designation criteria.
THE MANOR LANDS OF MINSTEAD

The case for the objectors

2.93 Minstead Manor Commoners (179) are opposed to the NFNP in principle and seek, in particular, the exclusion from the NFNP of Minstead Manor Estate as indicated on the map at 179/1/2. The manor commoners are in a unique position founded upon the ownership record set out in the Domesday Book which demonstrates that the Manor was never annexed as part of the New Forest. Thus the Minstead commoners enjoy rights over both the Forest and the Manor but those rights are outside the jurisdiction of the Court of Verderers.

2.94 Minstead is not a gem in the so-called Crown Jewels of the New Forest. Apart from its medieval church and oddly-named pub there is little to distinguish it from any other picturesque English village. It is pretty and has a certain number of bijoux residences but some areas have suffered from unwelcome modernisation. The only conceivable area of landscape value is between Robins Bush Corner and Stoney Cross, but this is not remarkable. The remainder is what one would expect in many villages or rural landscapes and does not meet the necessary standard of outstanding natural beauty. While much of the New Forest may meet the statutory criterion the manor lands are separated from it by a number of buffers, eg the major trunk road of the A31, the nondescript lands south of Mill Lane and the eastern side up to the A337 between Lyndhurst and Cadnam. Apart from the ‘wastes’ and the active commoning farms the Manor lands are mainly a mixture of pony paddocks, liversies, stables and shelters.

2.95 Tourism in Minstead has reached a satisfactory level and contributes to local income but any increase will not be generally welcomed. Inclusion of the Manor Lands would not contribute to the understanding and enjoyment of the special qualities of the NFNP. Indeed it has always stood apart from the Forest and intends to retain its anomalous position. It has a certain distinctive character but that is derived from its cultural and historic relationship as a pocket of independence, a position that the commoners are determined to preserve.

The response for the Agency

2.96 Minstead lies within the perambulation. The landscape types within the Manor Lands (‘ancient forest farmlands, ancient and ornamental woodland, and historic parkland’) are types which occur widely throughout the area of the New Forest, form part of its characteristic mosaic of landscapes, and impart a sense of being ‘in the Forest’. The landscape quality of this area is generally high and in good condition and there are no atypical or incongruous features. It is archetypal ‘New Forest’ landscape and not ‘ordinary countryside’. As the commoners acknowledge it is surrounded by land meeting the natural beauty criterion and thus forms an integral part of an ‘extensive tract of country’ meeting the definition.

2.97 The area is attractive to visitors. Travellers along the minor roads through the area would experience a sense of being in the New Forest and it would make no sense in terms of public enjoyment and recreation to leave Minstead out of the NFNP. The Sandford principle incorporated in S62 of the Environment Act 1995 would ensure that – if the two aims came into conflict – priority would always be given to conservation rather than promoting opportunities for public enjoyment and understanding.

2.98 The legal status of the Manor Lands would not be affected by the establishment of the NFNP.
LANDSCAPE ASSESSOR’S CONCLUSIONS & RECOMMENDATIONS ON NATURAL BEAUTY

Land north of Totton, east of the A326/A36

2.99 Even before construction of the A326 Totton Bypass the 1st Local Plan Inspector concluded that the area of contention did not display Forest-like characteristics in sufficient strength or depth to justify inclusion in the NFHA, either as part of the wider Forest landscape or on the basis of outstanding natural beauty in its own right. This approach has endured through subsequent decisions about the NFHA made by the 2nd Local Plan Inspector and the High Court.

2.100 Since the first Local Plan Inquiry in 1992 the bypass has been built and the Testwood Lakes area has been developed on the Test/Blackwater floodplain and the lower Hillstreet slopes. Another new consideration in the intervening period has been the publication of the Countryside Character Area maps (CD209) which draw an indicative boundary between the New Forest and the South Hampshire Lowlands following the line of the A326/A36 via Ower.

2.101 New Forest landscape character is moving into a zone of transition in this area. In defining the edge of the New Forest National Park it is important to establish an unequivocal and robust boundary that answers without question the natural beauty test, all the more so in an area with a highly visible and heavily used road network. Even allowing for the indicative nature of the Character Area maps and the inevitable difficulty of considering transition zones, the claims of the area of contention for inclusion in the NFNP against the natural beauty test have not increased. The severance effect is now strongly experienced, especially north of Salisbury Road. For instance, views northwards from the A326/A36 junction near Loperwood Lane; eastwards from the A36 between Loperwood and Ower Roundabout; and westwards from the A36(T) between the same two points are of a generally flat pastoral landscape criss-crossed by major roads bearing heavy traffic. In addition the Enclosed Valley Sides landscape character type does not display adequate connectivity to the landscapes of the New Forest.

2.102 In considering the ‘gateway’ issue, I am not convinced by the Agency’s claim that the area around J2 of the M27 presents a strong sense of arrival at the commencement of the New Forest. A westbound traveller along the elevated section of the motorway across the Test Valley would notice the upcoming slopes, especially to the south, but before entering the cutting after Ower there are few real clues of arrival at the New Forest, except to the professional eye. I contend that for the majority there would be little to uplift the spirit and the landscape would appear little different from the small fields and woods on the other side of the Test near Rownhams.

2.103 The unifying factor of topography in this area is not reason enough to include all areas of that landform which is anyway very much on the edge of the topographic unit and where other detracting factors are strongly affecting landscape quality.

2.104 Consideration of the existing powerful landscape detractors in this area and their impact on landscape quality and hence the effect on the area generally meeting the natural beauty criterion, has not I believe been given due weight by the Agency.

2.105 Referring briefly to the area’s contribution to the historic dispersed pastoral system, the area as a whole clearly contributes to the commoning economy in that there is land with common
rights and land used by commoners for back-up grazing. However, these factors cannot elevate the quality of the landscape in natural beauty terms or overcome the pervading influence of the powerful landscape detractors present here.

2.106 Consequently I conclude that although parts of this area do display New Forest characteristics they are not present consistently enough. Where they are present, they are often not of sufficient standard to warrant National Park status. The impact of detractors in this area is considerable to the extent that even in places where New Forest characteristics do exist they are often compromised by incongruous elements, thereby affecting landscape intactness, resulting in the reduction of landscape quality to a level below that necessary for designation.

2.107 For the purpose of description of boundary sections 1 and 2, the area is divided into 5 smaller parcels of land radiating out of Junction 2 of the M27 which are considered individually and then looked at together to arrive at a conclusion on the recommended revised boundary line.

2.108 I start with area 1 around Wade Hill Farm, north east of J2 M27 as far as the River Blackwater. Throughout this area I find that New Forest characteristics, such as mature hedgerow oaks and small scale fields are present to a certain extent, but none the less the area is heavily affected by the motorway corridor and pylon routes both visually and audibly. Even though there are some views possible towards the higher ground and wooded skyline to the west the overall orientation of this area is to the north and east, ie towards the Test Valley and river complex. On the ground I find that the River Blackwater does not constitute an easily recognised and robust boundary for the NFNP being a relatively minor watercourse which is low lying, and hidden by riparian vegetation in an area which contains several strong artificial features in the landscape.

2.109 Area 2 is the land south east of J2 M27 including Brooke’s Hill, Hill Street and Testwood Lakes up to Salisbury Road. The Hillstreet ridge forms an extremity of the New Forest plateau and has some features associated with ancient forest farmland such as small pastoral fields and the linear settlement of Hillstreet. This area displays little overall connectivity to the New Forest either physically or perceptually, except in the settlement form of Hill Street itself, the landform west of Hill Street and the field pattern on the east facing slopes between Testwood Lakes and Hill Street. The landcover and field pattern is generally fragmented and therefore the landscape is not intact, especially around Brooke’s Hill. Testwood Lakes is an artificial, albeit well designed landscape which has replaced the original pastoral format and now has little to really relate it to the landscapes of the New Forest. Functionally the Testwood Lakes area is primarily a partially complete water supply and storage utility site, admittedly with considerable recreation potential, but in an urban fringe landscape context. Due to the higher ground and road cutting in the west of this area the motorway impact is reduced visually to a certain extent, but still very evident audibly particularly at Brooke’s Hill, as is the visual impact of the pylon network. However there are some good quality views north and west into the New Forest.

2.110 Area 3 is south of Salisbury Road to the edge of Totton, east of A326. The area from Crofts Farm to Sharves Hill, but not including the industrial area at Calmore Croft Farm, displays more adequately than any other in this boundary section, both clear landscape character connectivity to the New Forest and reasonable landscape quality which moves towards satisfying the natural beauty criterion. However this area is physically severed from the proposed NFNP by the busy dualled A326 and there are urban edge characteristics and influences evident on the southern edge towards Totton.

2.111 Areas 4 and 5 lie north west and south west of J2 M27 and extend across to the A36 containing Golden Gutter and Wade Park Farm. These are similar in that they are both poorly
differentiated in landscape character terms and completely encircled by the motorway, trunk and A road network, experiencing the attendant intrusion that this brings. Even though there is factual landuse evidence of their connection to the New Forest through commoning use, visually the landscape quality here is poor with little possibility of meeting the natural beauty criterion.

2.112 Areas 1-5 as described above all fail to meet the natural beauty criterion. I therefore recommend that the boundary should follow the A36 from the Ower roundabout, across the M27 meeting the A326 at the Salisbury Road junction, continuing down the A326 to Loperwood Road to join up with the NFNP boundary section 2, following that without any amendment.

Land west of the A326/A36(T)

2.113 With regard to the objection concerning Paultons Park site and the M27 corridor I consider that this area is well within the high quality New Forest landscapes west of the A326. The theme park itself is well screened by boundary vegetation and internal plantings typically found within the New Forest. Also, I find that the majority of the motorway corridor west of Junction 2 is in cutting, which reduces the visual and audible impact and where it is not, interesting glimpses of the New Forest are available. I therefore consider that the area of concern is well contained and within an extensive tract of countryside that meets the natural beauty criterion and see no reason for it to be excluded.

Totton Urban Area

2.114 While appreciating the considerable historic legacy of the urban core of Totton and its relationship with several areas of interest close-by, I do not find that the town has anything to do with the natural beauty of the NFNP. Totton has expanded massively since the middle of the last century with extensive suburban areas of post war and more recent housing together with industrial sites at the waterside and Calmore. The urban area of Totton does not meet the natural beauty criterion and is not part of an extensive tract of countryside that does meet the criterion. I therefore conclude that Totton does not qualify to be included in the NFNP on natural beauty grounds.

Manor Lands of Minstead

2.115 The Manor Lands enjoy a unique legal status in relation to other land within the perambulation. I find that the typical landscape types as assessed by the Agency are formed by local farmlands, woodlands and parklands which are similar to those found throughout the New Forest and integral to the landscape mosaic. The area contains many characteristic features such as small woods and fields contrasted by larger landscape features such as Manor Park and Manor Wood with some tranquil and hidden small valleys with a typical dispersed settlement pattern of Minstead village which contain many vernacular and often historic buildings. I conclude that the Manor Lands of Minstead are situated within the heartland of the characteristic landscapes of the New Forest which are intact and in good condition displaying high landscape quality. I have no hesitation in endorsing the inclusion of this area within the NFNP.

INSPECTOR’S OVERALL CONCLUSIONS ON THE TWO DESIGNATION CRITERIA

Natural beauty

2.116 I agree with the Landscape Assessor’s conclusions on natural beauty.
Opportunities for open-air recreation

North of Totton

2.117 The landscape quality of this transitional area (crossed by major roads and pylon routes) is not high enough to offer scope for a markedly superior recreational experience derived from the ‘special qualities’ of the area. In any case, existing open-air recreation opportunities are few. Wade Hill Drove crosses two major roads and degraded countryside between Loperwood Lane and the M27 and has no attraction as a footpath with any sense of tranquillity until one reaches Wade Hill Farm, near the boundary of the Designation Order. More attractive options for longer walks are available nearby to the south-west in more Forest-like areas or to the north east in the Test Valley. This conclusion is supported by the survey material showing low usage of Wade Hill Drove and by the poor state of the path underfoot during any period of wet weather. The footpath near Calmore Croft has something of an urban fringe character and is adversely affected by the tunnel under the elevated road. The path near Hillstreet is also short and does not make strong links between destinations although there will soon be a better link with Testwood Lakes.

2.118 The facilities at Testwood Lakes offer a variety of good local open-air recreational experiences for the public and guided school parties from nearby parts of Totton and Southampton. The quality of these may well increase further as the new landscapes and habitats mature (depending upon any future decisions about further water supply requirements). However, these experiences take place within an environment that is highly transitional between the last slope of the outlying New Forest topographical ridge and the flat Test Valley. Moreover, as one moves around this site there are constant reminders of its urban fringe nature, exemplified by the many nearby industrial buildings, the site and sound of the M27 – depending on season and wind direction – the presence of pylons and views from the rising ground to tall buildings and dock structures in Southampton. In my view the recreational experience here has very little to do with the New Forest.

Land west of the A326/A36(T)

2.119 There can be no doubt that Paulton’s Park offers substantial existing opportunities for open-air recreation. I accept that their theme park nature may not be of the type suitable for an exposed location within a National Park. However, the site is very well contained within the landscape and the overall quality of the landscape is not reduced in a way that warrants exclusion of Paulton’s Park from the NFNP. Likewise, the M27 corridor is largely in cutting between J1 and J2 and does not warrant exclusion for the same reason.

Totton Urban Area

2.120 Totton is the largest town in New Forest District (27,400), substantially bigger than Lymington and Ringwood both of which I have recommended for exclusion. There may be some attractive open areas around it such as Testwood Lakes, Lower Test Marshes and Eling Great Marsh and Tide Mill but I have not supported the inclusion of any of these in the NFNP. The town itself and the other features mentioned by Cllr Randall come nowhere near presenting the necessary outstanding natural beauty of national importance or opportunities for open-air recreation offering a ‘markedly superior recreational experience’.
The Manor lands of Minstead

2.121 The pattern of generally small fields and contrasting larger-scale parkland and woodland, together with a dispersed pattern of hamlets and isolated buildings, many of traditional character, set along generally quiet lanes, is typical of the kinds of enclosed landscapes found within the perambulation. This highly attractive environment can be appreciated by the visitor from the lanes and footpaths that provide routes through intimate wooded valleys and direct links onto open land within the perambulation. There are also other relevant points of interest such as a field studies centre and Furzey Gardens. In my view the unique legal status of the Manor Lands is a factor that adds to, rather than detracts from, the intrinsic interest of the area for visitors seeking to understand and enjoy the special qualities of the area within the Designation Order.

OVERALL RECOMMENDATION (Boundary sections 1-2)

2.122 I recommend that the NFNP boundary for this section be modified as shown on the attached map and described in the summary of recommendations at pages 5-6.
PART 3. BOUNDARY SECTIONS 3 to 10

INTRODUCTION

3.1 The objections in these sections fall into a number of categories:

- those proposing that the designation order should follow the line of the A326/B3053, along some or all of its length

- a variety of other localised objections;

- a number of proposals to change waterside boundaries from mean low water to a variety of other locations

3.2 For brevity of reporting I set out the cases under the following sub-areas;

- Land between Eling and Marchwood;

- Land between Marchwood and Hythe;

- Land at Frost Lane, Hythe;

- Sites at Holbury

- Sites at Blackfield

- Land between Fawley and Calshot

- Land between Calshot and Lymington River, incorporating representations about land between MHW and MLW.

LAND BETWEEN ELING AND MARCHWOOD

The case for Mr K Cromar

3.3 Mr K Cromar, a commoner based at Hythe and leasing 10 acres at Marshwood, considers that the designation order should not include land to the east of the A326. This road provides a clearer boundary. Inclusion of the land between Eling and Marchwood, together with the nearby coastal waters, makes no sense because locals do not regard these areas as part of the New Forest.

The case for the Agency

3.4 The land along Waterside has strong historical links to the Forest core. The farmland close to the water’s edge was typical of the enclosed peripheral forest farmland landscapes on all sides of the New Forest and the extensive coastal marshes were used as essential back-up grazing land. Much of this character and connection was lost in the 1950s and 1960s when extensive residential and industrial development took place. The historic link to the water’s edge now
survives in only four areas (Eling-Marchwood; Marchwood-Hythe; the Frost Lane area and the Ashlett area).

3.5 It is now important to maintain these strategic gaps where Forest scenery meets the water’s edge between the developed areas and to encourage recreational access to the water’s edge. These areas help public appreciation and understanding of the cultural and commoning heritage as a continuing link between the waterside marshes and the ancient forest farmland landscapes surrounding the forest core.

The case for Great Marsh Ltd (68), Burt Boulton Holdings Ltd (181), & Koppers UK Ltd (136)

3.6 These objectors oppose the inclusion of *Eling Great Marsh* within the NFNP. A boundary alongside Eling Wharf could prejudice the successful future operation of this long-established industrial site containing 20 businesses employing 150 people and including an operational quay with dredged berths. The latter are used for loading and unloading a wide variety of chemicals and oils including high and low flash solvents, additives, fatty acids, on-shore crude oil, fuels, bitumens and water based solutions.

3.7 The accident prevention measures required by the various regulatory authorities impose public safety zones around the quayside extending into the area of the proposed National Park. Extension of the Park to this area could lead to public expectations that access will be available to the privately-owned marshes opposite the quay or that more encouragement will be given to increased public use of the water within the dredged area at Eling Wharf. Any greater degree of public trespass or water access within these areas would be at odds with the vital need to exclude the public from the required safety separation zones.

3.8 It is unacceptable for the Agency to ignore public safety issues when a minor boundary adjustment would create the necessary safety buffer. Preferably, the boundary would not extend north of Eling Creek and Channel. As a fall-back, it should follow the mean high water mark on the western edge of Eling Great March SSSI, keeping as far back from Eling Wharf as possible.

3.9 While the marsh has international and national nature conservation designations its inclusion in the NFNP would serve no additional protective purpose. In any case the area has no natural beauty or feelings of association with the New Forest. To the west and north west are industrial and residential areas of Totton, to the north the rail and road bridges across the Test, and to the east, across the river, is Southampton Container Terminal. The marsh itself is crossed by high voltage transmission cables and has pylons sited upon it.

3.10 There are no commoning rights upon the marsh. 75% of it is owned by the Barker Mill Estate and 20% by Burt Boulton Holdings. The estate allows grazing through tenancies but this takes place across the whole marsh as there are no fences. The grazing is unrelated to New Forest commoning but is thought to relate to a particular demand in the Totton area for winter grazing for stock owned by gypsies and travelling circuses.

The case for the Agency

3.11 The land between Eling and Marchwood area has natural beauty of outstanding national importance with strong visual links between the New Forest and the tranquil water’s edge. Eling and Bury Marshes SSSI comprise saltmarshes and tidal mud flats with SSPA, Ramsar and cSAC designations. They are important for wading birds and have historical connections to the Forest.
Inclusion is consistent with the Agency’s approach of including sites of nature conservation importance on the margins of the Park wherever practicable, particularly the sequence of waterside marshes.

3.12 Eling is an important tourist attraction with its tide mill and public slipway and walking and bird watching opportunities. In addition, views across the site from the road and rail bridges and from Redbridge Wharf Park towards the waterside open space below Eling and the rising wooded land beyond it serve an important visual gateway function.

3.13 Health and safety considerations are not in themselves changed or affected by designation and public access rights would not be altered. Impact on existing businesses is not part of the statutory designation criteria but the NPA’s duty to foster the economic and social well-being of local communities would have to be taken into account in determining any future planning applications.

The case for New Forest District Council (106) & The New Forest Committee (378)

3.14 These two organisations seek extension of the NFNP boundary to include **land bounded by Marchwood Road/BuryRoad, Trotts Lane and Tavells Lane** (378/2/1 map1). They have concern about cumulative loss of connection between the Forest and the Waterside and regard it as desirable to consolidate as much as possible of the Eling-Marchwood gap within the NFNP in order to assist the achievement of National Park purposes. They also see it as important to develop a unified approach to the landscape mosaics of the new Forest core and its wetland margins to the west and east in the Avon Valley and Waterside areas.

3.15 The objection area comprises about 80ha of relatively flat low lying river terrace bisected by two shallow valleys marked by ditches and streams. Although the fields in this area are relatively large it is clear from maps of 1873 and 1933 that this is a long-standing feature of this coastal estate area and is not the result of recent field amalgamations. The area is not dissimilar to the Beaulieu Estate in this respect. Woodlands to the west and south (mainly within the NFNP) and hedgerows and hedgerow trees in and around the site all contribute to a good sense of enclosure. Spraggs Copse exhibits many species indicative of ancient woodland. Eling and Marchwood is an area of importance for commoning and evidence suggests that a small part of the objection area (south of the railway) is used to support commoning activities.

3.16 The current restoration scheme for the worked land will return it to a profile similar to that before extraction and result in the creation of simple fields for agricultural use by about 2007/08. However, a recent application proposes to extend the extraction area outside the Preferred Area in the Minerals Local Plan as far as Tavells Lane. In the New Forest Committee’s view this offers an exciting opportunity to redesign the restoration scheme for the whole site, thereby achieving a more sensitive scheme, creating smaller enclosures with long-term benefits for landscape, wildlife and people. A representation of what could be achieved is at 378/2/1 plate 2. This includes strengthening the woodland character of the area by planting extensive areas of oak, hornbeam, beech, hazel, field maple and holly; forming a pattern of smaller fields including creating new species-rich grassland habitats; providing linkages between nearby woodlands and wetlands, including creation of open water and boggy ground; and introducing community use such as nature trails and study areas.

3.17 A very attractive gated route with continuous public access rights for riders and walkers crosses the site from Trotts Lane to Bury Road. In addition, a future footpath route alongside Bury Road/Marchwood Road is safeguarded in the local plan.
The case for the Agency

3.18 The objection area is within the ‘ancient forest farmland’ landscape type but is somewhat atypical in that the fields are large, open and (where not subject to extraction or infill) are in arable use. The landscape quality of the areas not being worked is poor. There are few views into the land and no direct views from it towards the waterside. Few ancient forest farmland features survive except for Spraggs Copse (a SINC), smaller pastoral fields enclosing the land to the north (within the NFNP) and the surviving hedgerows and hedgerow oaks in the southern part of the objection area. These southern fields do not have permission for extraction and were intended to act as a stand-off area between the workings and Tavells Lane.

3.19 The objection area has housing around roughly half of its perimeter and Marchwood Road/ Bury Road carries heavy traffic. Electricity transmission lines cross the site and Spraggs Copse is the only site of nature conservation interest. There are no sites of historic interest. Although the area has forest rights and some land is used as back-up grazing this is insufficient reason to include land lacking other attributes of natural beauty.

3.20 Although the workings are subject to restoration it is the current quality of the landscape which needs to be assessed, subject to criterion 2(i) of the Agency’s boundary-setting criteria (CD104, Table 2) concerning restoration of minerals sites. In this case the current consented restoration scheme would not result in a land use or quality contributing to Park purposes.

3.21 If the land were to be restored in the way desired by the objector there could be a very much stronger case for inclusion, particularly if recreational access or use were increased. However, the evidence produced by the objector affords no certainty (or currently even a reasonable likelihood) that this will occur, especially as the stand-off area is not a Preferred Area. In addition, the owners of the land have said only that they “may be prepared to consider some of the proposed alternative land reinstatement ideas” and would object to the area’s inclusion in the NFNP.

3.22 The gated road does not connect to the coast and there are no other opportunities for access to the land either now or as proposed after restoration. In view of the poor quality of the landscape the area offers no significant opportunities for understanding and enjoyment of the special qualities of the forest.

LAND BETWEEN MARCHWOOD AND HYTHE

3.23 In this area most objectors suggest that the boundary of the NFNP should be drawn back to exclude the Dibden Reclain area, eg R Phelps (40), K Cromar (73), D Bound (88), P & S Newby (242), Associated British Ports [ABP] (350), Southampton City Council (355). The most commonly suggested alternative boundary is the A326.

3.24 On the other hand, some representations specifically support the inclusion of the reclaim – eg Mr J Field (32), Mr & Mrs Marston (36), New Forest District Council (106), the National Trust (228), the New Forest Committee (378) and Julian Lewis MP (383).

3.25 Defence Estates (183) have a more limited objection confined to a small area of land on the south-eastern edge of Marchwood.
3.26 The case for exclusion of land at Dibden was made most fully by ABP so I commence by summarising their case and follow with additional points made by others. I report the Defence Estates case separately.

The case for Associated British Ports (350)

3.28 The opening and closing submissions for ABP are at 350/0/1 & 5.

General conceptual matters

3.29 The Landscape Assessor’s report deals with submissions made by this objector on the following general conceptual matters relating to the ‘natural beauty’ criterion:

- the lack of any significant difference between the NFNP natural beauty test and that applied to the NFHA (which should result in the NFNP being the same or smaller than the NFHA when the back-up grazing criterion is removed and the recreation criterion added to the process); this raises the question of how the Agency now applies and interprets natural beauty;

- too much emphasis has been placed on landscape character and not enough on natural beauty and scenic quality without appropriate justification due to the unavailability of fieldwork records;

- too much weight has been accorded to the opinions of consultees rather than rigorous application of the statutory criteria;

- excessive weight has been placed upon past historical links and the historic dispersed pastoral system (back-up grazing in particular);

- the precedent of the Dartmoor inquiry that land to be included in the NFNP must have both natural beauty of national standard and also landscape character of the New Forest type;

- the Agency’s authority for redrafting and reinterpreting the Hobhouse criteria and the inadequate content of these;

- lack of consideration of the role of detractors and ‘naturalness’ in the determination of landscape quality.

Site specific matters

Natural beauty

3.30 Although the preferred boundary is the A326, if this is not accepted the railway represents an alternative line. Both are easily identifiable.

3.31 Since the area of contention does not meet the designation criteria it should be removed from the NFNP regardless of whether or not the proposed Dibden Terminal (which was the subject of an inquiry lasting for 120 days from October 2001) is approved.

3.32 To justify inclusion land must be of outstanding importance, not just of ‘high’ landscape quality. It must also have a ‘natural’ appearance – that is, it must look like land in its natural state, without significant alteration. It must also display a genuine affinity with the essential
characteristics of the New Forest landscape. Applying the ‘Dartmoor test’, both New Forest character and national quality would be required. Land with significant incongruous and detracting features should be excluded.

3.33 The reclaim cannot be described as having outstanding national or international importance for natural beauty. It is a recent man-made ‘one-off’ landscape which is not part of the New Forest visually, functionally or ecologically. It was created by the deposit of marine dredgings into bunded cells created by embanking areas of mudflat and saltmarsh. The northern one-third took place during and after the war and the southern two-thirds between the 1960s and 1972. Initially the area was colonised by a range of common mudflat plants and later it evolved into various forms of mainly species-poor grassland with variations dependent on age, water-retention and particle size. Much is now cattle-grazed but in the drier northern areas there is some invasion of birch and brambles. There are still saline influences in the western areas and in patches elsewhere. The area is still in a state of dynamic change and the continuing gradual leaching of salts will change the pattern of flora and fauna over time.

3.34 As a result of its history the reclaim does not possess New Forest character. It is an artificial atypical landscape. The local plan (CD221) describes it as “flat and featureless and as such has little visual impact”. Its landward edge alongside the former sea wall has a steep uniform side and the whole surface is raised above its surroundings creating an unusual topographic relationship. The coastal edge is heavily engineered with concrete revetments.

3.35 The scenic quality of the reclaim is limited but from the site itself there are long views across the Test to Southampton and the docks. Looking inland there are more local views towards wooded higher ground but the site is generally contained and not well connected with the Forest core. From public viewpoints in the city and from the water there are views across the reclaim (rather than of it) with the wooded higher ground forming the focal point of such views.

3.36 As an artificial landscape the area is in reasonably good condition except for parts of the sea wall. However, judged against the natural New Forest coastal areas it is in poor condition with a complete absence of features representative of natural coastland along the Solent Coast.

3.37 The area does not feel particularly wild. It has some feeling of isolation because there is no public access, but it does not feel remote because of the clear views of the city, the commercial and recreational activity on the water and the proximity of Hythe and Marchwood at the two ends. It is a fairly tranquil area but there is disturbance from the sights and sounds from these other sources.

3.38 There are some nature conservation designations. Dibden foreshore was added to the Hythe-Calshot SSSI in 1994. This SSSI also has SPA, cSAC and Ramsar designations. However, the foreshore here is a remnant of the former complete intertidal transition from dry land to marine conditions with the intermediate elements now lost to reclamation. Consequently the exposure of the foreshore to feeding waterfowl is relatively brief and this area forms part of the overall intertidal resource within the Test/Southampton Water/Solent. It has no significant relationship with the New Forest.

3.39 Turning to the reclaim itself, English Nature recently (March 2002) confirmed the designation of the entire area as an SSSI (plus a small area of relict grazing marsh at Westcliff Marsh) on grounds of its nationally important assemblage of invertebrates and its regionally important population of breeding lapwing on wet meadows. The company was surprised and concerned about this designation (which went even wider than the SINC designation first proposed in 1998) because only 6 months before designation English Nature had stated that the
reclaim did not justify designation. Unsuccessful representations were made to English Nature that the nature of the reclaim’s ecology in no way justifies SSSI status.

3.40 No site in Britain has ever previously been selected purely on grounds of breeding lapwing yet relatively small (regionally, not nationally important) numbers of this species (about 30 pairs) nest here and only in a comparatively small part of the reclaim. Only in two cases have lapwing been used as supporting features for designation. Selection on these grounds is marginally relevant to much of the reclaim and well outside the normal run of EN practice.

3.41 Turning to the invertebrate assemblage, there is no set ‘level’ for such assemblages. The species found in this heavily surveyed area are not part of any New Forest ecosystem and are limited to the localised marginal bunds and seepages, whereas the much more extensive central grassland has a rather poor insect fauna. Moreover, these marginal areas are in a dynamic state of habitat evolution, so the area is characterised by adventitious species typical of disturbed ground which cannot be expected to remain constant in type or number.

3.42 It is abundantly clear that nature conservation interest of the reclaim is very patchy. The great bulk of it has low diversity and it is insupportable to label it all as of national interest. Moreover, it makes no ecological contribution to the New Forest since it is not part of its complex of terrestrial woods, heaths and acidic grasslands and its vegetation bears no relation to such areas. Although there is occasional use of the area by species such as Dartford Warbler its populations of flora and fauna are generally irrelevant to the New Forest.

3.43 Inclusion of the reclaim in the NFNP would achieve nothing. As an SSSI it is already managed under the influence of English Nature while the foreshore requires no management except by the tides.

3.44 In terms of historical linkages there is no evidence to support the Agency’s view that the New Forest once extended to the tidal Test and Southampton Water. Heywood Sumner’s view of the perambulation of 1300 (350/1/3 app 10) is much the same as that of Tubbs’ map of the perambulation in 1789 (350/1/3 app11). Both show no connection with the waterside except between Hythe and Ashlett. In his book, the standard text on the natural history of the New Forest [The New Forest (1986)], Tubbs concludes that:

“successive perambulations of the Forest also provide evidence of long-term stability…..Perambulations which describe the boundary of the new forest survive for the turn of the 13th century, 1217-18, 1278-9, 1297-8, 1300-01, 1670, 1801, 1839 and 1964. All except the last are essentially similar, and separate the wholly afforested holdings from the peripheral zone of partly afforested ones, of which only the outlying woods and wastes fell within the forest. A discordant note is struck by a brief description recorded at the forest eyre of 1280, which claimed all the land in Hampshire between the Avon and Southampton Water as forest. However, the episode is best interpreted as part of a more general, and ultimately unsuccessful, attempt to further the territorial ambitions of the Crown.”

3.45 This is a balanced and reasonable conclusion. For the past 700 years or so the boundary of the perambulation has changed little. Development has not ‘cut off’ the forest from the Test and Southampton Water. Dower and Hobhouse were correct in excluding Totton and the Waterside Parishes from the areas they considered might be designated as part of a New Forest National Park (see maps at 350/1/3 apps 24 & 25) and LUC’s recommendations about the extent of the NFHA in 1991 were consistent with those earlier views.
3.46 Turning to aspects of the ‘historic dispersed pastoral system’, the reclaim does not contribute (and has little potential to contribute) to the sustainability of the commoning system or to the core landscapes of the New Forest. The Agency’s boundary criterion 2(d) states that “Boundaries should include land............which contribute(s) to the rural economy and rural life within the Park and to the Park’s special qualities and purposes.” This implies that there should be some functional reality attached to any land included on that basis.

3.47 However, no version of the NFHA has ever included any of the incidental grazing on the reclaim on the grounds that it was necessary to secure an adequate supply of back-up grazing land. It was only when the Dibden Terminal proposal came along that the reclaim’s importance became elevated to the point at which its inclusion in the NFNP was deemed to be necessary because it contributed to the “principal aim” in respect of commoning, namely to “include within the NFNP an adequate supply of land which could serve as back-up grazing”.

3.48 Inclusion of this area of over 200ha should be justified either by new evidence about the historical context or by a substantial change in the need for back-up grazing. Yet in the context of the Terminal inquiry it was stated for the Agency that “While we note that back-up grazing will be less as a result of the development, that has only been a small factor of our concern.” For their part English Nature did not regard it as credible that development of the reclaim would “manifest itself in a significant negative impact on forest habitats through undergrazing”.

3.49 This is not surprising because there is no evidence that there is a serious local or general reduction in the pool of land safeguarded by the NFHA. Indeed only recently the District Council granted planning permission for the development of a football training facility on 12.5ha of established back-up land at Cork’s Farm, Marchwood. Nor do any of the figures referred to by the Agency indicate a major increase in the number of commoners or stock locally or a demonstrable preference for the Dibden area by new commoners where they arise.

3.50 While commoners have experienced longstanding difficulty in competing in the agricultural land market this reflects the economic weakness of the commoning community in comparison to other users of farmland. Merely increasing the area of land to which the potentiality of back-up land use is attributed does not address the issue. As indicated in the draft strategy for the New Forest (CD215) intervention in the land market for the current pool of back-up land is of greater significance than merely expanding the pool.

3.51 There is no current use of the reclaim as back-up land and only a small proportion may ever have been used for that purpose. As indicated at 350/2/2 app2, agricultural reclamation took place in the late 18th and early 19th centuries over a swathe of former marshes next to the sea wall. Forest rights were attributed to that area and were presumably exercised. The salt marshes then existing beyond these areas would also have been grazed. However, the 20th century reclamation obliterated all traces of these land and marsh resources, severing any physical and functional link with the forest.

3.52 Because of delays in bringing forward the port proposals opportunistic grazing use has been made of this developing resource. This has been an extensive (ie low level stocking) use associated with adjoining farmland taking place through annual or seasonal arrangements. Only one former user of the area has been actively engaged in commoning but his cattle-grazing use of an area of 19ha was not as a back-up resource for depastured stock.

3.53 The Agency has relied on the Way report’s assessment (CD204 & 205) in asserting that the reclaim is ‘highly suitable’ as an area of potential back-up land. However, ‘area 3’ discussed in the Way report covers a wider area than the reclaim: it includes the land to the west where
there is land used and potentially usable by commoners. Moreover, there is no analytical framework in this document so it is difficult to know how Way’s conclusion was reached. The reclaim is not enclosed land like most typical small pastures used for back-up grazing. It is divided into a small number of large compartments, reflecting the extensive low-key opportunistic grazing which is available and contrasting with the landscapes to the west. Nor is it particularly accessible to commoners’ holdings, being separated by continuous drainage ditches, the branch railway line and the A326. There are only 3 crossing points and none of these is readily accessible from the public highway.

3.54 In terms of quality the New Forest Defence Committee stated at the Dibden Terminal inquiry that most back-up land around the forest is 3a and 3b whereas the reclaim is grade 5 land (ie, qualitatively no better than the forest grazings themselves) because of its impeded soil drainage, lack of topsoil and localstoniness. It is therefore suitable only as extensive grazing land within a simple management regime with low stocking levels within a relatively harsh environment, particularly during the winter. It has little value as a location for finishing stock or as a source of conserved grassland (hay or silage) although a small area has been mown for hay in the last year. Its open character, remote from farmsteads, makes it unsuitable for managing young stock or sick animals. None of these characteristics make it ‘highly suitable’ as commoners’ back-up land.

3.55 Any attempt to adopt a regime making the land more suitable for commoners’ use would require a change of management regime. This would require considerable investment to enclose smaller fields, install a drainage system capable of removing water more effectively and improve the quality of the grassland by increasing nutrient levels. Such changes would enable the rotation of stock to avoid excessive poaching and the use of the better areas for hay or silage. However, any works or management activities leading to intensified use of the reclaim would need to be notified to English Nature under the SSSI regime and may require the preparation of an EIA under the Environmental Impact Assessment Directive.

3.56 The SSSI management statement provides prescriptions that would influence any potential role of the reclaim as back-up land. For example it seeks management that will produce a range of different sward heights, including tussock grass, and will allow a good number of plants to flower in summer, as well as reduced stocking rates between mid-March and end-June to prevent damage to lapwing nests and young. There is therefore a conflict between what may be desirable from a commercial agricultural viewpoint and what is likely to be achievable under the SSSI regime.

3.57 Even if the Dibden Terminal development were to be rejected the reclaim will remain as operational land within the ownership of a body charged with the development of its port interests and this will remain the only available site for deep-water port development. In such circumstances it is unrealistic to expect that the land will be pro-actively managed in the interests of the commoning economy or indeed nature conservation, landscape or recreational interests.

3.58 Outside the reclaim the remainder of the area of contention is mainly pasture and woodland with heavily treed hedgerows. This area is within the NFHA. However, it is not particularly typical of other ancient forest farmlands due to the presence of a great variety of subsidiary landscape types, eg the large Hythe and Dibden Golf Course, the large number of small regular fields, areas of plantation woodland, and the level of housing, vehicular movement and other developments which undermine the sense of being in the Forest. Scenically, there are small pockets of good quality but much is of only average quality. Landscape condition is also patchy.
3.59 There is no sense of wildness, remoteness or tranquillity here and no known associations. Where undisturbed fields occur there is still a reasonably strong New Forest edge character though other parts are more suburban in character. The A326 severs the area physically and psychologically from the New Forest and there are relatively few westerly views from it.

3.60 There are some SINCs within this area, mainly ancient woodlands in the areas of Veals Farm and Church Farm and Westcliff Marsh (an enclosed grazing marsh). There is also some extant back-up commoning activity which can be regarded as part of the Forest’s back-up land resource.

Opportunities for open-air recreation

3.61 The Agency’s approach requires land to provide or potentially provide a markedly superior recreational experience of national importance within a tract of countryside having characteristics marking it out as different from the bulk of normal countryside. This potential must have a realistic prospect of being realised. It should not be (as defined in the South Downs National Park material) “speculative, unrealistic or impractical”.

3.62 However, there is no public access to the reclaim. This area does not meet the recreational, principles described in CD104 for defining the boundary along the eastern edge of the NFNP, ie encouragement of “recreational access to the water’s edge for walking, nature study and sailing”. The County Council dealt with claims for footpaths along three routes in 1997 but rejected them on the grounds that S57 of the British Transport Commission Act 1949 precludes the acquisition of rights of way by presumption or public use. Notices are displayed under Port Authority bylaws indicating that there is no public access to the land. Nor is there any prospect that such access will be acquired since it would be wholly contrary to ABP’s aspirations for port development and inimical to its status as an SSSI.

3.63 There are only limited views across the reclaim from the footpath along the former sea wall and where these exist they provide somewhat distant views of the city of Southampton and passing vessels on the Test and have no connection with the New Forest. In any case, Parliament must have intended that the recreation criterion involved more than enjoying views over land. If this is not the case land meeting the natural beauty criterion would also meet the second.

3.64 The reclaim itself is not tranquil or wild and is largely invisible from the skirting footpath. Consequently there are few opportunities for the public to enjoy birdwatching in this area except for species occurring along the back ditches next to the path, which are generally untypical of the Forest. In all, it does not provide the recreational experience that draws people to the New Forest.

3.65 Outside the reclaim there are very few footpaths (other than that along the former sea wall) and where such exist they are discontinuous and do not link with land to the west of the A326. The golf course is a quasi-parkland landscape and offers no meaningful experience of being in the New Forest. In recreation terms the whole of the area of contention is therefore in sharp contrast to the core of the Forest. There is no markedly superior recreational experience to be gained here.

Boundary-setting criterion 2(i) in relation to the Development Plan

3.66 “Land allocated in adopted development plans to be worked for the quarrying and mining of important deposits on the margins of a National Park should normally be excluded from the Park, unless the land will be restored to a use and quality that will contribute to Park
purposes. *This approach will also apply to major industrial or commercial developments for which land is allocated in adopted development plans at the time of designation.*”

3.67 In addressing the above criterion (ie the planning status of land proposed for inclusion in National Parks) it is necessary to consider the immediate postwar historical context. The founding fathers saw the Parks as integral parts of a planning system then in its infancy whereas the development plan system is now mature. Its provisions should therefore be regarded as worthy of considerable weight in defining the boundary of a National Park and answering the question of whether there is a special need for a National Park Authority.

3.68 In this respect it is instructive to consider paragraph 6 of the Dower report (350/1/3 app 24) which advises that “the task of selecting and delimiting the areas which are to be established as national parks……and the no less important corollary of deciding what areas are not to be so treated (must take into account) a wide range of factors, including……existing and potential land utilization…..It must be consistent with other nationally determined allocations of land, and must be integrated with all relevant national plans for land utilization, including…..the location of industry, the groundwork of transport and the use of water resources, as these are progressively determined by the Ministry of Town and Country Planning and other Departments.”

3.69 In other words, the selection of national parks and definition of their boundaries is an integral part of the land use planning process and designation must take proper account of the statutory development plan. The Hobhouse report made plain that National Park boundaries should normally exclude areas where the needs of urban or industrial development conflict with or outweigh the essential values of the Park, so regard needs to be paid to the future needs of the Port of Southampton and these need to be balanced against the interests of the Park. Other passages (paras 43, 91 and 95) advise that designation should not compete with matters dealt with in what was then the emerging statutory planning regime and should depart as little as possible from normal planning controls. The table 2 boundary-setting criteria (which are only Agency policy, not tested at any previous inquiry) cannot preclude other material considerations being taken into account.

3.70 Dibden reclaim is very unusual, if not unique, (both physically and in a planning sense) in being man-made for an identified future national need and kept entirely free of other development for 40 years, despite other pressures. It has a combination of 3 characteristics which make it so important. Firstly, it adjoins one of the very few deep-water channels linking the UK with the main trade route between northern Europe and the rest of the world (ie the English Channel). Secondly, it can easily be connected to national road and rail networks. Thirdly it is large enough to accommodate the very largest vessels in the world fleet which carry an increasing proportion of world trade. Dibden could accommodate 6 berths for such vessels, thus allowing the UK to avoid the extra economic and environmental costs incurred if goods are transshipped via Northern European continental ports.

3.71 The full content of the statutory development plan in relation to the area of contention is at 350/1/1 app13. As early as 1952 the Minister excluded the area between Marchwood and Hythe from a proposed green belt in recognition of its suitability for port and port related uses. In the late 1960s Dibden Bay was identified as the only sizeable area onto which the Port of Southampton could expand and was therefore bought by the British Transport Docks Board as a strategic land reserve. At that time the area was safeguarded in the South Hants Structure Plan as a site for port development and uses requiring access to deep water. Successive structure plans have continued this approach and the issue has been considered at 4 EIPs and 3 local plan
inquiries. The last EIP panel (in 1996) recommended a positive criteria-based policy for port development at Dibden Bay, resulting in policy EC6.

3.72 EC6 is unusually site specific and sets out clear criteria, one of which requires demonstration that the need for the development outweighs its impact on the conservation, landscape or ecology of the NFHA. The key diagram contains a specific symbol identifying the general site of the proposal.

3.73 The adopted local plan is out of sequence with the structure plan but refers to the emerging policy EC6 without defining the site on the Proposals Map. The current review of the local plan contains similar text but updates matters by referring to the recent Dibden Terminal inquiry.

3.74 The other component of the statutory development plan (the adopted Minerals and Waste Plan) includes a requirement (policy 22 and paragraph 5.59) effectively safeguarding part of Dibden Bay for a high-capacity deep-sea aggregates wharf. The Inspector at that inquiry concluded that the need for such development was national and independent of the need for port development elsewhere at Dibden. Such a development would take place as part of Dibden Terminal if the latter proceeded but could also become a necessary independent development within 5 years.

3.75 The Agency (and formerly the Countryside Commission) has participated in the process of all the above structure and local plans since the land was purchased for port development but to ABP’s knowledge have never commented on the planning policies for the site.

3.76 Regardless of what view is taken of the narrow ‘allocation’ issue, including the reclaims would cut right across the clear intention of the development plan and fundamentally conflict with Hobhouse philosophy. Application of boundary criterion 2(i) should therefore result in exclusion of the reclaims, but it seems that whereas the Agency has excluded planned mineral sites elsewhere it has not transparently examined the development plan here.

The “prematurity ” issue

3.77 The ABP land (and the Hythe to Cadland foreshore, see below) should not be included in the NFNP because the application for Dibden Terminal meets a national need and no alternative site exists. It would be unwise and pointless to set the NFNP boundary in this vicinity until the First Secretary of State and the Secretary of State for Transport have determined the applications for the terminal. The Agency has said that a deep-sea terminal would be inappropriate in a National Park so it would not be sensible (and it would be a terrible start to the NFNP) if the boundary had to be amended very soon after designation.

The “especially desirable” issue

3.78 The words in the Act admit of a situation in which the inclusion of land in a National Park may not be in the public interest even though it may meet the designation criteria. In this case the national need for deep-sea port capacity (and the well-researched lack of alternative sites) require that the reclaims continues to be safeguarded for future port development, without public access, regardless of the decision on the present Dibden Terminal proposals. It is therefore in the national interest not to make the site the subject of unnecessary constraint because it is likely that the nation will need to use it at some time in the future. The port of Southampton is one of the UK’s main trade gateways, the second largest deep-sea port, and
probably the single most significant generator of jobs and wealth in the travel-to-work area with some 10,000 jobs directly dependent on it and a further 35,000 indirectly dependent.

3.79 The points in the above paragraph also apply to the Hythe to Cadland foreshore (see below) which would need to be used for mitigation measures connected with the terminal.

3.80 This proposal to include nearly all the open land between the NFHA and the Test/Southampton Water in a National Park raises strategic issues of national importance for which there is no precedent. The present major oil port of Milford Haven did not exist at the time of designation of the Pembrokeshire Coast National Park (1952) and there was no statutory harbour authority at that time. Nonetheless the designated area excluded the docks at Milford and Pembroke Dock as well as a substantial area of undeveloped land on both sides of the Haven despite the fact that the latter then met the criteria, as indicated by a surviving minute from a survey in 1945 by some of the founding fathers (350/1/3 app22).

3.81 However, by the time of designation this undeveloped land was known to meet the need for a deep-water port and was therefore excluded from the Park. Applications for development were made shortly after designation. It is also noteworthy that the National Park boundary has subsequently had to be amended at least twice to exclude subsequent further development related to the oil terminals.

3.82 It is clear that if the Order were to be confirmed without modification this would be the first time that a National Park has included operational land identified for the expansion of a major port. If the terminal applications were also to be approved the NFNP boundary would be brought right into the heart of one of the nation’s largest and busiest ports (50,000 shipping movements pa.) with the most complex mix of commercial traffic and recreational use. It operates in the public interest, as does the Harbour Authority, which has the statutory powers and responsibilities for controlling water-based recreation. The Harbour Authority also has environmental responsibilities and much of the intertidal zone is subject to European designations. The local planning authority, whose powers extend to low water, is required to balance the needs of commercial development with the environment. Its replacement by a national park authority who would exercise the planning powers on a different basis (and whose boundary would be partly within the Harbour Authority’s and directly adjoin the deep-sea port) would be bound to bring about conflicts of interest and not be in the national interest. As explained at 350/1/9 there would also be very specific and unavoidable effects on the exercise of ABP's rights under the GPDO if parts of the Port were to be included in the NFNP. In particular the effect on Part 17 rights would seriously constrain the Harbour Authority’s rights to carry out the many minor developments that it needs to undertake, often at short notice, to respond to immediate operational needs and fast-changing commercial circumstances.

**Additional points raised by other objectors**

3.83 **Southampton City Council** (355) raises similar points to ABP, in particular:-

- the desirability of suspending a decision on the NFNP boundary until the Dibden Terminal applications are determined;
- the existence of a permissive enabling policy for the site in the structure plan and the safeguarding policy in the minerals & waste local plan;
- the present landscape quality of the land.

3.84 **Mr & Mrs Newby** (242) consider it imperative in the local and national economic interest that the reclaim be excluded from the NFNP and used for the purpose for which it was
created and for which it is uniquely suitable; that is, assisting Southampton to exercise its natural advantages over other North European ports. Its inclusion is a vexatious attempt to pre-empt the Dibden Terminal inquiry. **Mr R Phelps** (40) shares this last ‘procedural’ point of objection.

3.85 **Mr D Bound** in his written representation (88) also refers to the area’s strategic location and the need to consider its future in a regional spatial context, believing it important not to exclude this potential contribution by including the site in the NFNP.

**The case for the Agency**

*Natural beauty*

3.86 The New Forest District Landscape Assessment (CD127) defines the reclaimed land as a ‘coastal fringe’ landscape type. At Dibden this is a reclassification of the LUC category ‘urban fringe coastlands’ because the nature and characteristics of the reclaim do not fit the description of that landscape type. Rather, this site is more akin to the LUC ‘coastal fringe’ landscapes, examples of which occur in the NFHA and the perambulation. Inland, behind the reclaim, are ‘ancient forest farmlands’. These two neighbouring but contrasting landscape types create a strong sense of place. Landscape quality is high because the key elements and features of the landscape are in good condition despite the fact that the reclaim is man-made. The reclaim has a sense of openness, remoteness and wildness that is extremely rare so close to a big city. There are long views both eastwards over the Test to Southampton and westwards from the city centre towards the New Forest. Inland, behind the former shoreline (which is itself an important ancient feature) the ancient forest farmland has a quiet intimate character.

3.87 The area’s natural beauty is reinforced by its outstanding importance for nature conservation. The foreshore has SSSI, SPA, cSAC and Ramsar designations while the reclaim is a recently designated SSSI characterised by wet and dry grassland, remnant saltmarsh and other wetland habitats. The natural interest of these areas is clearly different from that of the New Forest cSAC but the statutory criteria do not require all land within a National Park to be of the same character. Nonetheless, in this case all the sites are within the New Forest Natural Area (CD230) and English Nature considers that there are unifying factors (384/3/4/350 app4). It cannot be accepted that, despite its recent designation, the reclaim is not of national importance.

3.88 The reclaim’s cultural importance as an integral part of the historic dispersed pastoral system also contributes to its natural beauty. Part of the site has forest rights and part has been used in recent years as BUG. In addition, the land is rated by the New Forest agisters as ‘highly suitable’ for that purpose (CD204 & 205) and there is a high level of local need for such land.

3.89 Although the Dibden reclaim is a man-made feature reclamation has been an ongoing process here since at least the eighteenth century. Roughly 30% of the area was in existence by the end of the 18th century and forest rights are attached to that area. In addition, roughly another 30% overlays pre-20th century saltmarshes which were once grazed by Forest stock.

*Opportunities for open-air recreation*

3.90 The site offers outstanding opportunities to understand and enjoy the special qualities of the Forest. The public footpath along the former shoreline is well-used and the foreshore attracts fishermen and bait-diggers. The landscape of the reclaim has a special amenity role as the largest remaining piece of open land on the waterside. Its open, wild and empty character offers a different visitor experience from other parts of the Forest with excellent opportunities for bird watching and appreciation of other nature conservation interests as well as the potential of
appreciating the history of the Forest’s connections with the sea and the site’s own reclamation history. In addition this is a fine site for watching the various classes of shipping and boats passing to and from Southampton Water and offers views to the Forest from those passing in vessels or looking across the water from the City.

3.91 The recreational opportunities are enhanced by the area’s accessibility from Southampton via the Hythe ferry and from nearby waterside settlements such as Hythe and Marchwood.

**Boundary-setting criteria**

3.92 2(c) Areas which provide or are capable of providing a markedly superior recreational experience should be included.

3.93 Although there is no public access to the reclaim the site can be seen and enjoyed from the footpath along the former shoreline and from the foreshore.

3.94 2(i) Land allocated in adopted development plans to be worked for the quarrying and mining of important deposits on the margins of a National Park should normally be excluded from the Park, unless the land will be restored to a use and quality that will contribute to Park purposes. This approach will also apply to major industrial or commercial developments for which land is allocated in adopted development plans at the time of designation.

3.95 It is not accepted that the reclaim is ‘allocated’ for port development. The Agency’s Board carefully considered this point when agreeing the draft NFNP boundary for consultation in July 2000, in particular a letter from ABP questioning the officers’ recommendations and suggesting that the Agency was not considering all relevant information. Extracts of all relevant structure, local, and waste & minerals plan policies were placed before the Board members.

3.96 While the area has been identified for port development in past plans the current situation is more complex. The adopted structure plan has a policy against which to assess port proposals but there is no specific allocation. There is no policy or allocation in the local plan and no clear allocation in the waste & minerals plan. Evidence given to the Dibden Terminal inquiry by officers from the County and District Councils shows that they concur with this view (384/1/4/350/ apps 1 & 2). There is therefore no reason to exclude the land on the basis of criterion 2(i).

3.97 Policy EC6 of the structure plan does not identify a specific area of land and could not do so because the County Council does not have the power to allocate land precisely or determine the application for permission. In addition the policy contains the word “may”. Nothing in the district local plan or the minerals and waste local plan identifies a precise area for a defined use with the degree of certainty that justifies interpretation as an allocation.

3.98 The fact that a site may have certain attributes that may make it fit for a particular development (such as the Dibden Bay Terminal) at some stage in the future, subject to all manner of imponderable conditions, does not constitute grounds for excluding it from designation. Nor can any weight be placed on the premise that the ABP case for the proposed new terminal will succeed. In any case, even if it were found to be in the national interest that a port be developed here this would not necessarily be precluded by its designation as a National Park.

3.99 2(j) Features of scientific, historic or architectural value which are situated on the margins of a National Park should be included where practicable.
3.100 This consideration is particularly important in the New Forest where many important nature conservation and historic features are found around the edges of the area. At Dibden it strongly suggests that the boundary should be drawn to include the designated nature conservation sites on the foreshore.

The “especially desirable” issue

3.101 Position Paper 3 (CD162) covers this point. There is no substance to the objector’s argument that there has to be additional justification for designation other than the satisfaction of the natural beauty and recreation criteria, i.e., that it is necessary to look at the site in isolation and ask the question why it is “especially desirable” to designate that particular land.

3.102 The term “especially desirable” does not represent a third statutory designation criterion. The reasons for special desirability relate to natural beauty and recreation. On the basis of those two criteria the Secretary of State must decide whether it is “especially desirable” to designate the area as a National Park and take the “necessary measures” of setting up a National Park Authority.

3.103 The SOS must have provisionally decided that it was especially desirable to designate the NFNP by deciding to set up the inquiry. It is now for her to confirm or reject that provisional view in the light of the evidence and the Inspector’s report. There is no additional test applying to land within the designated area requiring it to be shown desirable to include or exclude it for reasons unconnected with the criteria.

Other matters

3.104 ABP’s proposed boundary (the A326) excludes not only the reclaim but substantial areas within the NFHA. The objectors give little justification for this other than some limited evidence about landscape detractors. However it is relevant to note that the Dibden Terminal proposals affect land well into the NFHA in this vicinity so it would be highly convenient for ABP if the A326 were the selected NFNP boundary.

Additional points made by supporters of the inclusion of Dibden Bay

3.105 Julian Lewis MP (383) registered strong support for the inclusion of Dibden Bay. In his view, as for many of his constituents, it is the single most redeeming feature of the proposed NFNP. The Dibden Bay area and foreshore carry many environmental designations and it is logical to include them in the protection afforded to a National Park, especially as the reclaim is the largest surviving link between the New Forest and Southampton Water and has now evolved to the stage where its landscape is typical of parts of the Forest.

3.106 The National Trust (228) provides written representations attaching a copy of its evidence to the Dibden Terminal inquiry. This indicates principles for the management of the reclaim to achieve nature conservation and recreational objectives, recognising the need to avoid potential conflict between the two. Other attached material includes a local landscape character assessment. This states that the reclaim is now the largest single block of semi-natural grassland in the area of the New Forest and has a sense of tranquillity verging on wilderness which is rare in the vicinity of Southampton Water, providing one of the few remaining areas where the Forest meets the water’s edge. The Dibden ancient forest farmlands to the west are a good example of the type containing remnant medieval assarts, ancient woodlands, wayside commons and back-up grazing land. There are few detracting features although the golf course obscures the former
field pattern and the A326 cuts through the historic landscape of Marchwood Park. Southampton Water is a typical busy estuarine landscape, the condition of which is somewhat degraded by the loss of bankside vegetation and natural shorelines and the presence of heavy industry. The landscape strategy for the area, in the absence of the Dibden development, should be to conserve and restore its coastal character.

**The case for Defence Estates**

3.107 Defence Estates (183) seeks the exclusion of land to the north of Pump Farm within the land holding of Marchwood Military Port (now known as Marchwood Sea Mounting Centre), but outside the security fence, as indicated at 183/3/2 app1.

**Natural beauty**

3.108 ERM regard the objection land as ‘ancient forest farmlands’, although LUC saw only part of it as such. The site may once have fitted this description but now comprises poor grazing land with some colonisation by brambles, gorse and weeds. The land has an urban fringe feel because of the views available to nearby development – housing in Marchwood, the railway, the security fence, substantial structures and stored items in the port, and other structures alongside or within Southampton Water. There is a general lack of significant structural vegetation within the site although the southern boundary is well defined by mature trees, largely oak, with some understorey shrubs and sections of hedgerows. The nature of this well-vegetated southern boundary, standing near a local ridge in the landscape, means that the objection land is well-enclosed, heightening its general sense of association with the developed urban area of Marchwood rather than the landscape of pasture and woodland to the south. The Estate would be willing to further reinforce planting along this boundary.

3.109 The Agency’s inclusion of this site relied too much on desk study and took place without entry onto the land itself. The site plays no meaningful part in forming a link between the forest and the sea because there is development to the north and north east, and the ridge and Veals Farm woods to the south.

**Opportunities for open-air recreation**

3.110 Although footpath 11 once crossed land within the port it was probably severed in two places during the war (near Pumpfield Farm and further to the east). Footpath 11 has never been re-opened as a through route and footpath 12 has also fallen into disuse and is possibly blocked. As part of the Dibden Terminal proposals there would be further stopping-up of footpath 12. The Estate would object to the security implications of any proposal to re-establish footpath 11 across the objection land and, because of the views available, it would not provide a markedly superior recreational experience.

**The planning status of the site**

3.111 The military port has been operating since the second world war and has been the subject of significant investment. It is the only such facility in the UK and is both rail-served and accessible at all states of the tide. It could not readily be replaced elsewhere. The centre needs to be responsive to rapidly changing demands and circumstances such as the military operations in Iraq. This requires that the whole site is available for the possible reassignment of land uses to the most appropriate operational location anywhere within the overall generic planning unit of the military port.
3.112 The objection land has occasionally been used for low-level military training but has mainly been let for grazing on temporary licences. However, the Estate has now taken control of this part of its ownership and terminated all licences. Future operational needs for this land could be many but one possible scenario is shown at 183/1/2 app5. Under that option an extension of rail sidings capacity takes place on land to the north of the objection land and the uses currently taking place there (including an assault course and an off-road driving training area) are displaced to the objection land.

3.113 The whole of the port has been identified for urban land uses since at least 1975 when the Marchwood Local Plan was prepared. The plan made clear that its purpose was “to give a clear indication of the proposed use of land for particular purposes” and showed this site as being within the military port. It also recognised the importance of proposals near the port not “inhibiting current and foreseen uses of the Military Port”.

3.114 The present planning position is that the defined site of the port, including the objection land, is outside the strategic gap between Marchwood and Hythe and can therefore be taken as not serving the purpose of the gap. Rather, it is the subject of a specific permissive policy in the current adopted local plan (MA4). The site so identified is the same as that identified in the earlier New Forest (East) Local Plan and plainly envisages further development within the site. MA4 provides four criteria that should be met by any future proposals, including minimising the visual impact of development and avoiding adverse impact on areas of landscape or nature conservation value. Nonetheless, the objection land is included in the NFHA.

3.115 The planning status of the objection land means that its inclusion in the NFNP is unjustified whether one considers the original Hobhouse criteria or the Agency’s boundary-setting criterion 2(i). These criteria need to be applied purposively, not narrowly or legalistically. A military port is in the same category as the ‘major industrial or commercial developments discussed in 2(i)’.

3.116 Policy MA4 is an ‘allocation’ in the sense of providing that development within a defined area is acceptable in principle. Indeed, the ERM study’s (CD126) reference to the Park following ‘the edge of the military port’ gives the impression that its authors erroneously considered that it had been excluded and did not realise that there was an overlap between the allocation and the NFHA. The purposes of the military port are plainly recognised by the plan, and these are obviously in conflict with those of a National Park.

3.117 The local plan policy clearly envisages that development proposals related to the port purpose will be brought forward. The criteria are simply aimed at mitigating the effects of that development, not preventing it, either on the site as a whole or on the objection land.

3.118 If the objection land is included it could bring serious constraints on the necessary flexibility of operation of the port. Despite current Crown technical exemption from planning control, Circulars 18/84 and 12/96 make clear that Crown proposals in National Parks are treated in a similar way to ‘normal’ proposals. In this case the port is a discrete developed site on the edge of a Park, not an extensive undeveloped training area in the middle of an extensive designated area.
The case for the Agency

Natural beauty

3.119 The objection land comprises small, rather scrubby, pastures with mature hedgerow oaks and overgrown hedgerows – features absolutely typical of the ancient forest farmland landscape type found around the forest core. It is intact and in a reasonable state of repair although slightly marred by views to the adjacent urban area. The land does not resemble the land outside the NFHA used for military training purposes and shares the enclosed, secluded and relatively tranquil character of the land to the south.

3.120 ERM’s different classification of one field compared with the LUC work results from the detailed landscape character assessment undertaken in CD127. It also reflects more recent landscape character assessment guidance and highlights the greater emphasis placed on landscape quality for the purpose of designation of the NFNP.

3.121 It is not agreed that the northern side of the gentle ridge is visually separated from the southern side. Thus removal of these fields from the NFNP would detract from the integrity of this part of the ‘extensive tract of country’ because this land forms part of the only large link between the New Forest core and the waterside. While the fields are not in view, “knowing that land is there” is part of the New Forest experience.

Opportunities for open-air recreation

3.122 Although there is no direct public access to the objection land some short stretches of footpath provide views into the area and there is potential to improve these connections, so linking the Marchwood area to the public footpath to Hythe along the old shore line inland from the reclam. It is the value of the extensive tract as a whole that needs to be determined, rather than every individual parcel, and inclusion of this area would help the public to appreciate how the New Forest was once linked to Southampton Water.

The planning status of the land

3.123 It is accepted that if an area of land is allocated for development in an adopted local plan it should be excluded from the NFNP. However, MA4 is not such a policy because it does not offer sufficient certainty about future outcomes. Nor could it be a fully determinative policy because the Council has no powers over the Crown, which is outside the normal parameters of the plan-led development control system. The purpose of the policy is set out in F19.16 of the local plan (CD221), ie that it is intended to provide guidance to military authorities in making proposals and a basis for the Council in responding. It is not an allocation for development of the site in question and does not describe any land use that could be said to be allocated, still less any ‘industrial or commercial’ use. The policy does not state the consequences of complying with the four criteria or indicate the exact nature of the development proposals that are contemplated although it is accepted that they are military port-related activities and that any other type of development would fall outside the purposes of the policy. At the very least, an allocation must be precise as to the type of development permitted as well as the extent of land covered by the policy.

3.124 In any case there is no evidence that inclusion of the site would result in less flexibility for operational requirements. Evidence from other National Parks in England and Wales indicates that National Park Authorities can achieve good working relationships with
MOD/Defence Estates in which issues concerning essential military use of land in National Parks can be effectively dealt with.

3.125 As for the strategic gap considerations, the gap predates the NFHA and although it would have been possible for the former to have been varied to align with the latter the Council chose not to do so because it was not considered necessary for the area to be covered by both sets of policies.

LAND AND FORESHORE AT FROST LANE, HYTHE

3.126 K Cromar (73), Esso Petroleum Company (154), Polimeri Europa UK Ltd (333), Associated British Ports [ABP] (350) and Southampton City Council (355) seek the exclusion of this area with the NFNP boundary drawn back to the A326.

3.127 The reporting below concentrates on the case put by Esso, followed by additional points raised by other parties.

The case for Esso Petroleum Company (154)

General conceptual matters

3.128 The Landscape Assessor’s report deals with the submissions made by this objector on the following general conceptual matters relating to the National Park’s ‘natural beauty’ criterion:

- The natural beauty must be manifest and recognisable by the general public, not hidden, imperceptible or based on a history that is no longer visible. It should be self-evident which land should be included in a National Park. It should not take complicated analysis to determine whether or not a piece of land warrants inclusion. The public’s perception of National Parks, and therefore their effectiveness in serving the statutory purposes, will not be well-served by dilution of common sense in this area. No matter how sophisticated and rigorous the analysis behind the selection of area for inclusion, the merits of land selected for the NFNP should be demonstrable and readily apparent, now and in the future.

- Where compliance with the statutory criteria is finely-balanced and not clear-cut in transitional areas at the edge of the Park, a common sense planning judgement should be made. In these circumstances boundary-setting should based on practical realities and a rounded, insightful view about what is likely to happen to a particular piece of land, based on the extant planning policies. The Agency’s approach tends to be sophisticated but opaque when it comes to explaining the connection between information about an area and the judgements based on that information. A landscape worthy of designation must be more than the sum of its parts. At the margins it should not be a case of “if in doubt, include”. Something more positive is called for.

- There was a lack of use of landscape and visual impact analysis in reaching credible conclusions.

- It would be very surprising if there were not a considerable degree of congruity between the NFHA and the NFNP.
- Undue weight was given by the Agency’s Board to the views of a member who visited the area and reported back, resulting in the reversal of the recommendation to exclude the corridor without adequate further evidence to justify the decision.

- Inadequate consideration was given to the role of detractors including the impact of major industrial sites and other associated activities.

- Ecological designations were over-accommodated at the expense of recognising where such areas do not possess sufficient natural beauty.

**Site specific matters**

**Natural beauty**

3.129 Inclusion of land in the Frost Lane area involves drawing boundaries that are convoluted and manifestly shaped by constraints rather than intrinsic merits. In this area the A326 provides the natural visual and physical boundary between qualifying land to the west and land with variable and marginal landscape quality to the east.

3.130 The history of consideration of this land is as follows:-

- LUC considered that the land between Hythe and Fawley Refinery was part of the developed and somewhat degraded ‘urban fringe coastlands’ landscape type and should be “excluded from the Heritage Area even though there is scattered commoning activity and some use of land for back-up grazing”.

- The NFNP boundary study considered the inclusion of the Frost Lane area but rejected it because it had only a “narrow and tenuous” link to the water’s edge.

- In response to the public consultation the Agency received comments arguing for the area’s inclusion as summarised in CD118 (p12-14). The Agency’s response was that “taken in isolation, there is much to commend it in terms of natural beauty and recreational opportunities. However, the natural beauty of the southern part of the area is adversely affected by visual intrusion and noise from development at Buttsash and the adjoining oil refinery, its access roads and depots. This significantly diminishes the quality and tranquillity of the landscape. In addition the area is small, isolated from other parts of the park and situated outside the clear and logical boundary provided by the A326 and the edge of the built-up area of Hardley, with only a very narrow piece of land connecting it to the rest of the park. It cannot be said to need to be managed with the Forest core. Its inclusion is therefore difficult to justify notwithstanding its landscape and recreational merits”.

- Despite this advice the Agency included the Frost Lane and Hythe-Cadland Marshes in the NFNP, stating in the Local Authority Consultation (CD107) that “further evidence shows that these factors (the ‘tenuous link’ and the ‘visual intrusion and noise from Buttsash and the oil refinery’) are outweighed by the importance of the area as a strategic gap, the landscape and recreational importance of the area, and the full extent of the nature conservation interest (and that) these interests suggest that the area would benefit from management in connection with the forest core”. However, this decision was not based on any new evidence, only on views expressed by the public on the same evidence.
3.131 The Frost Lane area is an urban fringe landscape typical of the waterside parishes. The overall character and quality of the landscape is materially reduced by visual and noise intrusion from the adjacent residential and industrial areas as well as the busy A326. Where the land in contention abuts the A326 it is less than 240m wide; this area is particularly degraded.

3.132 The area does have some attractive features. The limited area of remaining farmland is pleasant enough but is not high quality ancient forest farmland. The saltmarshes and mudflats have distinctive character but the former have a confined urban context while the latter are set in an industrialised estuarine landscape. Features such as the woodlands and the parkland at Forest Lodge serve to enhance the landscape but not to a degree which lifts the overall quality of the area.

3.133 Referring to ecological matters, features such as “woodlands, arable improved farmland and seashore” are ubiquitous. Holbury Mire is an interesting but small area completely contained within the special policy area covering the refinery complex.

3.134 The small site of Hythe Meadow is the only recognised SINC in this area (1.98ha). The ecological value of the woodlands in the Frost Lane valley was evaluated by the Environmental Consultancy Department of Sheffield University in response to proposals for the creation of additional SINCs as part of the current adopted version of the New Forest Local Plan. The Local Plan Inspector rejected these proposals so only very limited weight can be attached to the Council’s proposals to re-introduce these SINCs in the deposited First Alteration of the Local Plan.

3.135 As for commoning, the valley is a “surviving link from the open Forest to the original grazing marshes” only because it has not been built upon, not by virtue of any remaining functional or visual attributes making the linkage apparent or real.

**Opportunities for open-air recreation**

3.136 The Solent Way is the only opportunity for ‘quiet countryside recreation’ in this area. Its main recreational purpose is to link Hythe and (via the ferry) Southampton to the Solent Coast. Its route through Frost Land is a diversion from the coast necessitated by the inaccessibility of the foreshore in the Fawley area. In this length the enclosed sections have an attraction derived from that enclosure but provide little connection with the surrounding landscape. There are no views of the estuary until the path reaches the foreshore and none of the open Forest until the A326 is crossed. Where views are obtainable from the Solent Way they often include views into the refinery and petrochemical complex and a large pit close to the path. The latter is a prime development site for future petrochemical developments, as explained below.

**Existing planning designations**

3.137 The Agency’s view seems to be that the intrinsic qualities of the area only outweigh its deficiencies on a narrow balance in the light of the consultation responses. In other words, the area is the sum of its parts. This is a poor basis for designation since the parts are adequately protected by robust existing development plan policies and there is nothing to gain by strengthening these constraints through inclusion of these areas in the NFNP.

3.138 The structure plan (154/1/4 app1) already protects the countryside and the undeveloped coast and estuary, particularly the international and national designations. The NFNP would add nothing to this and the NPA duty to promote recreation could be at odds with this protection. A
small part of this area is also protected by the NFHA policy. Other policies afford protection to woodland, trees, hedgerows and areas of nature conservation and historic interest.

3.139 The local plan (154/1/4 app2) contains a complementary suite of locally detailed conservation policies covering the above topics plus a defined strategic gap. The refinery and petrochemical complex is identified by policy FA1 as a special policy area in which land may be developed for uses related to the industry providing it does not conflict with the other policies in the plan. Hazard consultation zones are also designated, the current extent being shown at 154/1/3 plan 5. These do not seem to have been considered by the Agency. Part of the land between Denny Lodge and the A326 is also designated as a public open space.

3.140 The Agency’s boundary-setting criteria in Table 2 do not and cannot cover every eventuality and a sensible view should be taken of the reality of Esso’s presence and the local plan policies. This approach would not be in conflict with the Act or the boundary-setting criteria. Nor does it require complex analysis of future options. It falls well within the role and competence of the Agency’s advisors and the inquiry.

Prejudice to the refinery and petrochemical complex

3.141 The Agency’s approach ignores the legitimate operational and development aspirations of surrounding landowners. This is one of the largest complexes of its kind in Europe and the largest in the UK. It produces 16.7% of the UK’s petrol, 12.9% of its auto-diesel, 18.4% of its high sulphur gas oil, 23.5% of its fuel oil, 25% of its aviation fuel, 13.1% of its LPF and 15% of its bitumen. 300,000 barrels of crude oil are processed per day. The marine terminal is the largest privately owned jetty in the UK, handling 2000 ship movements per annum. There are about 1400 Esso employees at the plant as well as some 1000-2000 contractors and others working at tenants’ plants.

3.142 It is therefore in the interests of good planning and the economy to avoid prejudice to the objectives of the many companies co-located at Fawley. However, if confirmed, the Order would result in the complex being surrounded by the NFNP (north of the A326) save for the exclusion of a short stretch of reclaimed foreshore near the marine terminal. As indicated by the overlay at 154/1/3 plan 5, the NFNP would actually overlap policy FA1’s special policy area at two points (east of Frost Lane and on the coastal side of the Hythe-Fawley railway line). The company is therefore concerned that the flexibility intended by the policy may be prejudiced by the high degree of protection conferred by National Park status, not only in the overlapping areas but also within the complex generally. If major developments should not take place in National Parks it must be axiomatic that National Parks should not be designated next to or surrounding major developments or ignore the existence of a major complex such as Fawley.

3.143 An example of the potential conflict is offered by an appeal decided in 1993 after the Council refused an application to extend the works of International Speciality Chemicals (154/1/4 app C). The Inspector considered that harm would occur to various aspects of countryside protection policies but concluded that the balance fell in favour of the economic gains of the development. That balance could have been very different if National Park policies applied.

3.144 The overlapping of the special policy area and the National Park brings this issue into sharper focus. Landscape protection policies of the highest status plainly cannot co-exist on the same land with policies that conditionally permit industrial development. One of the two overlapping areas comprises Holbury Mire SSSI and some small contiguous land parcels protruding into the special policy area. Immediately to the north of this is a disused pit which
Esso regards as a key development site. While the company accepts the implications of safeguarding the interest of the neighbouring SSSI, designation of the NFNP on neighbouring land would make the visual impact of development into a determining issue.

3.145 The other area of overlap takes in the Lammas Wood (north) SINC and contiguous parcels of scrub woodland. Again, visual considerations would be added to the present ecological concerns if the area and the foreshore were to be in the NFNP.

**Additional points raised by ABP**

3.146 Although the suggested boundary is the A326 it would not undermine the ABP case if the relatively small area within the perambulation between the A326 and Denny Lodge Walk were to be left within the designated area. Nevertheless, this narrow area of land is completely severed from the Forest and contains a playground, kickabout pitch and skateboard park as well as being adversely affected by road noise and the visual intrusion of overhead power lines.

3.147 The saltmarshes of the Hythe to Cadland foreshore are isolated from the New Forest by the Frost Land area and it appears that the latter was included in order to justify inclusion of the former. This sort of leapfrogging was ruled out in the South Downs National Park boundary study (see 350/4/6 p35 re ‘exclusion of coastal SSSI’). The marshes are a virtual mono-culture of Spartina anglica, now experiencing die-back and rapid erosion which may be resulting in a more ‘normal’ profile. The mudflats contain considerable contamination, particularly in the southern third and the benthic communities there have low diversity. Use of the foreshore by feeding birds is lower than might be expected for such a large expanse.

3.148 The marshes have not been grazed for nearly 40 years and do not possess outstanding or New Forest related natural beauty and, while re-introduction of grazing would be ecologically beneficial, it would not serve a New Forest purpose and could be achieved without designation.

3.149 Since the marshes here are proposed as a recharge area in connection with the Dibden Terminal proposals it would be especially undesirable to include them in the NFNP.

**The case for the Agency**

3.150 A number of unifying factors make the waterside part of the New Forest. It is within the New Forest Countryside Character Area and it was within the Large Bounds. Although the manors of Cadland and Dibden were excluded from the later Small Bounds, stock strayed into the Frost Lane and Hythe Marshes area until 1964.

3.151 The remaining undeveloped areas provide and preserve topographic and visual links between the forest and the waterside and help people to understand the relationships between different parts of the forest landscape. This was a factor identified and recognised by LUC.

3.152 The Frost Lane valley and the Hythe-Cadland marshes were brought into the Park following public consultation. The area was originally excluded because of the visual intrusion at the southern end of the Frost Lane area caused by the refinery and the urban development at Buttsash. However, following information from many consultees (as summarised in the bullet points at CD118, p14, and CD166) and a visit to the area by a member, the Board decided that these concerns were outweighed by the land’s natural beauty and recreational merits. The boundary was therefore redrawn, excluding any unsightly development.
3.153 In accordance with boundary-setting criterion 2(i) a preferred area for waste disposal was also excluded (site G in the Hants Minerals and Waste Local Plan – policy 43, preferred site G) (CD239).

**Natural Beauty**

3.154 The principal landscape type is coastal fringe backed by ancient forest farmlands. The coastal landscape is characterised by saltmarshes, mudflats, tidal creeks and coastal woodlands. This is a high-quality, open, tranquil, coherent and unspoiled area where the key landscape elements are all in good order. There are fine long distance views across Southampton Water and from the water back towards the Forest.

3.155 The foreshore and saltmarshes are part of the Hythe-Calshot Marshes SSSI and also hold SPA, cSAC and Ramsar designations. The public consultation process brought further details of these sites, which were traditionally grazed by Forest stock before the 1964 gridding. A better understanding was also gained of the potential benefits (in terms of integrated management) of including as much as possible of this network of marshes in the NFNP – and perhaps re-introducing grazing.

3.156 Inland, the Frost Lane valley is an intimate ancient forest farmland landscape centring on an ancient drove road and rich in other ancient forest features. Despite its proximity to Hythe and the Esso Refinery the valley is tranquil and quite unspoiled, being enclosed by woodland and strong hedgerows for much of its length. Its secret quality is further enhanced by the fact that most is accessible only on foot. Holbury Mire, a dramatic local landscape feature with a deeply undulating landform and attractive combination of trees and open grassland, is part of the New Forest SSSI. The Mire is thought to be a remaining fragment of a large complex of semi-natural habitats including Cadland Rough and Lymes Common which is now under the refinery. There is a particular concentration of ancient woodland sites comprising several proposed sites of importance for nature conservation (SINCs) listed in the emerging First Review of the New Forest District Local Plan and mapped at 384/3/4/350 app1. In addition, land at Forest Lodge is included on the county register of historic parks and gardens (384/3/4/350 app2).

3.157 It is acknowledged that (a) there is some degraded land affected by urban and industrial intrusion in the southern part of the area and (b) the width of the designated land is narrow at this point. However, the Board felt that the high quality land further down the valley presented strong evidence for inclusion and that this outweighed the detractors further south near the A326. The boundary is drawn to exclude any unsightly development and in any case the visual influence of the adjoining development is limited.

**Opportunities for open-air recreation**

3.158 The area offers an opportunity for visitors to understand and enjoy one of the special qualities of the Forest, namely the link to the water’s edge. There is open access to the foreshore and saltmarsh, which are visible from a nearby parking and picnic area, and an interpretation board is provided by the Hants and Isle of Wight Wildlife Trust. The Solent Way, which has the character of an ancient drove road, runs through the valley linking Southampton (via the Hythe ferry) with the New Forest to the south of Frost Lane.

3.159 For those on boats on Southampton Water the area provides views of the Forest through the strategic gap between Hythe and the refinery.
Planning issues

3.160 The Agency can only take account of the statutory criteria. It cannot second-guess how planning policies will be applied, form a view on the development needs of a particular operator, or exercise short, medium or long-term planning judgements on behalf of the local planning authority.

LAND AT PARK LANE, HOLBURY

The case for SMS Skips (187)

3.161 The company requests the omission of land on the western side of Park Lane comprising the base for the company’s skip hire and waste collection service together with an adjoining yard used for car breaking and second hand sales and the house and gardens of Holbury Cottage.

3.162 The skip depot and car scrap yard are devoid of natural beauty and offer no recreational opportunities. This is an unsightly area of development right on the margin of the NFNP and should therefore be omitted in accordance with part 2(h) of the Agency’s boundary-setting criteria.

The case for the Agency

3.163 The site is within the perambulation and forms a small enclave of about 2ha of developed land well enclosed by trees and other vegetation. It is only readily visible from the site entrance at the junction of Park Land and Lime Kiln Lane. Apart from residential development in Holbury beyond Lime Kiln Lane the site is surrounded by attractive, leafy, quiet unspoiled countryside with a strong New Forest character and is in good condition with no significant atypical or incongruous features. Adjoining areas are of national nature conservation and historic interest – ie, the grounds of Holbury Manor to the east and areas of land to the west that are within SSSIs, part of which is also within the New Forest cSAC.

3.164 As for recreational opportunities, Holbury Manor grounds are an important area of public open space containing a scheduled Ancient Monument site. In addition a footpath immediately to the north of the site leads onto Beaulieu Heath while the local plan safeguards the route for another future path running around the western edge of the site within the valley of Dark Water.

3.165 Because land is well screened it has little impact on the surrounding tract of countryside (which meets the statutory criteria). Also, it not on the edge of the NFNP: it is almost wholly surrounded by other land within the Park. Its exclusion would therefore result in a convoluted boundary in this area.

GROUNDS OF HOLBURY MANOR

The case for Holbury Manor Ltd

3.166 The objectors (165) are residents of Shapton Close, developed in part of the grounds of the former Holbury Manor, a site of previous buildings going back many centuries. The company objects that the close is excluded from the NFNP while the former manor grounds are included.
The whole of the historical site of Holbury Manor should be included to emphasise its common heritage. Lime Kiln Lane separates Shapton Close quite naturally and conveniently from other considerably larger residential developments.

The case for the Agency

3.167 Shapton Close is a modern housing development contributing nothing to an understanding of the National Park’s special qualities and purposes and forming an incongruous element in the context of the rural landscape to the west of Holbury. Although it may retain some limited historical interest there is no reason to include Shapton Close in the NFNP since it is an integral part of the built-up area of Holbury and the Agency’s boundary setting criterion 2(g) aims to avoid partial inclusion or exclusion of towns or villages.

3.168 Shapton Close can be distinguished from the former manor grounds in that the latter meets the National Park designation criteria by possessing natural beauty and offering open-air recreational opportunities whereas Shapton Close meets neither of the criteria and has little relation to the grounds other than proximity.

LAND AT KINGS COPSE ROAD/ROMAN ROAD, BLACKFIELD

The case for Mr F Tillyer

3.169 The objector (188) seeks the exclusion of an area of contention extending to about 29ha to the north of Kings Copse Road and to the north and east of Roman Road as far as the track and footpath from Roughdown to Lynwood Farm (all as visible in the aerial photograph at 188/1/2/photo 2.3). Until recently he owned about 6.2ha at the southern end of this land, although about 2ha of this has now been sold.

3.170 The brief history of the status of the area of contention within the NFHA is as follows:

- in 1991 the LUC report recommended that Roman Road should be the boundary of the NFHA, thus excluding this land;

- in 1993 the Inspector holding the inquiry into the former Local Plan considered the Council’s proposal to include the site in the NFHA, despite the LUC recommendation. He concluded that the land did not meet the natural beauty criterion but should be included under the ‘back-up grazing’ criterion, although he felt the matter was finely-balanced;

- in 1998 the Inspector holding the inquiry into the current adopted version of the Local Plan noted the Council’s acceptance that there was no case for including the land on grounds of natural beauty and found that the ‘back-up grazing’ case was now too weak to justify continued inclusion;

- in January 1999 the Council accepted the Inspector’s recommendation and published a proposed modification excluding the site from the NFHA;

- in July 1999, after 566 objections were made to the proposed modification – partly on grounds that the objector’s land was partly grazed by 2-3 ponies and was needed for back-up
grazing – the Council withdrew the modification and put the land back into the NFHA. They then adopted the local plan in that form.

3.171 It has therefore long been accepted that the area of contention does not have the necessary degree of natural beauty. Its landscape quality and value could only be medium to low. As for back-up grazing, or the land’s contribution to the ‘historic dispersed pastoral system’, the land has rights of common but the objector’s land has not been used for that purpose since at least 1952 when it was bought by the objector’s father. From 1928-1942 it was part of a golf course before being ploughed up for the war effort. After the war Mr Tillyer Snr was an active commoner and used land west of Roman Road as back-up grazing for cattle and ponies turned out on the Forest. However, he did not use land east of Roman Road for that purpose and gave up his animals in 1971.

3.172 The objector’s land has never been made available to commoners for back-up grazing. In 1999, at the time of the Council’s decision to withdraw the proposed modification, it was let to a friend who owned the ponies and later tried unsuccessfully to obtain an agricultural tenancy. An agricultural surveyor’s report in May 2001 recorded that permitted use of the land under a draft farm business tenancy (concluded later that month) was the grazing of animals, hay-making, the schooling and breaking of horses, and the breeding of horses and cows. That tenancy has ceased and the land is presently used for cutting hay and for the keeping of one Welsh Cob.

3.173 As for recreation, there is no access to the land for that purpose. The bridle-way along Roman Road is an attractive recreational route but this is outside the objection land and it is only the rural views to the west that are attractive; views to the east are towards the industrial plant within Fawley Oil Refinery. The area of contention does not offer a markedly superior recreational experience.

The case for the Agency

3.174 The area of contention is part of a broad band of farmland on the edge of the open Forest and is the only land separating the perambulation from the urban areas of Blackfield and Holbury. It is part of the Coastal Plain Estate (large informal enclosures) landscape type extending southwards to the Solent. This landscape type is intensively farmed but well-managed and has hedged fields, blocks of woodland and estate buildings. The entire extent of this landscape type is of high landscape quality.

3.175 Roman Road is an ancient lane dating back before Roman times. This is an outstanding and well-used feature linking the nearby urban areas to the perambulation and contributing significantly to both of the statutory criteria. It is exceptionally wide and spacious and bordered by ancient hedgebanks with mature tree and holly. It has almost a promenade quality. The views on both sides across woodland and pastureland contribute to the integrity of the lane and form a vital part of its landscape setting. To the west of the lane the land is “much more clearly” part of the New Forest with small scale enclosed pastures, woodlands and isolated houses and a high degree of intactness. To the east of the lane the landscape is “less intact” and there are views across “open farmland seen in framed views through trees with some remnant trees and hedges” towards detractors. Although the vista is mainly open there are some enclosing boundary features at the edge of the area of contention, including an embankment of about 1m in height. Although it is not a major determining factor here, historic maps show that the field pattern in this area has remained unchanged for centuries despite a brief period of use as a golf course.
3.176 Overall, although there are contrasts in character and quality between the land on the two sides of the lane, the integrity of Roman Road requires that the views across open land on both sides are included as part of the qualifying ‘extensive tract’. It is considered important to include this “last remnant example” of the forest edge between the perambulation and the urban areas. Local people place much weight on this factor.

3.177 Back-up grazing is not a critical issue here. As elsewhere, the contribution of the ‘historic dispersed pastoral system’ as one factor inputting to natural beauty is interpreted in a more rounded way. In this case the land offers potential for back-up grazing.

**LAND AT THE RUFFS, CHAPEL LANE, BLACKFIELD**

**The case for the Trustees of the late Mrs Read**

3.178 The objectors (241) seek the exclusion from the NFNP of land on the western side of Chapel Lane. Their suggestion is that the boundary should be drawn back to the route of a ‘woodland maintenance track’ which separates an area of woodland (to be included in the Park) from a house and garden and a small fallow field, once forming part of a smallholding (to be excluded).

3.179 At the turn of the last century the land was rough heathland and woodland with a boundary defined by Chapel Lane to the north-east and a field system to the south-east (progressively developed after 1976 as part of Blackfield). In 1936 Mr Charles Read cleared the land, constructed the present house, and established a part-time smallholding based on the field and orchard. Cattle were turned out on the Forest, exercising the rights of common attached to the land. In 1969 Mr Read ceased to practice commoning although some grazing of recreational horses and ponies continued.

3.180 In 1974 the non-woodland part of the objection site was identified for development with the land to the south-east but building never took place on the objection site although a sewer was installed across the small field to serve the development of adjoining land. In 1990 Mr Read died and the land was subdivided amongst 3 owners, meaning that the smallholding ceased to exist.

3.181 In 1993 the first Local Plan Inspector considered objections to the inclusion of the site within the NFHA but concluded that it had been “correctly identified by LUC (albeit not in their 1991 report) as a remnant of the Forest smallholdings and dwellings landscape type...and it was].. appropriate for it to be included within the Heritage Area”. A reinforcing factor in this conclusion was that the site had potential to revert to its former role as back-up grazing.

3.182 The trustees agree that the woodland area to the west of the maintenance track is of a quality worthy to include in the NFNP, especially as it has been enlarged, reinforced and maintained in recent years with the aid of a woodland maintenance grant. The owners would be willing to donate this land to the Woodland Trust or a similar body so that the public could make use of it as an area of ancient woodland complementing the open heathland of Blackfield Common. The track would provide an easily identifiable boundary to the Park.

3.183 However, circumstances regarding the rest of the land have changed in the past 10 years. Firstly the distribution of uses has changed since 1989. The new maintenance track now more obviously separates the larger woodland area from the reduced area of fallow field which is now
no more than 0.3 ha (0.75ac) and could not support more than 1-2 ponies. Secondly, some of the more traditional native hedgerows surrounding the field have been replaced with a beech hedge and a length of close-board fencing. Thirdly, the field itself has been unused, becoming a source of some complaint, and the redundant farm buildings have become a derelict eyesore. Fourthly, there is no evidence that back-up grazing cannot be obtained in this area; in fact additional sources have become available in recent years through restoration of nearby completed mineral workings on former heathland.

3.184 In summary, the area outside the woodland does not have high landscape quality and has no actual or potential association with the Forest, nor any feeling of being within it.

The case for the Agency

3.185 The objection land is similar to the ‘heath associated estates’ landscape type, an enclosed wooded estate landscape closely associated with a zone of former heathland. In this area it is the only remaining land separating the perambulation from the urban areas of Blackfield. Part of the site is pasture with some redundant farm buildings, part is ancient woodland, and part is a house plot with a newly planted small orchard. Taken as a whole it is part of an extensive tract of high quality landscape satisfying the designation criteria. The neighbouring perambulation is a key part of this tract, complemented by the fringing heath-associated estates landscapes of which the site forms one remnant, providing a strong sense of continuity with past land uses.

3.186 The cultural heritage represented by the historic dispersed pastoral system forms a relevant contributory factor here and the site is suitable for back-up grazing because it is a small area of low-grade pasture close to relatively affordable housing and in an area where there is high demand.

3.187 Future public access to the woodland would be welcome and would increase the site’s potential contribution to the recreational criterion, especially as its position adjoining the perambulation makes it readily accessible to many people. In addition, the new track would offer occasional views to the house and field which are typical of this landscape type on the Forest edge.

**LAND BETWEEN FAWLEY AND CALSHOT**

3.188 Suggestions are made both to extend and to reduce the area included within the NFNP in this area. **J Field (32)** proposes that additional areas be included, ie Fawley Village and an area of land north of Fawley Power Station. Other objectors suggest that areas be removed. **K Cromar (73) and Esso Petroleum (154)** suggest the exclusion of land east of the B3053 except for Calshot Spit and land and marshes north of Calshot village. **RMC Aggregates (220)** makes a different suggestion under which an enclave at Ashlett Creek would remain within the Order but the boundary would be drawn back to the west of the B3053 in the area of Badminton Farm and Calshot village, excluding Calshot Spit and Calshot Marshes.
THE CASE FOR EXTENDING THE NFNP

The case for J Field (32)

3.189 Mr Field refers to Fawley Village as an ancient New Forest village with a 12th century church built by the monks at Beaulieu Abbey. In his view the village should be included in the NFNP alongside Ashlett and the foreshore. Exclusion could make the village vulnerable to insensitive development.

3.190 The area north of the power station should also be included. Although fenced, it has become a sanctuary for many species of birds, small mammals and plant life and, if not included, will again become available for further industrial development.

The case for Mr & Mrs C Marston (36)

3.191 These objectors suggest that there is no logical reason why the eastern boundary of the Park should not be the shoreline of Southampton Water.

The case for the Agency

3.192 Fawley village does not meet the designation criteria. It largely comprises modern housing development close to the oil refinery and lies on the periphery of the Park rather than within a qualifying ‘extensive tract of country’. In any case, it does not meet the boundary-setting criteria for settlements on the margin.

3.193 The other land referred to by Mr Field was the former construction site for the power station. It consists of hard standings now being progressively covered by naturally regenerating scrub. It may have some value for nature conservation but its landscape quality is generally poor and there is no immediate prospect of modification or screening so it does not meet the designation criteria.

THE CASES FOR RETRACTING THE BOUNDARY

The case for Esso Petroleum

3.194 The company seeks the exclusion of land south of the Fawley Oil Refinery as indicated on the overlay attached to 154/1/3 plan 2, leaving the B3053 as the NFNP boundary at this point.

General conceptual matters

3.195 The Landscape Assessor’s report deals with the submissions made by this objector on the following general conceptual matters relating to the natural beauty criterion:

- that the addition of the recreational criterion to the NFHA natural beauty criterion logically suggests that it would be more, rather than less, difficult for land to meet the National Park criteria than to qualify for the NFHA;

- that the additional ‘considerations’ introduced in CD238 are not additional ‘criteria’ but the Agency’s interpretation of the statutory criteria; and that while they introduce valid interpretative issues reflecting the way that the landscape is analysed they should not replace the natural beauty criterion which remains at the top of the table and has to be met in its own
right (so that the additional considerations cannot make up any deficiencies or doubts about natural beauty)

- that there has been too little consideration of the landscape and visual impacts and tensions created by the juxta-positioning of several major industrial sites close to the National Park boundary which compromise and even negate the recognition and experience of natural beauty within the Park.

**The history of consideration of this land**

- LUC included the area around Ashlett because it was seen as an extension of the so-called ‘coastal estate lands’ landscape type “which maintains the traditional relationship between grazing land and the coast”. The NFHA thus runs around the southern edge of Fawley and includes part of the peripheral landscape belt around the refinery and petrochemical complex as well as the Ashlett/Stonehills area before following the B3053 to the Solent, omitting Calshot. In the view of LUC

  “the coastal fringe around Calshot and Fawley is so affected by Fawley Power Station and by reclamation and development influences that it has no real link to the Forest and has therefore not been included in the Heritage Area even though it includes a coastal nature reserve.”

- The New Forest East Local Plan incorporated a revised NFHA boundary departing slightly from the LUC recommendations, coming closer to the refinery, but the Local Plan Inspector did not support this.

- The outcome of the ERM boundary study for the NFNP encompassed a slightly greater coastal setting for Ashlett but excluded the adjacent salt marshes, noting that “whilst the nature conservation importance of the adjoining salt marshes is recognised, in practical terms it would be difficult to include these areas within the National Park because of their physical isolation.” It then includes additional land in front of Fawley Power Station and Calshot Marshes and Spit, as included in the AONB.

- In response to the public consultation the Agency received comments arguing for the inclusion of Ashlett Creek, the foreshore and Fawley Power Station. It was decided (CD118 p16-17 & CD107) to include the creek and foreshore because of the “need to include a coherent section of coastal saltmarsh and the recreational importance of the area, specifically the coastal footpath...shift the balance in favour”. However, the footpath is the only recreational resource here and recreation and nature conservation could be in conflict along this stretch. There are no natural beauty arguments advanced and the visual intrusion of Fawley Power station is not dealt with at all. The latter is only excluded because its long-term future is uncertain but it is not clear why this is relevant under the designation criteria.

**The area judged against the statutory criteria**

3.196 This area comprises landscape elements with both rural and urban characteristics. It is generally a pleasant landscape which has suffered from an accumulation of both major and minor detracting elements. In particular, the zone of visual influence of the power station and oil refinery complex is major and extensive. Within this zone (154/1/1 plan6) their impact diminishes the quality of the landscape whatever its other intrinsic merits may be.
3.197 The saltmarsh north of Ashlett Creek is physically inaccessible. There is no public footpath permitting access. In view of its international importance as habitat this is beneficial but the recreation criterion cannot be met. In any event the natural beauty of this area is diminished by the refinery complex, the visual and aural presence of the marine terminal, and the general urbanisation of this area.

3.198 The coastal strip south of Ashlett Creek is accessible by the coastal footpath which gives wide and attractive views across to less developed and industrial parts of Southampton Water. However, the experience of using the footpath is dominated by the power station. The estuary views are not of the highest quality and development on Calshot Spit prevents any feeling of increasing remoteness until the power station is left behind. The scene around Ashlett creek is worthy of its conservation area status and the boating activity is colourful and interesting. However, it is not nationally important landscape nor are recreational opportunities other than limited.

3.199 The valley inland of Ashlett Creek is attractive and there are some interesting glimpses of the water, recalling the physical and historic association between the Forest and the sea. However, the area is confined by urban development and Fawley Power Station and ‘occupied’ by residential and other development which inevitably compromises its natural beauty. The fragments of quality are just that: remnants of an earlier more extensive New Forest. There is merit in recognising this value but inclusion in a National Park needs to be governed by more practical considerations. It does not pass the natural beauty test either in its own right or as a tenuous adjunct to the open forest and has limited opportunities for recreation.

3.200 The area between the B3053 and the power station is without intrinsic merit and completely dominated by this massive structure. The land is currently subject to mineral extraction planned to continue for some 13 years. The B3053 is the proper defensible boundary.

**The case for the Agency**

*Natural beauty*

3.201 The inland areas here are part of the ‘coastal plain estates’, large informal enclosures in an intensively farmed but well-managed large-scale landscape. Fields are enclosed by hedgerows with oaks and blocks of woodland and small river valleys. The landscape descending to Ashlett Creek has a particularly intimate scale and a strong sense of enclosure and forest ponies are widely visible in the landscape. The sequence of glimpsed views of the water is an attractive aspect of its landscape character and the quay at Ashlett Creek presents a colourful, interesting and attractive scene.

3.202 The foreshore is an outstanding example of a coastal saltmarsh fringed by scrub and woodland, with irregular muddy creeks, shingle beaches and open windswept views along Southampton Water and out to Calshot Point and the Solent.

3.203 The landscape quality is generally very good, despite visual intrusion from the power station. This issue was considered carefully. The visual impact of the refinery complex and the power station is not so dominant and adverse that the landscape quality fails to meet the natural beauty criterion. Rather, the view was taken that the outstanding importance of this landscape at a strategic level justifies the inclusion of land all around the power station.

3.204 The saltmarshes here are part of the Hythe-Calshot Marshes SSSI/SPA/Ramsar/cSAC. Designation could encourage an integrated approach to conservation management and the
potential reintroduction of traditional grazing would be beneficial in nature conservation and landscape terms.

3.205 This is an active commoning area playing a part in the historic dispersed pastoral system. Much of the land has forest rights and is in use for back-up grazing, or suited for that purpose, and there is a high level of need in this area (CD205). The area was used by straying stock prior to 1964.

**Opportunities for open-air recreation**

3.206 There are many opportunities for a markedly superior recreational experience in this area. The character and quality of the coastal landscape is outstanding and offers an extremely varied recreational experience. The coastal footpath from Ashlett Creek to Calshot is the only opportunity to walk for any distance along the foreshore and has a wild windswept character with stunning views to Calshot Point as well as opportunities for bird-watching and other nature study within the Calshot Local Nature Reserve. Although the power station is intrusive in some ways the eye is generally drawn outwards to the panoramic coastal views and gets used to the presence of this structure. The area offers excellent opportunities to inform the public about the National Park and its links to the waterside and to enjoy a different type of New Forest habitat with a sense of space and peace.

3.207 Inland, there is a good network of footpaths connecting the coast to the open country shown on the draft CROWN maps and the perambulation. The private sailing facilities, pub and slipway at Ashlett Quay are an additional popular recreational resource.

**The case for RMC Aggregates (UK) Ltd**

3.208 The suggested change to the boundary is illustrated at 220/1/4A & B plan QPA6.

**General conceptual matters**

3.209 The Landscape Assessor’s report deals with a number of general conceptual matters raised by the consortium in relation to the ‘natural beauty’ criterion as follows:

- what is meant by the term ‘natural beauty’;

- the clear and careful distinction that must be 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), especially the assignment of value – in this case whether land meets the statutory designation criteria;

- the development of the Agency’s interpretation of the statutory criteria and the way that this may have contributed to the inclusion of areas not worthy of designation;

- what has been understood through the years as the essence of the New Forest’s natural beauty and its open-air recreational opportunities and the way that the Agency seems to have changed its mind about this;

- how the NFHA was devised and tested, and the fact that it represents a developed consensus about that area of the New Forest likely to gain recognition as a National Park;
- the flaws of the boundary study and position paper 1;
- the significance of the commoning system on the designation process; and
- the consequences of the long-term sterilisation of minerals resources if the National Park is confirmed with the boundaries shown in the Order.

**Site specific matters**

**Natural beauty**

3.210 This area is within two LUC character types – ‘coastal estatelands’ to the west of the B3053 and ‘urban fringe coastlands’ to the east. These descriptions accurately reflect local character and the LUC-recommended line for the NFHA appropriately defined the area of natural beauty. The power station’s bulk dominates the area. To the south Calshot and Calshot Spit are within the South Hampshire Coast AONB designated in 1967 but the former is undistinguished and the latter is dominated by large sheds and the very large indoor activities centre. The Agency appears to have made no critical reappraisal of the current natural beauty of this area. In any case, the Solent coastal nature conservation designations do not demonstrate natural beauty which is characteristic of the New Forest.

3.211 Since the LUC study took place planning permission has been granted for sand and gravel extraction at Badminston Farm, covering land both west and east of the B3053. Works commenced in 2001 and will continue until 2014. The site includes a processing plant east of the road and working areas will be screened by bunds alongside the B3053, Badminston Drove, and Badminston Lane. This site, too, will not meet the natural beauty criterion. The phased restoration scheme will include heathland, pasture and wetland areas to the west of the B road and arable farmland to the east, with woodland belts at the perimeter. The area to the west of the road will then have some nascent features of a New Forest type but will not have maturity or ecological diversity for many years and will still be dominated by the power station. The future degree of natural beauty of this area will need to be re-assessed at an appropriate time after restoration. The area to the east of the road, beneath the power station, does not meet the natural beauty criterion now and would not do so after restoration.

3.212 Although there is evidence that the Calshot area is generally well-used by commoners, and this is an area of relatively low cost housing which will reinforce the area as a commoning base, the land subject to mineral extraction has been in arable use. Some will eventually be returned to arable production and although other land may be added to the pool of back-up grazing this does not require or justify inclusion of the area of contention within the NFNP; in fact there seems to be no shortage of grazing land in the area.

**Opportunities for open-air recreation**

3.213 While there is an extensive footpath network through the woods and commons to the west of the objection land there is only one footpath through Badminston Farm. This does not and will not offer a markedly superior recreational experience of national quality either before, during or after the workings and it is within the Fawley major hazard consultation zone.

3.214 The presence of the coastal path is of little relevance in itself since views are so dominated by the power station and refinery and the former blocks any inland views towards the New Forest. The indoor activities centre is not relevant to a test of outstanding opportunities for
public ‘open-air’ recreation, while some of the outdoor activities here are not quiet (eg jetskiing). Although wind-surfing takes place here this is available anywhere that a car can be parked near the shore and is commonplace next to beaches along the Solent.

**The case for the Agency**

**Natural beauty**

3.215 The area plays a strategic role in relation to the NFNP. It is one of the rare surviving links between the Forest and the Solent and the marshes were formerly grazed. The wider landscape setting is outstanding, as represented by the views over Southampton Water and the Solent from Calshot Spit, the Nature Reserve, the foreshore and higher ground near Ower in the vicinity of the RMC site. Calshot Spit is part of an important coastal geomorphological unit (the North Solent SSSI) extending from Hurst Point and Spit to Calshot. There is great diversity of interest including the open windswept landscapes of the saltmarshes, Calshot Castle, the pebble beaches and beach huts, and the intimate wooded valley inland at Stanswood. As the area retains an active commoning economy Forest ponies are still widely visible in the landscape.

3.216 Landscape quality is generally very good, despite visual intrusion from the power station and to a much lesser degree from the historic hangar housing the activities centre (which is part of a complex of older coastguard buildings and hangars, some of which are of historic interest, including the scheduled Ancient Monument at Calshot Castle). The later is one of a series of coastal defences built by Henry VIII, also including Hurst Castle. The outstanding importance of this landscape at a strategic level justifies including land all around the power station. The facility operates only at very low capacity as an emergency feed into the grid and may be decommissioned at some point in the future.

3.217 Much of the land is of national and international nature conservation interest. The saltmarshes form the end of the Hythe-Calshot SSSI/SPA/Ramsar/cSAC complex and Calshot Marshes are a Local Nature Reserve.

3.218 In relation to commoning, this is an active area with a good resource base of actual and potential back-up grazing. Much of the land has common rights and straying took place here prior to 1964 with stock ranging between the perambulation and the marshes.

**Opportunities for open-air recreation**

3.219 There are many opportunities for markedly superior recreational experiences here. The character and quality of the coastal landscapes is outstanding and extremely varied. The coastal footpath offers wild windswept walks with stunning views to Calshot and opportunities for birdwatching and nature study in the reserve. The Spit commands views across the mouth of Southampton Water and is a perfect vantage point from which to observe shipping and sailing activity on one of the world’s busiest waterways. The activities centre provides for a range of outdoor as well as indoor pursuits including sailing, angling, windsurfing and other watersports. The castle is owned by English Heritage and open to the public, there is a heritage trail and the pebble beach is extremely popular with locals and holidaymakers. Inland a good network of paths links the coast to open country at Fields Heath and then on to Blackfield and the perambulation.
Minerals issues

3.220 According to the Minerals Planning Authority the Badminston Farm workings are expected to be restored in about 2013. Because the site is within the NFHA particularly high standards of restoration have been agreed. The scheme will complement the landscape character of the forest fringe and act as a green link between adjacent areas. It provides for a gently undulating landscape of heath, a mix of small arable and grazing fields and small water bodies and wetland. After restoration the land will therefore be of a use and quality contributing to National Park purposes, as it was before the commencement of works.

LAND AND WATER FROM CALSHOT TO LYMINGTON RIVER, INCLUDING OBJECTIONS CONCERNING LAND BETWEEN MHW & MLW

3.221 A number of organisations object to the placing of the NFNP boundary at mean low water (MLW) rather than mean high water (MHW) along the River Test, Southampton Water and the Solent;

- Lymington Harbour Commissioners (184)
- Southern Sea Fisheries (41)
- Calshot Oyster Fishermen Ltd (114)
- West Solent Oystermen’s Action Group and Keyhaven Fishermen’s Association (195)

3.222 On the other hand, the Hants & IOW Wildlife Trust (166), the New Forest Association (111), New Forest District Council (106), and the New Forest Committee (378) consider that the boundary should extend beyond MLW. The first two refer to the ‘Western Solent’, the second two to ‘the local authority boundary in the River Test and Southampton Water’. [The Wildlife Trust later withdrew their objection ‘having been advised by the Agency as to the legal limitations to the marine boundary along the western Solent’.

The case for Lymington Harbour Commissioners

3.223 The Commissioners’ concern is that no part of the working harbour should be included in the NFNP. This is unnecessary and undesirable and it is thought to be unprecedented for the navigational channels of a trust port to be included in a National Park. A revised map at 184/1/2 addendum 2 indicates the preferred area of exclusion broadly following the line of MHW up the Lymington River and from the open sea to the Lymington-Walhampton bridge. This boundary would exclude most of the area of the Hurst Castle and Lymington River SSSI.

3.224 Lymington Harbour Commissioners manage Lymington River and Harbour as a small Trust Port. They seek to provide economical administration, preserve the river’s intimate character, protect the environment and maximise the safe use of the river and harbour and their enjoyment by the present broad balance of commercial and leisure users. The concern is that if the harbour were to be included within the NFNP conflicts could arise between the respective powers and duties of the NPA and the Commissioners.

3.225 Moreover, the Commissioners doubt whether the natural beauty criterion is met within the working harbour (in distinction to the saltmarshes), although the recreation criterion probably is. It would not be “especially desirable” to include the working harbour within the National
Park. The Sandford principle should not apply there; it is a matter of applying a balance rather than an overriding principle. The Commissioners would experience difficulties if the NPA took actions which (a) were inconsistent with the harbour bylaws or management policies (b) led to increased harbour traffic or compromised navigational safety (c) undermined the authority of the Commissioners or created public confusion about who was in charge of the harbour or (d) affected the Commissioners’ ability to manage the harbour in any way.

3.226 It would be unduly complex to introduce another tier of control within the harbour. While the Agency and NPA could be expected to act with good faith, people on the ground often interpret powers mechanistically and legalistically and could run into conflict with the present simple harbour management arrangements. The Commissioners are not reassured by the letter from the Agency concerning statutory powers (184/0/7). For example, it would be a matter of great concern if the Harbour Authority’s powers under the GPDO were to be removed by service of an Article 4 direction by the NPA.

3.227 A parallel can be drawn with the Pembrokeshire Coast National Park where Milford Haven oil terminal and the navigational channel are excluded from the National Park.

The case for the Agency

3.228 In terms of the designation criteria, Lymington River is of very high landscape quality and the Hurst Castle and Lymington River SSSI has cSAC, SPA and Ramsar designations. The recreational case for inclusion is also very strong both because of the opportunities for sailing and boating and because of the network of quiet lanes and footpaths giving access to the coastal scenery of the river, marshes and Solent. The area offers an opportunity to enjoy a range of characteristic landscapes making up part of the New Forest’s unique and complex mosaic.

3.229 The NFNP boundary has been drawn consistently at MLW as shown on the Ordnance Survey Maps except where it crosses a river mouth, eg Lymington River, where it follows the county/district administrative boundaries across the mouth. This is consistent with the boundary of the South Hampshire Coast AONB which also follows MLW. In the absence of clear guidance for National Parks, MLW is preferable because it extends protection to the important and vulnerable intertidal zone. It also coincides with the area over which local authorities have jurisdiction as planning authorities. It would be inappropriate and unnecessarily complex for the powers of the National Park Authority to stop short at MHW, leaving planning powers over the adjoining intertidal zone to be exercised by the existing local planning authority.

3.230 Since the National Park authority would be a special purpose authority with particular limited statutory responsibilities its jurisdiction within the intertidal zone would not repeal, amend, overlap or conflict with the Commissioners’ statutory rights and responsibilities and their other matters of concern. While the NPA could make bylaws within the scope of its statutory concerns these could only be exercised with the consent of other powers with an interest in the matter and S13 provides an arbitration procedure in the unlikely event of that being necessary. The Commissioners would have a duty under S62 of the Environment Act 1995 to have regard to the statutory purposes of National Parks in carrying out their responsibilities but they already have a similar responsibility in relation to the South Hampshire Coast AONB by virtue of S85 of the Countryside and Rights of Way Act 2000. For their part, the NPA would have a duty to foster the economic and social well-being of their local communities (which include the matters covered by the Commissioners) and would be required to have regard to that in undertaking their responsibilities.
Saundersfoot is an example of a very small Trust Port included within the Pembrokeshire Coast National Park.

The cases for the Fisheries Bodies

3.231 *Southern Sea Fisheries District* (41) is the statutory authority responsible for managing and policing the inshore fisheries between Hayling Island and Lyme Regis for 6 miles out to sea and is the grantee for the Solent Oyster Fishery Order which gives power to make Regulations concerning dredging, fishing and taking of oysters and clams within the fishery.

3.232 This is a particularly important area because the Solent oyster beds form a substantial part of the largest self-sustaining oyster stock in the UK and probably Europe. The area is also an important area for other shellfish and a nursery area for fin fish. The District does not wish to see any additional restrictions placed on traditional fishing activity between high and low water and considers that a low water mark boundary to the NFNP could introduce the potential for conflict with the long-standing licensed activities of local fishermen.

3.233 *Stanswood Bay Oystermen Ltd* (87), *Calshot Oyster Fishermen Ltd* (114), and *the West Solent Oystermen’s Action Group & Keyhaven Fishermen’s Association* (195) have rights to fisheries along various defined sections of the Solent coast. All are concerned that the advent of the NFNP and the NPA would bring another bureaucratic body with overlapping and competing interests and activities that could conflict with the established economic benefits enjoyed by those exercising the fishing rights. In particular, encouragement of increased recreational activity could pose a threat to fishing interests. The NPA would be added to the already large number of statutory bodies concerned with the intertidal area such as DEFRA, English Nature and the County and District Councils and bring new policies to add to those of the existing bodies and the European habitats and species directives and the Solent European Marine Site.

3.234 It would also be difficult to define MLW accurately on the designation order map because continuous change is taking place in the configuration of the eroding saltmarshes and the other intertidal areas (see 195/1/2). Thus, the line of MLW as identified on the OS map current at the time of designation will not remain accurate. MLW was used as the boundary for the Solent Regulating Order but practical difficulties of identifying the line caused enforcement problems and led to the line being changed to MHW which is more enduring and identifiable.

The case for the Agency

3.235 The general points made in response to Lymington Harbour Commissioners also apply in these cases.

3.236 In the case of the Southern Fisheries District there should be no conflict between the District and the NPA because both are organisations primarily concerned with conservation. Both need to comply with matters such as the Habitats Directive.

3.237 As indicated in CD179, NPAs in other areas have good relationships with local Fisheries Committees.

The case for New Forest District Council and the New Forest Committee

3.238 The NFNP boundary should be the same as the District Council’s administrative boundary which extends to the midpoint of the River Test/Southampton Water from Redbridge to a point opposite the northern end of Esso’s marine terminal jetty.
The case for the Agency

3.239 The approach is to use the mid-point of non-tidal rivers but MLW elsewhere. In the case of a tidal river the midpoint would be difficult to demarcate and administer. It is not agreed that a boundary at MLW would result in inconsistency or administrative inconvenience in the long term. If any further proposals were to be made for structures extending beyond MLW they would be likely to be within urban areas excluded from the National Park and therefore fall entirely within the remit of the District Council.

[INSPECTOR’S NOTE ON SEAWARD BOUNDARIES IN OTHER NATIONAL PARKS]

Responding to my request for clarification about practice elsewhere, the Agency provided CDs 170-174 & 179 which give information about the coastal boundaries of other National Parks in England and Wales. However, some of the information on the maps can be difficult to interpret.

In the case of Exmoor National Park CD 179 states that “The Park boundary is open to the sea and the landward boundary runs to the low mean water mark……….The National Park Authority is not aware of any problems which have arisen from the boundary being drawn to mean low water mark and considers that it brings benefits to the work of the NPA…..”. However, it seems to me that the bold line along the coast on the designation map at CD171 omits areas between MHW and MLW, for example most notably in Porlock Bay and Lynmouth Bay.

In the case of the Lake District National Park CD179 states that the boundary is “drawn to mean low water and includes an off-shore boulder scar – Kokoarrah Rocks – which has the effect of including a small area of permanent sea within the Park. The boundary ‘hops’ over the entrance channel, at the low water point, to the three river estuary of Ravenglass so that all the intertidal and low water salt river courses are within the Park. At other places – near Grange-over-Sands and Greenodd, both within Morecambe Bay, the park boundary is more related to administrative and land features eg parish boundaries and river courses that reach to the shore.” The designation map at CD170 appears to support these statements.

In the case of the North York Moors CD179 states that the coastal boundary “is ‘open’ on the designation order map but is taken by the NPA to be the mean low water mark for planning and most other purposes.” My interpretation of the designation map at CD173 is that the bold line around the coastal sections appears to follow the MLW mark.

In the case of Snowdonia National Park, it is not generally easy to interpret CD174 but it appears to me that areas between MHW and MLW are excluded from the designated area north of Aberdovey and west of Llanfair, Llandanwg, and Llanenddwyn. In the estuary south of Porthmadog administrative boundaries appear to be followed.

In the case of the Pembrokeshire Coast National Park, CD179 states that “the boundary generally extends to the mean low water mark……….As well as the mainland the National Park includes five substantial islands and a host of smaller islets, reefs and rocks………..within the upper Daugleddau portion of the Park the designated area includes the waters of the estuary as well as the intertidal zone. The National Park includes the upper part of the Milford Haven estuary, but does not include the commercial port of Milford Haven or its navigational channel.”

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The case for Mr K Cromar

3.240 Mr K Cromar (73) suggests that the NFNP boundary along the Solent Coast should follow the MHW mark from Calshot to Sandpit Lane and then cut inland to follow Sowley Lane and the inland road from Pylewell Home Farm to the outskirts of Walhampton, reaching Lymington River by the railway line. In his view the coastal marshes and Hurst Castle have no link with the New Forest and should be protected by some form of appropriate separate coastal heritage area.

The case for the Agency

3.241 The boundary in this section has been drawn to maintain the integrity of the Solent Coast landscape within the present AONB, including the coastal mudflats, saltmarshes and important geomorphological features. All the land included meets the designation criteria.

LANDSCAPE ASSESSOR’S CONCLUSIONS & RECOMMENDATIONS ON NATURAL BEAUTY

Eling to Marchwood

3.242 The area lying between the towns of Totton and Marchwood extending to MLW and Eling Channel is contained within the boundary of the NFHA while the area to the north of Eling Channel which covers the full extent of the Eling and Bury saltmarsh SSSI is also within the Designation Order.

3.243 I agree that the majority of the terrestrial land is fairly typical of the New Forest landscape character type, Ancient Forest Farmlands, as did LUC for the NFHA previously which gave recognition to the area’s natural beauty at that time. The area covered by this landscape type extends across the railway and A326 to the west, almost as far as the Perambulation beyond Langley Wood and adjacent copses where it increasingly becomes more typical of the type as one moves west.

3.244 The inter-tidal area and waterside edge is classified as a narrow section of the Coastal Fringe landscape type while the north and south boundaries are formed by the edges of the urban areas. An area of the Heavy Industry landscape type which includes the sewage works and incinerator site is found at the waterside near to Marchwood. However at the waterside of the Totton urban area I find another sizeable additional area of the Heavy Industry landscape type at Eling Wharf backed by the urban edge (on land associated with objections from Great Marsh Ltd/Burt Boulton Holdings/Koppers UK Ltd) which continues up to the A35 road bridge crossing the Test, resulting in this waterside section of the proposed NFNP being effectively sandwiched between two areas of the Heavy Industry type looking directly on to a major container port on the opposite bank of Southampton Water.

3.245 I agree partly that today this area contains elements and landscape character typical of the New Forest showing in places a landscape pattern of small irregular fields, hedgerows and
hedgerow trees and some small woodlands. The multiple national and international nature conservation designations in the intertidal zone and historical linkages especially in the vicinity of Eling village and Eling Tide Mill, each with vernacular architectural style, are also recognised for the qualities that they impart to the area. However as one moves away from the village to the south and south east the landscape grades into the ordinary until it meets the road and rail corridor which physically separates it from the proposed NFNP area west of the A326. The sizeable mineral extraction site north of Marchwood currently offers no New Forest landscape quality and the approved restoration plan indicates that the landscape conditions will eventually be no more than ordinary, nor give any greater connectivity to the New Forest, and there is no certainty of an improved restoration scheme.

3.246 Views into the area from Southampton show that the area has some relationship with the New Forest through the partly wooded waters edge and the skyline at Trotts Farm but the remaining skyline is further inland across the A326 at Golt’s Copse.

3.247 When looking out of the area, particularly at the waterside, there is no impression that this is an area of outstanding natural beauty, especially as major industrial detractors are seen at close range so visual impact is intensified. For instance looking across Southampton Water from Eling waterside, which is as little as 500m wide at this point, the eye meets the stacked wall of containers at the container port and other dockside facilities and the urban development of the city on rising ground behind, all with their associated noise profiles.

3.248 Looking north the view is directed by a double set of pylons which cross the shoreline footpath and saltmarsh, forming a ‘wirescape’ which draws the eye towards the raised and dualled flyover, road bridge and railway crossing the Test about a kilometre away, together with the much nearer view of the drums and containers of the storage facility at Eling Wharf immediately across Eling Channel, which is less than 50 metres across at the closest point. None of this equates with the outstanding natural beauty and landscape experience normally associated with being in a National Park.

3.249 In terms of overall connectivity the area appears to be generally isolated from the rest of the New Forest, due to its position at the head of the navigable waterside and especially by the A326, rail and pylon corridor between Jacob’s Gutter and Trotts Farm.

3.250 While I accept the strategic importance of this limited area of open countryside, currently this landscape is subject to strong urban and industrial components which impose a negative influence on landscape quality, resulting in a very uneven landscape condition, so that overall the natural beauty criterion is not adequately satisfied in order to recommend the area for National Park designation.

Marchwood to Hythe

3.251 While accepting that the reclaimed land at Dibden is now singularly the largest area of semi-natural grassland on the waterside, there is no question that this is an artificial landscape consisting of made-up ground from marine dredged material progressively placed on top of a once extensive saltmarsh environment. This now terrestrial area of around 200 hectares does possess unique physical qualities and conditions due to the nature of the introduced substrate and the dynamism of ecological evolution, which is recognised through the high grade nature conservation designation status awarded, which also includes the remaining foreshore, but nevertheless today shows little of the character of New Forest landscapes.
3.252 Accepting that reclamation has occurred here since the 18th century and more intensively in the last 50 years, the landscape transformation has been intermittent and progressive, but not historically characteristic of the New Forest, nor is the land any more likely to satisfy the natural beauty criterion than any other brownfield site occurring on the edge of the proposed NFNP.

3.253 The area does have a sense of isolation and a certain type of wildness due mainly to the extent of flat ground and its open nature, although the landscape cannot be directly experienced as there is no public access onto the reclaim itself and views of it are limited, mainly available from the water itself or from Southampton city. The sense of wildness and tranquillity is also challenged by the setting between the busy military and commercial port activities of Marchwood and Southampton and the urban residential environment of Hythe where the recent marina housing development provides one of the rare but key viewpoints over the whole area.

3.254 Due to these unique conditions but as part of the Coastal Fringe landscape type, the reclaim possesses limited commonality with other areas of the type within the NFHA and perambulation, and I consider that the reclaim itself falls at the lower end of a spectrum covering all grades of this type.

3.255 Turning to the land objected to by the Defence Estates close to Pumpfield Farm which is part of the Ancient Forest Farmlands type, I find that the landscape of this hidden area is in a poor condition, with one field having a large earth mound of introduced material. The area is visually affected by the nature of the multiple rail corridor, security monitoring and fencing of the Military port with glimpses of urban fringe characteristics beyond. The area does not offer a meaningful edge to the NFNP and does not possess outstanding natural beauty in any way.

3.256 Behind the landward bund and drainage channel skirting the reclaim’s western edge, I find a very different landscape situation evident in the presence of the Ancient Forest Farmlands landscape type. An older historic shoreline and many New Forest landscape and land use characteristics occur throughout, especially at Veal’s Farm and below West Cliff Hall, rising up to the low ridge that runs parallel but inland of Southampton Water. This elevated land with frequent fine distant views across to the waterside to the east and occasionally west into the heart of the New Forest, is most prominent from Marchwood Priory to Applemore Hill, but with associated higher ground at Dibden church and golf course fading through to the lower rise at West Cliff Hall.

3.257 This western area was defined within the NFHA (except the fields around West Cliff Hall) and therefore accepted to possess qualifying natural beauty. It still possesses many of the same characteristics today, albeit in a somewhat neglected condition in places, especially those areas near to the railway such as at Veal’s and Pumpfield Farms. This farmland, the small scattered village settlement at Dibden and the fine vernacular feature of Dibden church, and the manicured but well treed fairways of the golf course, are all set in a relatively tranquil landscape with little intrusion from the A326, which is mainly in cutting or the rail line which has relatively infrequent and low speed use.

3.258 I conclude that the area covered by the former NFHA boundary west of the reclaim still satisfies the natural beauty criterion today and also find no reason to exclude the area around West Cliff Hall on the edge of Hythe on natural beauty grounds. I recommend that both should be included in the NFNP. In contrast I find that there is no landscape justification whatsoever for including in the NFNP the fields north of Pumpfield Farm near to Marchwood, nor the reclaimed land at Dibden between the NFHA boundary and the foreshore.
The Frost Lane area

3.259 The Frost Lane valley forms a tenuous protrusion of the NFNP boundary between the New Forest core and the waterside which was not included in the NFHA but later recognised as within the broad New Forest Countryside Character Area. According to the Agency the area is part of the Ancient Forest Farmlands landscape type which also extends further south to include Holbury Mire SSSI. Beyond the boundary in the Designation Order this landscape type includes a disused pit and skirts around the edges of the two Refinery sites. The same area was previously assessed and classified for the NFHA as degraded urban fringe coastlands not worthy of designation. This section of the NFNP boundary also includes a large area of the foreshore covering the full extent of Hythe to Cadland saltmarsh SSSI which terminates in front of the main refinery complex.

3.260 In considering this area I find that there are some links with the New Forest but mainly in the central part of the valley which has a contained valley topography with some typical landscape characteristics, such as mature hedgerow oaks and parcels of semi-natural deciduous woodland and other habitats of interest, such as wet meadow. There is also a recognised historic parkland landscape at Forest Lodge, which eventually leads down to the open waterside aspect of the Hythe and Cadland Marshes SSSI of the coastal fringe type.

3.261 However the valley is close to the built-up areas of Hythe and Buttsash and the marshes close to several refinery complexes, so consequently as well as possessing the above characteristics the area also displays strong industrial and urban fringe elements. Refinery works are close at several points but especially evident from the waterside areas, with associated background noise and occasional glimpses of depots and a notable chimney stack in the central valley section. At the southern end close to the roundabout on the A326 the landscape quality is poor being affected by various components such as the poorly maintained sports ground, car park and associated rundown buildings, fly-tipping here and on the Solent Way, and the sightline areas of the roundabout feeder roads. The low grade landscape quality of this area effectively completely truncates the medium grade landscape quality of the central area of the Frost Lane valley from the high quality of landscape within the perambulation and NFHA on the west side of the A326. The landscape condition of the narrow neck of land which at two points is less than 250 metres wide, causes the valley landscape to the coast and the saltmarshes to be completely isolated from the rest of the NFNP.

3.262 In conclusion I did not find any new information on landscape matters brought forward by the Agency that would justify the area’s reconsideration for inclusion after public consultation, but found there was more re-examination of existing information. Overall I do not find the landscape of this extremely constrained area between the A326 and the saltmarshes of the SSSI to be at all outstanding and any quality that is present is heavily compromised by incongruous features and adjacent land uses and so fails to meet the natural beauty criterion required for National Park status.

3.263 The small triangle of land at Denny Lodge has some New Forest characteristics present mainly in the western half, but also experiences the urban fringe influences of Buttsash which are accentuated by the presence of the A326 and has more of the feel of a public open space serving the local housing neighbourhood. While I accept that earlier designations of the NFHA and New Forest SSSI cover this area it does not register as a robust and meaningful edge to the National Park and I cannot find any real justification for inclusion in the NFNP on grounds of natural beauty.
3.264 I therefore recommend that the NFNP boundary should follow the A326 along the edge of Fawley Inclosure and rejoin the Designation Order boundary south of the Buttsash sports ground around the western edge of the industrial estate before the Hardley roundabout.

**Sites At Holbury**

3.265 In the vicinity of Holbury Manor the NFNP boundary on the west side of Holbury tightly follows the built edge of the settlement, as did the NFHA. This area is part of Holbury Purlieu and appropriately classified by the Agency as an area of Heath Associated Small Holdings and Dwellings landscape type, which is a type found scattered around the edges of the core heathlands of the New Forest. The area of objection at Holbury is also contained within the Eastern Forest Heaths landscape character area which stretches from Lyndhurst to Blackfield.

3.266 As such I find the area contains much New Forest landscape character and is of a high landscape quality, typical of its type and not adversely affected by the presence of the limited area of the SMS Skips site which is well screened and contained by boundary vegetation, except at its entrance. The site is also closely associated on the west side with the wooded upper reaches of the Dark Water and on the east with the grounds of Holbury Manor, each with strong New Forest characteristics and associations, recognised by appropriate planning designations. Therefore I conclude that the area of objection is contained within a landscape of outstanding quality, meeting the natural beauty criterion and so I recommend that the NFNP boundary here should not be revised.

3.267 Turning to the east side of Holbury Manor grounds, I find no reason to include the recent housing development of Shapton Close even though it was built on land of historic interest within the curtilage of Holbury Manor. Architecturally the houses show some reference to pastiche vernacular design, but the development is very much part of the settlement of Holbury and does not meet the natural beauty criterion required for inclusion within the NFNP. I therefore recommend that the NFNP excludes Shapton Close.

**Site at Kings Copse Road/Roman Road, Blackfield**

3.268 The land covered by the objection has a chequered history with regard to the recognition of the presence of natural beauty (as detailed above in the summary of cases) with the land to the east of Roman Road repeatedly being reconsidered for inclusion, or not, in the NFHA. I conclude therefore, that this landscape has previously been found to be marginal in terms of landscape integrity and quality.

3.269 Looking at this area afresh from the vicinity of Roughdown Farm I do find there is considerable contrast in the character and condition of the landscapes east and west of the Roman Road track. That to the west shows a marked cohesiveness with New Forest landscapes, with a strong sense of enclosure with small fields, mature hedgerows and hedgerow trees, small copses and heaths looking towards the wooded skyline of King’s Copse Inclosure. To the east one sees a very open and large scale landscape which, while being typical of its landscape type, has nevertheless a quite fragmented field pattern with field amalgamations and hedgerow loss, an urban settlement backdrop and oil refinery skyline.

3.270 Accepting that the contrast between these landscapes gives diversity to the landscape setting of the historic Roman Road, I cannot accept the land to the east necessarily qualifies as part of the “extensive tract” or that because it is considered to be a “last remnant example” of the forest edge between urban areas and the perambulation, that it passes the natural beauty test any more readily than any other area of quite ordinary countryside.
3.271 Consequently I conclude that the area to the east of Roman Road does not satisfy the natural beauty criterion and is not up to the standard required to be included in the NFNP. I recommend that the NFNP boundary is revised from Lynwood Farm to follow the footpath south to the Roman Road as far as King’s Copse Road where it rejoins the boundary as proposed.

The Ruffs, Blackfield

3.272 This contained and limited visibility site lies between the edge of Blackwell Common and Blackfield village and is part of the Heath Associated Estates landscape type, containing a small area of ancient woodland and the remnants of a once operating forest smallholding considered by the agency to be part of an extensive tract of high quality landscape. The area was recognised as having natural beauty and was included in the NFHA.

3.273 Whilst recognising that the area still contains the necessary landscape elements to qualify for inclusion in the NFNP on natural beauty grounds, it is apparent that the situation of the land associated with housing on the site has changed. This has resulted in a reduced New Forest landscape quality with introduction of some non native exotic trees in the woodland, a suburban style east boundary fence with beech hedging and the main paddock crossed by a foul sewer, with neglected farm buildings and paddock.

3.274 While I consider that all of the relatively recent changes are potentially reversible, the over-riding characteristic of this area is one of suburbia which does not consistently meet the natural beauty criterion and does not offer a readily understandable boundary to the NFNP today. While the woodland itself does possesses natural beauty it is difficult to find a clearly identifiable eastern boundary on the ground for designation purposes. Instead I recommend that it would be more meaningful to use the western boundary fenceline of the ancient woodland as the edge of the NFNP. This would form a more robust edge of continuously high quality landscape which is evident at the boundary north and south of here.

3.275 I recommend that the revised boundary follows the western woodland edge from the ford on Chapel Lane in the north to the southern edge of the public open space south of the Ruffs where it would return to the boundary defined in the Designation Order.

3.276 An additional comment refers to the need to clarify a small boundary anomaly of the NFNP on the eastern side of Blackfield in the vicinity of Dark Lane north of Fawley Pit. This anomaly was not discussed during the Inquiry. At the point identified there is a small triangle of land which was excluded from the NFHA but included within the NFPN which appears to cross the corner of a public open space now occupied partly by a water body. It may be that this water was not present at the time of the NFHA and the re-alignment for the NFNP is to include the entire water body as it is now but which nevertheless divides the open space defined on the edge of Blackfield.

The Fawley to Calshot area

3.277 In examining the landscape between Fawley and Calshot one is unavoidably aware of the unique situation that is created in a New Forest context, by the extreme contrast of the massive structure of a major power station with its 200metre high chimney and several 50 metre high block turbine halls within an otherwise extensive open coastal environment with many outstanding views to the Solent and the Isle of Wight.
3.278 The area is perceived by the Agency to provide a strategic role for the NFNP and forms the eastern section of the North West Solent Estates landscape character area and containing the main landscape types of Coastal Plain Estates and Coastal Fringe with a small area of Historic Parkland at Calshot and the Heavy Industry type at Fawley power station. I agree with this assessment apart from the northern extent of the Heavy Industry type at the power station site which should be more constrained as the area between that and Ashlett Creek is rapidly colonizing into a post-industrial deciduous woodland environment and a useful landscape resource.

3.279 At Ashlett I consider the active refinery works to the north to be more distant and less visible, (apart from a major pipe on the edge of the Mill car park) and to have little audible presence assisted by undulating and rising land with small woodland belts and Fawley village. I do not agree however that all of the marshes SSSI should necessarily be included in the NFNP if they do not meet the natural beauty criterion, which those north of Ashlett Creek do not, due to the visual intrusions of refinery operations on land and at sea.

3.280 Regardless of the powerful visual presence of the power station chimney nearby to the south, there is considerable evidence of the close connections that exist between the New Forest and the foreshore, both visually and in land use terms with grazing forest ponies, small scale field and vegetation patterns in the undulating topography and in the building styles and materials along the lane leading down to Ashlett Mill.

3.281 As for the inter-tidal landscapes I find that the saltmarshes here are one of the most extensive areas of this habitat in Southampton Water stretching from the refinery pier to Calshot Spit. The marshes contrast with the extensive shingle beach and foreshore between Hillhead and Calshot Castle in the open maritime environment of the Solent and are separated from them only by the classic geomorphological feature of the shingle spit. The latter forms an important focus and ‘hinge’ in the land and seascape from which the other components radiate.

3.282 In looking to the land on the west of the power station I am of the opinion that overall this part of the extensive tract is also qualifiable on natural beauty grounds, even though part is currently an active but time limited mineral extraction site near to Badminton Farm, which is anyway being progressively restored to type. Otherwise this area is an unadulterated extensive tract of countryside that is typical of the Coastal Plain Estates, much of which has previously recognised natural beauty as part of the NFHA and/or the South Hampshire Coastal AONB and which is still very evident today.

3.283 Despite the presence of the power station I find that a true sense of wildness and tranquillity is present throughout this area due to the open nature of the landscape and maritime edge, the many long distant views across Southampton Water and the Solent and inland to the heaths and woods of the New Forest core area which impart a sense of remoteness. In this area there is also uniqueness in the intensity of landscape experience available, which is especially apparent at the coastal edge but also in places inland. This is due to a combination of exposure to the elements, the interest provided by witnessing the activity on a busy seaway together with the potent presence of the operationally quiet, but dramatically awesome scale of the power station’s built form.

3.284 With regard to the NFHA boundary I see no reason for excluding Calshot village, the Local Nature Reserve, Calshot Castle and Spit from the NFNP on natural beauty grounds, as this area is critical in appreciating the wider context of the outstanding landscapes of this coastal environment with numerous and strong links to the landscapes of the New Forest.
In conclusion I find that all of this area apart from that which is operational power station land satisfies the natural beauty criterion and recommend that it be included, with some revisions north and south of Ashlett, within the NFNP.

3.285 I therefore recommend that the boundary for the NFNP follows the Designation Order boundary south of Fawley village to the car park at Ashlett Mill, returning to the NFHA to exclude the pipeline, then omitting the recently constructed water body with islands to Ashlett Creek, taking a line out to MLW along the creek to rejoin the Order boundary around the coast from Calshot to Beaulieu River (and ultimately to Lymington River and Hurst Point). In the exclusion zone around the power station I recommend that the recolonising wooded area north of the power station and restored workings to the west are included within the NFNP boundary.

Calshot to Lymington River

3.286 Between Calshot Spit and Lymington River the NFNP Designation Order boundary consistently follows Mean Low Water, as elsewhere in the NFNP where it meets the coast. When the NFNP boundary crosses the inter-tidal estuarine zones of rivers such as the Beaulieu and the Lymington, it then follows the District Council’s administrative boundaries which cut across the main channels at the seaward end. This has also been the approach taken for the maritime boundary line of both the coastal AONB and NFHA (and the perambulation before it, to the west of Beaulieu River). So it is apparent that the area down to MLW has long been recognised as possessing natural beauty.

3.287 While I appreciate the anxieties of various operational concerns of commercial shipping and fishing interests and the likely impact of climate change on the saltmarsh environment, I find no reason to exclude the area between MHW and MLW from the NFNP on natural beauty grounds. This intertidal area contributes much to the landscape quality of the fully terrestrial land behind and the combination of the two is quite outstanding and forms part of an extensive tract of countryside between Calshot and Hurst Spits where key New Forest landscape types and characteristics flow unimpeded to the coast to meet the water’s edge.

3.288 I find that the landscape condition and degree of intactness of the various landscape types, with no incongruous elements and features present, together with numerous and extensive high quality nature conservation sites with good connectivity to the New Forest both physically and culturally and extending down to MLW, render this land and seascape to be of the highest order fully meeting the natural beauty criterion.

3.289 In conclusion I am aware of no reasons whatsoever for excluding any part of this extremely high quality, diverse and tranquil coastal landscape from the NFNP on natural beauty grounds.

INSPECTOR’S OVERALL CONCLUSIONS ON THE TWO DESIGNATION CRITERIA

NATURAL BEAUTY

3.290 I agree with the Landscape Assessor’s conclusions about the extent of land meeting the natural beauty criterion in boundary sections 3-10 except in the case of the area between the Dibden reclaim and the A326. This report generally recommends that the busy, noisy A326 corridor represents a firm and obvious eastern limit to the tract of land meeting the criterion of
outstanding natural beauty. In my view this also holds true in the Dibden area. Although elements of the Ancient Forest Farmland landscape character are strongly and attractively present in some places, the urban fringes of Marchwood and Hythe (and in places Southampton and the Docks) exercise powerful influences and a considerable amount of residential and commercial ribbon development is strung out along the busy local roads. In my view there is a marked contrast between the area in question and the much more rural and peaceful countryside to the west between the A326 and the perambulation. This results in landscape and scenic quality (and any sense of tranquillity and relative wildness) falling below the necessary qualifying level to the east of the A326.

3.291 In addition, I would add a few remarks on (a) boundary-related planning issues in relation to the land at the Dibden Reclaim, (b) planning issues concerning the Defence Estates land and (c) the issue of boundaries along Southampton Water and the coast in relation to land between MHW and MLW.

3.292 Referring to (a), I have concluded that the Dibden reclaim does not meet either of the designation criteria. In addition, successive structure plans have effectively long safeguarded this general area as a site for port development. The current plan reflects this through policy EC6 which provides criteria for determining any such planning applications, including impacts on the NFHA. Although a precise site for any such development is not identified in any local plan, I consider that it would be somewhat perverse to interpret the term ‘allocated’ in boundary-setting criterion 2(i) in such a way as to ignore the obvious long-term implication of the structure plan that port development here is acceptable in principle, provided that the criteria are met. The quotations produced from Dower and Hobhouse show that it was their intention to avoid the head-on conflicts inherent between major industrial development allowed for in a development plan and the inclusion of land in a National Park. The Agency’s criterion 2(i) clearly has the same aim.

3.293 Turning briefly to (b), I have concluded that the Defence Estates land does not meet either of the designation criteria. In any case, it seems to me that on any common sense approach there is clear conflict between the development plan’s long-term recognition that the land is part of the Military Port and its inclusion in the NFHA/NFNP. Sensible application of the obvious objectives behind boundary-setting criterion 2(i) should lead to the exclusion of this land from the NFNP. I do not consider that there is any comparison between this site (which is never open to the public for recreation) and open land in other National Parks, such as training areas subject to time-separated dual use.

3.294 Finally, dealing with the issue of boundaries in the intertidal areas, it seems to me that precedent from other National Parks is not particularly clear. As emerges from my note following paragraph 3.239 above, MLW has commonly been taken as the boundary, presumably both because it represents the outer edge of any landscape unit and accords with the geographical limit of an LPA’s powers. However, there are cases where other lines such as MHW or administrative boundaries have been followed, not always for reasons that are immediately apparent.

3.295 I support the general use of MLW here, both for the ‘natural beauty’ reasons described by the Assessor and on pragmatic administrative grounds. I am not convinced that the policy conflicts feared by the fisheries bodies are in any way inevitable and see no reason why the NPA would not be able to work with these bodies on any matters of common concern.

3.296 I understand the concern that the line of MLW will alter over time from that defined both on the Designation Order Map and the OS map current at any point in time (as may MHW).
However, this practical difficulty is inherent in all coastal boundaries and will increasingly have to be coped with and accommodated in administrative processes. I do not regard it as sufficient reason from departing from the most logical concept of MLW.

OPPORTUNITIES FOR OPEN-AIR RECREATION

Eling to Marchwood,

3.297 I saw that the waterside scenes at Eling (available from the paths through the inland marshes on the urban fringe passing the bridge at the tide mill and onwards to Goatee Point as well as within the open space alongside the River Test below Eling Church) offer interesting views of the creek and the main channel. However, many views are backed or framed by urban features of highly variable quality. Some seen at close quarters are the marina and waterfront houses at Eling, containers stacked at Eling Wharf, and the vast panorama of stored cars, large vessels and tall cranes at Southampton Container Terminal. There are greener views looking south-east towards this land from the Redbridge road and rail bridges and the somewhat inaccessible local open space at Redbridge Wharf Park. However these, too, are framed by development at Eling Wharf and the Container Terminal and substantial lines of pylons marching across the landscape from Eling Great Marsh up the slope towards the outlying ridges of the New Forest plateau.

3.298 This waterside landscape setting is locally interesting in itself and provides for pleasant short excursions from nearby urban areas, but hardly offers an opportunity for a markedly superior recreational experience within a landscape of national importance. Nor is it linked in any meaningful way with the Forest, being isolated by busy roads such as Jacobs Gutter Lane, the A326, and the link from the latter into Totton.

3.299 South of Jacobs Gutter Lane the open-air recreation opportunities are limited. One footpath links two roads across unremarkable countryside while another route crosses countryside currently being worked for gravel extraction and due to be restored to an acceptable (but again unremarkable) condition. There is no markedly superior recreational experience available in this area.

Marchwood to Hythe

3.300 From the experience of my accompanied visit to the Reclaim I saw that this is an extensive, flat and generally featureless area except at the north-west end where mounds of dumped material have been covered by naturally regenerated trees and other vegetation. I was able to appreciate that walks along the 2km waterside wall and the few straight tracks leading directly inland could potentially offer a certain feeling of tranquility and semi-remoteness gained from factors such as exposure to the weather and an absence of people, vehicles and buildings within the reclaim itself. However, this experience is tempered by the constant sight and occasional sounds of passing vessels of all sizes and clear wide views to the centre of Southampton about 1km distant across the River Test.

3.301 This is an unusual environment and would have considerable attraction as a recreational experience if the tracks were accessible to the public. However, they are not. Moreover, there seems to be no realistic prospect that the landowners will permit access to be established in the foreseeable future, bearing in mind the purpose behind the creation of the land, the owners’ view of its ongoing potential to meet that purpose at some stage in the future, and its resulting asset
Consequently I do not consider that the Reclaim offers realistic opportunities for a markedly superior open-air recreational experience.

3.302 Turning to the remainder of the Marchwood – Hythe area, the footpath along the old shoreline from Veals Farm to Hythe Marina offers interesting views of a series of different environments including the gently sloping fields of the Ancient Forest Farmlands, the streamside and reedbed habitats at the foot of the reclam, the old grazing marshes below West Cliff Hall, and the grounds of the hall itself running down to the remains of the former sea wall. The existence of the reclam blocks sea views for most of the length of the route except at some points near the eastern end but this imparts a sense of secretiveness and enclosure which provides a quiet and peaceful recreational route.

3.303 However, other than this somewhat isolated footpath, opportunities for open-air recreation are rather limited, not well linked with the more rural areas west of the A326, and fall far short of providing a markedly superior recreational experience. The former footpaths at the Marshwood Lane have become blocked and discontinuous. The Dibden Golf Centre does not provide a golfing landscape of particularly unusual type or quality, consisting mainly of well-manicured fairways and green roughs set among trees. The course is situated on a ridge with eastwards views across the River Test towards Southampton and the Docks while, on the west-facing slopes, the presence of the noisy A326 corridor is often apparent (for example from locations near the car park and on the short footpath near Holly Lodge Farm, north of the Tesco Store).

3.304 No doubt there is potential for improvements to the rights of way network to create better links between the old shoreline, the nearby urban areas, and land west of the A326. However, in view of my conclusion that the landscape does not reach a qualifying level of natural beauty, I cannot support inclusion of this area in the NFNP.

The Frost Lane area

3.305 The only open-air recreational resources of any note in this area are the small parking and picnic areas near the interpretation board on the waterside and the length of the Solent Way running between Hythe Nature Reserve in the north and the perambulation in the south. In my view the facilities by the waterside are essentially local in nature. Climbing away from the waterside the Solent Way follows a minor surfaced lane offering occasional views over the wooded valley to the east such as that near the public house. It then becomes a rutted unsurfaced track passing neglected arable fields with strong urban fringe qualities, a disused pit, and the locally attractive Holbury Mire, before passing through industrial premises at Hardley and making an awkward connection with the perambulation involving the crossing of two busy roads and further skirting of substantial industrial premises.

3.306 A further footpath runs from the Solent Way, crossing neglected fields, skirting a derelict sports ground and some unsightly pony paddocks before following a rubbish strewn route to the public open space at Denny Lodge Walk.

3.307 The 2.5km length of marshes running south-east from Hythe between the railway line and MLW can be seen but not readily or probably legally accessed from the point where the road meets the waterside. I saw that there is some extremely low-key open-air recreation in the form of shooting in the woodlands at the back of the marshes but the marshes do not add anything meaningful to the opportunities for open-air recreation in the Frost Lane area.
3.308 On an overall judgement the recreational opportunities offered by the Frost Lane area do not occur within a landscape of outstanding natural beauty and fall well below the standard required to offer a markedly superior recreational experience. An exception to this could be the small Forest Front Nature Reserve, which includes facilities for the disabled. However, this is isolated from the main part of the perambulation by the busy A326. Since the other parts of the small triangular area of the perambulation north of the A326 consist of a children’s playground and kick-about area and a sub-station I consider that the logical boundary of the NFNP is the A326.

**Sites at Holbury**

3.309 I support the Agency’s judgements here with respect to the second designation criterion. The small enclave of developed land (of which the SMS Skips site forms part) makes no contribution to open-air recreational opportunities in its own right but is a generally well screened area which is absorbed into the wider landscape and close to the former Manor grounds. The latter forms a varied and attractive area of copses, ponds and grassy areas to which the public has access and provides a choice of pedestrian routes leading from Holbury to the footpath north of the industrial land and onwards to the perambulation. In addition, pedestrian use of the area immediately around SMS Skips could increase if the proposed north-south path in the Local Plan is implemented.

3.310 I therefore find no reason to exclude the site from the NFNP since it is part of a tract of land forming a definite link between the perambulation and nearby residential areas. However, I cannot support the designation of the developed area of Holbury Manor since this land is part of the built-up area and does not contribute to the second statutory criterion.

**Land at Roman Road, Blackfield**

3.311 The broad track along Roman Road passes under a canopy of tall mature trees and provides a highly attractive route at all seasons of the year, intimate and shaded in summer and with a wilder, more challenging feel in wet and windy weather when there are leaves and heavy mud underfoot. This route forms a direct link between the urban area of Holbury and the perambulation. The land to the east of the path has not been found to have qualifying natural beauty by the two Local Plan Inspectors or, now, by the Landscape Assessor. Although, from the standpoint of the recreational experience, that land’s openness contributes to the quality of the walk along Roman Road (partly for the contrast it affords with the land to the west), I consider that the natural boundary of the NFNP is the line described by the Assessor.

**The Ruffs, Blackfield**

3.312 Since there is no access to this land on the edge of the urban area it has no present recreational function except for the important wooded edge which it presents to Blackwell Common, thereby enhancing the quality of the recreational experience in that part of the perambulation. The landowner has suggested a boundary along the new woodland track within the site but this route is not yet public. Nor is it complete, since it lacks any outlet at the southern end. Moreover, this very short diversion from the firm edge of the perambulation would be difficult to define as a clear National Park boundary. In view of the Landscape Assessor’s conclusion on the natural beauty criterion I concur with her recommendation on the boundary in this area.
The Fawley to Calshot area

3.313 I find no reason to support the inclusion of any part of Fawley village since it has no ‘opportunities for open-air recreation’ offering a ‘markedly superior recreational experience’.

3.314 However, the remainder of the area of contention contains a great variety of opportunities for open-air recreation which together combine to make a worthy extension to the qualifying ‘extensive tract of country’. The Ashlett and Stonehills area was described by the First Local Plan Inspector as ‘an attractive remnant of small scale pastoral landscape with an irregular field pattern and hedgerow trees, the traditional forest pattern of which is enhanced by its close relationship with the sea’. In landscape terms this area retains that character and is the one best able to demonstrate a clear continuity of relationship between the New Forest and Southampton Water. At Ashlett the small quay, pub, mill, mill pond and marina combine to present a pleasant scene, and the adjacent green is managed under a grazing regime and has a strongly forest-like character. From the quay one path leads across the green back to the B3053 and then on via Badminston Lane to the many paths around Badminston Common and Sprats Down. Other routes follow the coast, past the regenerating former construction compound, and then on to Calshot Spit between the power station buildings and the edge of the coastal marshes. I saw that the marsh-side route, with its varied panorama and sense of openness to the elements, is popular with walkers at all seasons.

3.315 Visitors to Calshot are able to take part in a great variety of formal and informal recreational opportunities – Calshot Marshes Nature Reserve; indoor and outdoor activities based at the Activities Centre and the shingle beach, including sailing, sea kayaking, windsurfing and kitesurfing; visits to buildings associated with national defence (Calshot Castle and the flying boat hangars); observation of shipping on one of the world’s busiest waterways; appreciation of the views across the Solent to the Isle of Wight; and field studies based on the coastal geomorphology.

3.316 The power station is a dominant presence in this area (and there are some substantial buildings on the spit itself) but the maritime landscape around the Calshot area has a considerable sense of spaciousness while these large structures have their own intrinsic interest. In particular, the power station is notable for the way in which it has been designed and painted to reduce some of its intrusiveness. Overall, I consider that this area offers a markedly superior recreational experience in an area of outstanding natural beauty.

Calshot to Lymington River

3.317 The areas between MHW and MLW from Calshot to Lymington River (such as those at Calshot Beach, Lepe Country Park and Lower Exbury) are an integral part of the coastal scene at the moving water’s edge, forming the foreground to attractive views across the Solent to the Isle of Wight. They are part of the very high quality recreational experience obtained by the many visitors to these areas, whatever activity they may be engaged in.

3.318 Further west towards Lymington River there is more limited access to the coastal edge but the intertidal areas are more extensive and these much quieter areas still offer a superior recreational experience. These intertidal areas also contribute very significantly to the highly attractive wider views obtainable at more elevated points further inland along the Solent Way.
OVERALL RECOMMENDATION (Boundary sections 3-10)

3.319 I recommend that the NFNP boundary for these sections be modified as shown on the attached maps and described in the summary of recommendations at pages 5-6.
PART 4. BOUNDARY SECTIONS 11 & 12

4.1 The objections within these sections can be most conveniently considered under the following sub-areas:

- the town of Lymington and surrounding areas
- the ‘Barton-Milford gap’
- land between Barton and Mudeford
- land west and north of New Milton
- land at Hinton Park
- Cranemoor Common

THE TOWN OF LYMINGTON AND SURROUNDING AREAS

Introduction

4.2 Hinton Estate (Meyrick Estate Management) (162); Lymington Precision Engineers & Co Ltd and S J Fuller Ltd (190); New Milton Sand & Ballast (186); Quarry Products Association (220) RMC Aggregates (UK) Ltd; and Tarmac Southern Ltd (351) object to the inclusion of the town of Lymington and some of the undeveloped land around its perimeter.

4.3 Lymington Precision Engineers & Co Ltd and S J Fuller Ltd (190) seek the exclusion of the built-up area of Lymington together with an area of land to the north-west of the town which is currently excluded from the NFHA as defined in the adopted local plan. The objection area is indicated on the map at 190/1/1A App14.

4.4 The Quarrying Consortium suggests exclusion of the same area plus the tract of land south of the town from Lymore Lane in the west to the mouth of Lymington River in the east, as defined at 186/1/4A & B, Fig QPA8.

4.5 Hinton Estate seeks the exclusion of a similar area, including the town and land to the north and south of it, as well as land on the coast, mainly between MHW and MLW. Under the estate’s suggestion some coastal areas above MHW including Pennington Marshes, Keyhaven and Hurst Castle Spit would remain within the NFNP.

The case for Lymington Precision Engineers & Co Ltd and S J Fuller Ltd

General conceptual matters

4.6 The Landscape Assessor’s report deals with the following submissions made by the objector concerning general conceptual matters relating to the ‘natural beauty’ criterion:

- that the Agency needs to justify why certain areas are now included in the NFNP when they were previously excluded from the NFHA and AONB against the same test of outstanding natural beauty;
- that it is questionable whether townscape can exhibit ‘natural’ beauty as required by the Act;

- that a large town such as Lymington cannot be included in the NFNP because the Act only provides for the inclusion of ‘extensive tracts of country’, an interpretation which is reinforced by the way in which the Act and the Hobhouse boundary-setting criteria have been applied elsewhere;

- that the connectivity of the AONB with other areas of the National Park is insufficient and the extent of the area meeting the natural beauty criterion has changed since AONB designation; and

- that the landscape quality of the landscape setting of the town is variable so that the extensive tract fails to meet the natural beauty criterion, making inclusion of the town itself questionable.

Site specific matters

4.7 Tracing the evolution of the NFNP concept from its outset, Dower and Hobhouse never conceived of including land outside the New Forest core within a National Park. In 1983 the Countryside Commission (375/1/1A/app2) expressed continuing concern about the need for a New Forest National Park but again did not refer to land outside the perambulation or the South Hants AONB. This same approach was again reflected in the Countryside Commission report ‘The New Forest Landscape’, published in 1986 (CD207) which dealt only with the perambulation.

4.8 Although the draft consultation report for the NFHA concept (1987) covered a more extended area (375/1/1A/app3) Lymington was still excluded. In 1990 the LUC report (CD206) found that neither the town nor the Mount Pleasant plateau area to the north between Lymington and Sway met the natural beauty criterion. The plateau was said to have a somewhat degraded urban fringe character as part of the type 7 ‘urban fringe lowlands’ landscape type. Although the plateau was recommended for inclusion in the NFNP on the basis of its value for back-up grazing, the land within the objection site has been progressively excluded through a series of decisions by the District Council and two Local Plan Inspectors.

4.9 In ERM’s landscape character assessment of New Forest District (CD127) Lymington and Ringwood are described as landscape type 4 (Urban Areas) as follows. ‘These tend to be large settlements which are inward-looking towards a town centre and which have a large area of residential development around their core which acts as a barrier between the town centre and surrounding landscape’.

4.10 Such large settlements are inappropriate for inclusion in the NFNP. The statutory criteria only provide for the inclusion of extensive tracts of ‘country’. Although the agency reviewed its guidance on the application of the criteria in 2000 (CD114) this contains nothing to suggest that large urban areas should be included. Indeed revised criterion 2g at CD104 Table 2 suggests the opposite.

4.11 It is accepted that the inclusion in National Parks of villages and small market towns may sometimes be justified where they are embedded within a national park and their character is inseparable from the surrounding countryside. However, the inclusion of Lymington, a substantial town with a population of 14,400, is inconsistent with the natural beauty criterion as it has traditionally been understood and interpreted.
4.12 The original Hobhouse criterion 2d states that ‘Towns or villages should not normally be cut in two by a national park boundary. The inclusion or exclusion of a marginal town or village should be dependent on its character and beauty and its present or potential value for the accommodation of visitors’. By reference to existing Parks it is possible to see how this guidance has been interpreted in individual cases and to show that small urban areas embedded in national parks tend to be included whereas large urban areas on the periphery of national parks tend to be excluded. Although size of itself may not be a determining factor in exclusion or inclusion it is interesting to note that:

(a) the Peak District National Park excludes both Ashbourne (pop 7,700) and Buxton (pop 21,560) despite their cultural and historic associations with the area of the Park and their important functions as visitor centres;

(b) the Lake District National Park excludes Kendal (pop 24,430) and Penrith (pop 15,089), again despite strong links;

(c) Yorkshire Dales National Park excludes Richmond (pop 8,760), Settle (pop 2,350) and Skipton (pop 13,950) although all are important gateways to the Park and have strong cultural, historic and tourism links;

(d) North Yorkshire Moors National Park excludes Whitby (pop 14,120), Scarborough (pop 53,730) and Pickering (pop 6,710) despite similar considerations; and

(e) Dartmoor National Park excludes Oakhampton (pop 6,215) and Tavistock (pop 11,227) despite similar considerations.

4.13 The Agency’s officers’ report concerning the modern development of the Hobhouse criteria (CD116) recommended that new criterion 2g should read ‘Towns or villages should not normally be cut in two by a national park boundary. The inclusion or exclusion of a town or village should depend on whether it contributes to the character of the park, including its economy and community life, and its present or potential role for visitors; eg provision of accommodation, access to public transport, information or other services. Large settlements should generally be excluded as a National Park Authority should not be overburdened with responsibility for planning in urban areas’. [Objector’s emphasis]. The last sentence was drawn from the Hobhouse report but was deleted by the Board and does not appear in criterion 2g in table 2 of CD104, or in the relevant footnote. The matters raised in 2g and the footnote are nothing to do with natural beauty.

4.14 The Agency has allowed itself to be distracted from the central statutory purposes of National Parks. Although Lymington has some cultural, historic and functional links to the New Forest these are not themselves aspects of natural beauty as defined in the statute. The second bullet point of table 1 of CD104 is wrong in law in stating that in addition to the statutory criteria (ie including flora, fauna, geological and physiographic features), ‘archaeological, historic, cultural, architectural and vernacular features are also included (in accordance with guidance and precedent)’. Guidance and precedent (in whatever terms may be referred to here) cannot rewrite the law.

4.15 The Act refers to ‘extensive tracts of country’. A town such as Lymington does not and, as a substantial town, could not itself possess attributes of natural beauty to the necessary outstanding national degree. Nor does it provide material opportunities for open-air recreation of the appropriate types. The designation criteria therefore cannot be satisfied. At the same time the Agency has not considered the potential negative effects that restrictive National Park
policies would have on the social and economic development of the town or the extra burden placed on the authority in administering the planning functions of a complex urban area.

4.16 The ERM boundary study (CD126) recommended that the inclusion of the town of Lymington was justified on grounds of the high quality of its townscape, its strong visual links to the surrounding countryside, its very strong historical links with the forest as its principal port, its status as one of the foremost yachting centres of the Solent, and its high level of visitor accommodation on a par with Lyndhurst and Brockenhurst. However, the report presented the Agency with the alternative option of excluding the built-up area of the town.

4.17 In considering the ERM report the Agency’s officers advised that Lymington should be excluded on the basis that ‘...it is inappropriate to include a town of this size within the National Park, not least because (the) burden of responsibilities for planning and development control may distract the National Park Authority from its main priorities in the rural heart of the area’ (CD117, p3). However, the Agency’s Board departed from this recommendation and included the town.

4.18 Looking at these alleged justifications for inclusion taken from the ERM report and CD103, the town has an attractive core centred on the Conservation Area but this occupies only a comparatively small part of the overall built-up area. Except for the sections alongside Lymington River and (to a certain extent) the marshes, the town largely turns its back on its landscape setting. There are strong historical links based on its port function, smuggling and the salt trade but these bear very little weight in any assessment of natural beauty.

4.19 As for the objection land to the north of the town, this was identified in the District Landscape Character Assessment (CD127) as falling within the ‘Lymington and Pennington Coastal Plain’ landscape character area. However, it has almost none of the key environmental features identified for that area and, though pleasant, is certainly not an outstanding landscape.

The case for the Agency

4.20 The Agency’s approach to defining national park boundaries is that the inclusion or exclusion of settlements needs to be based on an assessment of (a) their contribution as a whole to the rural economy and community life of the park and to the park’s special qualities and purposes; and (b) their contribution as a whole to the character and purposes of the National Park, particularly where on the edge of the park. This approach is only applied once it has first been determined in broad terms that an area of land, including its settlements, meets the statutory criteria. In making this judgement the qualities of both the tract of land in which the settlement sits and also the qualities of the settlement itself are considered in relation to the statutory criteria.

4.21 Settlements within a National Park therefore need to be considered within the context of the surrounding countryside. The closeness of the relationships between town and country need to be considered rather than simply divorcing settlements from the countryside in which they sit.

4.22 With regard to the examples of settlements excluded from other national parks, these towns are not integral to the designated areas and there is no evidence to suggest that they form precedents relevant to judgments on settlements in the New Forest. Lymington has been assessed in the light of the statutory criteria and the Agency's current approach to defining national park boundaries.
4.23 The inclusion of Lymington is a finely balanced issue. The weight to be afforded to the various relevant factors needs particularly careful assessment. The town lies within a broad sweep of qualifying landscape which is clearly part of the New Forest (the South Hampshire Coast) and is not on the periphery of the designated area.

4.24 The reasons for including Lymington are explained at CD103, p9. It has a high quality townscape and a strong relationship with its landscape setting. It also has cultural and historic importance as the principal port for forest products from the mid-17th century and a centre for the salt trade and piracy. It is a popular and busy tourist destination and one of the main centres of visitor accommodation in the forest. It is an important sailing centre and has footpath links with Keyhaven. Its inclusion would assist the proactive management of access and visitor pressures on the coast.

4.25 With regard to the land to the north-west of Lymington this should not be excluded merely because it is not within the NFHA. This area is regarded by ERM as a typical ancient forest farmland landscape the condition and quality of which does not affect the quality of the broad sweep of the countryside to the point at which designation would be unjustified. Gordleton Industrial Estate is a small element within the wider landscape with only limited visual impact.

The case for the Quarrying Consortium

General conceptual matters

4.26 As indicated in relation to boundary sections 3-10, these objectors made submissions on a number of general conceptual matters which are dealt with in the Landscape Assessor’s report. Additional conceptual matters were raised by the Consortium in the context of boundary sections 11-12, as set out below, and are also dealt with in the Landscape Assessor’s report:

- that land is included not on the natural beauty criterion but on concern for the isolation of certain areas, resulting in inappropriate interpretation of the principle of “extensive tracts of land”;
- that there has been inadequate assessment of landscape quality to justify inclusion on natural beauty grounds;
- that limited recognition has been given to detractors and their impact on landscape quality;
- that the existence of restoration proposals for damaged land is not sufficient to make land qualify under the natural beauty criterion. The quality of the proposals has to be proven and land should not be included until restoration is complete (perhaps requiring a later boundary revision).

Natural beauty

4.27 The area is within two LUC character types – ‘urban fringe coastlands’ and ‘coastal fringe’, while the ERM landscape types describe the same zones as ‘coastal plain estates – small Parliamentary enclosures’ and ‘coastal fringe’. However, the description of ‘coastal plain estates’ as a ‘well-managed large-scale country estate landscape’ ignores the influence of an extensive area of 135ha of working gravel and clay pits and waste disposal and recycling sites. It also ignores the major influence of Lymington, which is predominantly a modern 20th century
town with substantial residential and industrial areas, as well as various other detractors such as the agricultural research station, a garden centre and a caravan site.

4.28 The area of objection was excluded from the NFHA, as were the whole of the ‘urban fringe coastlands’ on the basis that this landscape type was nowhere present within the perambulation and displayed few of the characteristic features of New Forest landscape beauty. Pennington and Keyhaven Marshes were also excluded since they did not demonstrate the essential relationship between New Forest landscapes and the sea necessary to justify inclusion.

4.29 Although much of the area south of Lymington is within the South Hants Coast AONB, it does not appear that the AONB has been critically reviewed since its designation in 1967. Even then the designation documentation noted that ‘Mineral extraction and landfill operations at Efford are having a significant effect on the landscape.’ Since then the active working area for mineral extraction has increased substantially. A further permission was granted in the month after designation and another in 1979. As indicated at 220/1/6 app 32, most of the area between the Avon Water, the marshes, and Lower Pennington Lane has been, is being, or will be worked and infilled and incorporates a large urban sewage works.

4.30 This area has lost its land form, land use, vegetation and inherent structure through extensive works over 40 years. Its condition and quality are now poor and it has no features that relate it to the New Forest. It has no sense of wildness or tranquillity; rather, it is highly disturbed. Even if there were cultural or historic associations these can carry little weight in the light of all the other circumstances. Although landfill operations are due for completion by 2007 the land will then be managed as a restored site with gas and leachate collection and treatment units in place for at least 30 years. Before extraction the land was farmed intensively and as the plans indicate it will revert to agriculture incorporating some wetland habitat creation.

4.31 The coastal marshes within the AONB have remained largely unchanged since designation but the Hurst Castle and Lymington River SSSI are part of the wider Solent Ramsar/SPA and cSAC. All these designations confer protection for their own purposes and increased recreation would damage those purposes. As LUC indicated they have importance in their own right. However, they do not display the characteristics of the New Forest cSAC (186/1/3 app 2).

**Opportunities for open-air recreation**

4.32 There is no open access land in the locality. There are a few public footpaths but these are dominated by extraction/landfill operations, especially the main north-south footpath (Iley Lane) which passes right through the working area. Even after restoration they will not offer a markedly superior recreational experience, just one no more than typical of much of rural Britain with other more minor detracting elements of landfill remaining.

4.33 Lymington does not itself offer opportunities for quiet outdoor recreation. It offers accommodation within a built-up area and marinas. The former does not meet the National Park criterion while the latter is related to nautical activities in the Solent and not to the sequestered enjoyment of the New Forest. The marinas service power boats and large sea-going yachts, not Hobhouse’s ‘small-boat sailing’ while Royal Lymington Yacht Club would not fall into his category of ‘inexpensive yacht clubs’.
The case for the Agency

Natural beauty

4.34 The coast south of Lymington is very quiet and surprisingly remote with a strong pastoral character and many ancient features such as winding lanes enclosed by tall hedgerow trees. There are stunning views across the extensive coastal salt marshes to the Isle of Wight from Keyhaven, Hurst Point and a series of coastal footpaths. Lymington itself has the qualities described in response to the previous objector. The valley of the Avon Water affords some of the best outward views. Landscape quality within the area is generally very good.

4.35 Although there are some detractors, notably the landfill sites, these are small elements within the wider qualifying landscape and there would need to be very good reasons to exclude the outstanding coastal landscapes lying beyond the minerals and landfill sites. Large areas have already been restored and restoration will be fully complete by 2007. After that time the land will be similar in character to that on the other side of the Avon Water, i.e., large scale open fields with generally north-south footpaths and lanes and long views across the marshes to the Isle of Wight.

4.36 A substantial proportion of the objection area is of national or international importance for Nature Conservation. The Hurst Castle and Lymington River Estuary SSSI has SPA, Ramsar and cSAC designations and includes the lower reaches of the Avon Water adjacent to the minerals and landfill sites. The SSSI is also of geomorphological importance, having a unique system of shingle ridges and an outstanding shingle spit feature at Hurst Beach. Hurst Castle is a Scheduled Ancient Monument.

4.37 Before 1964 the coastal grazing marshes and the dispersed commons at Pennington were closely linked to the Forest by a series of drove roads and the area fell within the range of summer straying. There is still some grazing by forest stock today. This provides an ongoing connection to the Forest system and supports the inclusion of the area on natural beauty grounds.

Opportunities for open-air recreation

4.38 The recreational case for inclusion is strong. There is an excellent network of quiet lanes and public footpaths in the area south of Lymington, notably the Solent Way, which runs all along the edge of the marshes and offers outstanding opportunities for quiet enjoyment, solitude and bird watching. This path connects Hurst Point and the coastal marshes to Lymington and then, via the perambulation, to Beaulieu and Hythe passing through a particularly wide range of forest landscapes. There are also north-south footpath links on both sides of the Avon Water and ultimately to the perambulation north of Lymington.

4.39 A letter from English Nature (394/3/4/220/a1) supports the view that a holistic approach to the management of land use and recreation in the coastal marshes would be beneficial.

4.40 Lymington is an important visitor destination and a centre for interpretation of the forest and forest life. It also has a special role as a centre for sailing on the Solent and has clubs catering for all sections of society, not only the rich and privileged.
The case for Hinton Estate

General conceptual matters

4.41 The estate raised a number of matters noted below at paragraph 4.111. These are dealt with in the Landscape Assessor’s report.

Designation matters

4.42 The coastal areas that the estate seeks to exclude from the NFNP are within the South Hampshire Coast AONB and therefore have an existing acknowledged landscape quality. However, access to the intertidal marshes is limited to a path along the top of Hurst Beach Spit and the Solent Way along the high water mark. Any greater extent of access would be physically difficult to arrange and detrimental to the international nature conservation value of the area.

4.43 The inclusion of Lymington is incompatible with its urban nature. Also, if the NPA have to deal with detailed development control matters in the town this would undermine its ability to deal with other issues of more importance to the National Park.

The case for the Agency

4.44 The matters raised in relation to Lymington Precision Engineers and the Quarrying Consortium also apply in this case.

LAND AT THE ‘BARTON – MILFORD GAP’

4.45 The following 53 objectors are concerned with the area between the designation order boundary and the coast between Barton on Sea and the area east of Milford on Sea, or some smaller part of that area. Most are concerned to see the NFNP extended to include all or some of the area, although a small number seek minor retractions of the boundary.

Col P Sweet (1); Miss H Hainsworth (2); Ms S Bander (3); J Matthews (5); J Bonney (6); D & G Fearis (10); Mr & Mrs Lane (21); C & P Fisher (31); M Cooper (52); Milford on Sea Parish Council (57); Mr & Mrs Thomas (58); W Milton (67); R Bush (76); N Begg (85); New Forest Consultative Panel (89); B Bedford (94); C Thackray (96); Mr & Mrs Newton (100); P Thackray (102); New Forest District Council (106); New Forest Commoners Defence Association (110); New Forest Association (111); P Twaits (112); Ms A Bowry (123); G & K Batten (124); B Wilson (125); A Wilson (126); J Townsend (127); Mr & Mrs Phillips (133); J Chase (134); B Halliday (142); Prof P Kelly (146); V Kelly (147); G White (155); A & H Swales (160); Miss M Shrimpton (176); J Hood (196); J Reynolds (200); Ms J England (204); Desmond Swayne MP (211); Brockenhurst Parish Council (224); the Ramblers Association (226); H Philipson (230); M Bayliss (237); T Firth (240); J Jaques (243); T Radford (320); J Thackray (322); Ms P Perry (324); Mrs A Kenefik (347); Tarmac Southern (351); Irene White (372) and the New Forest Committee (378)
The case for those seeking boundary extensions

The whole of the area of contention

4.46 The New Forest Commoners’ Defence Association (and about 20 other objectors including the New Forest Consultative Panel, Brockenhurst Parish Council and the Ramblers Association) seeks the inclusion of the whole of this area of contention. In the NFCDA’s view this is the most important of the 6 areas where they seek a change of boundary. The area has a long and well established connection with the New Forest and the rich mosaic of small farms still provides bases and back-up grazing for a relatively small number of active commoners who nonetheless turn out relatively large numbers of stock onto the Forest. Hordle is recognised by the Agency as one of the core commoning parishes turning out some 354 animals in 2000. It is also a parish where numbers have been increasing recently.

4.47 The Association is concerned that exclusion of this area would omit substantial areas of land with forest grazing rights which could then acquire development potential with every likelihood that the area between Lymington and Christchurch would become a large conurbation.

4.48 The Ramblers Association and others consider this whole area to be a very valuable area of small fields, woods and streams typical of the New Forest countryside, inextricably linked to the Forest historically and in terms of commoning and recreation and providing many aspects of natural beauty in miniature. The Barton-Hordle cliffs have great geological and wildlife value and offer fine opportunities for walking. There are links (and potentially even better links) to the New Forest and to nearby towns, thus assisting visitor movement by sustainable public transport. Inclusion would enable pressure to be taken off more sensitive areas in the Forest and make it possible to re-link the core of the Forest with this part of the Solent Coast and with Christchurch Bay.

4.49 The deleterious impact of traffic along the A337 and other B roads through the area and the presence of suburban development in Hordle and Everton is overstated as a reason for concluding that the area lacks the necessary natural beauty, peace and tranquillity for designation. These features have not prevented the inclusion of land in other areas.

4.50 Col P Sweet (1) considers that the land to the east of New Milton and Barton resembles the included areas east of Lymington. The route from Becton Bunny up Angel Lane, that following the Dane Stream from Taddiford Gap to Downton, and the footpaths criss-crossing the tranquil and remote Ashley Clinton Estate resemble those in the NFNP, as do those behind Milford running up to Sway and Burley. The Agency has exaggerated the effect of the incongruous features to which they refer.

4.51 19th century writers about the New Forest such as Lewis, Gilpin and Wise consistently described this area as an integral part of the Forest in every sense. There are deep continuing commoning links and animals strayed throughout this area before the gridding in 1964, including upon Barton golf course and Barton cliff top lawns. The coastal lanes were much used by smugglers from the 13th to the 19th centuries, their activities contributing significantly to the Forest economy at that time. Battles between smugglers and the authorities took place at Milford Green and Mudeford in the late 18th centuries. Hurst Castle has been a key point in the national defence.
4.52 The beaches and cliff tops from Barton to Keyhaven have been a principal centre of recreation for the Forest for 200 years. Activities here include swimming, boating, surfboarding, sailboarding, angling, hang-gliding, walking, bird-watching and golf.

The area north and east of Hordle and Everton

4.53 New Forest District Council (106) in association with the New Forest Committee (378) seeks an extension including only part of the area of contention covering a swathe of land including the Cottagers Lane area, land north of Hordle and Everton around Arnewood House, and land at Efford, as defined at 106/3/3 HE01. Other objectors partially share the District Council’s view about the land north and east of Everton Road, putting forward various specific detailed variations of the boundary here – ie M Cooper (52); M and M Thomas (58); W Milton (67); G & K Batten (124); and A & H Swales (160). In addition Prof P & V Kelly (146-7) share the Council’s view with regard to inclusion of land in the Cottagers Lane area.

4.54 The Council points to the Agency’s view expressed after the local authority consultation stage (CD107) that there is ‘…..some merit in extending the boundary southwards to the edge of Hordle and Everton in terms of landscape quality and a better defined boundary’. However this was rejected on the grounds that in this section ‘… the New Forest Heritage Area boundary has stood the test of time, despite the fact that it largely follows field boundaries’. The boundary was also justified on the basis that it marks a ‘subtle but clear change in landscape character and quality, reflecting the transition from the ancient forest farmland landscape type to the coastal plains estate (small parliamentary enclosures) landscape type, and also the increasing urban fringe influences that affect the landscape as one moves southwards.’

4.55 There is certainly a general transition in landscape character between the smaller-scale, more enclosed ancient forest farmlands and the more open coastal plain estates. However, this change is perceived much more strongly to the south of Hordle and Everton. Moving south from these villages towards the coast there is a definite sense of opening up as field sizes increase, arable farming becomes more common and woodland and tree cover reduces. The edges of the villages provide a more easily distinguishable and robust boundary than the complex line chosen by the Agency, which mainly follows field boundaries.

4.56 Much of the area proposed for inclusion consists of the attractively wooded 19th century parkland landscapes of Arnewood House and Efford House, both listed on the Hampshire Register and characterised by a mosaic of open grassland and arable farmland, substantial blocks of woodland, lines and belts of trees, individual mature parkland trees, and some other surviving features of designed parkland. Substantial parts of the woodlands are of ancient origin and/or designated as SINCs (Icehouse Plantation and Arne Wood). The area is well-served by rights of way and offers opportunities for quiet recreation and enjoyment of the peaceful and unspoiled landscape.

4.57 Arnewood House has strong historical links with the New Forest. Research (124/1/1B) shows that the house may have been the setting for the mansion of ‘Arnewood’, the centrepiece of the 19th century novel, ‘The Children of the New Forest’ by Captain Marryat, first published in 1847 (124/1/1A). Although acknowledging that the links between the house and the novel may never be definitively resolved Mr & Mrs Batten consider that the literary associations of the house and its surroundings have gained significant importance and should be taken into account in drawing the NFNP boundary since they offer opportunities for interpretation of the book.

4.58 To the west of Arnewood House, in the Cottagers Lane area, the land is of similar character and quality to the adjacent ancient forest farmlands included in the NFNP to the north,
having a strong sense of enclosure, narrow leafy lanes and occasional thatched cottages. The small to medium fields in this area are typical of the 17th and 18th century small enclosures that dominate the ‘Sway Pastures and Smallholdings’ landscape character area defined in CD127 and share many of the characteristics described in CD127: ‘... an historic farmed landscape displaying a small-scale pattern of medieval assarts and small Parliamentary enclosures. The present day land uses are varied; mixed agricultural fields, paddocks, garden centres, poultry houses and private gardens are scattered throughout the area and contribute to the urban fringe character. The area is important for back-up grazing land. A strong sense of enclosure is provided by remnants of ancient woodland alongside water courses and lush hedgerows with hedgerow oaks... this settlement pattern is particularly distinctive; linear ribbon settlements have spread along minor lanes.’ For their part, the District Council acknowledges that the case for the Cottagers Lane sub-area is marginal in that there is some rather ordinary development off Silver Street and the central areas are visually contained and offer little to wider views. However, Prof and V Kelly consider this to be a pocket of high quality landscape as good as or better than that to the north and where all the fields are grazed, some by commoners.

4.59 Turning to the area north of Lymore, the designation order boundary cuts across country on a complicated route following a footpath, tracks, woodland and field boundaries and the edge of Efford Research Station. It does not appear to follow any obvious change in landscape character or quality occurring between Lymore and Everton. The eastern edge of Everton would be a more rational and robust line resulting in the inclusion of land to the north of Lymore which is of equivalent character and quality to adjacent land within the NFNP to the south and is characterised by a strong structure of hedgerows and trees along field boundaries, a minor stream and a small fishing lake which is also a SINC. While this extension would include Efford Horticultural Research Station, which does not itself meet the natural beauty criterion, this can be justified on the basis that it is within a broader qualifying sweep of country and is visually contained by mature hedgerows and woodland. It is difficult to draw a boundary which logically excludes it. In any case horticulture is a characteristic land use in this area and there are many glasshouses and similar features within the NFNP.

4.60 Milford on Sea Parish Council (57), supported by New Forest District Council (106), seeks to secure the inclusion of the whole of Milford parish rather than just that part in the Keyhaven area (see detailed boundary at 57/2/5). About a dozen other objectors share this concern about the designation order’s splitting of Milford Parish including Desmond Swayne MP (211).

4.61 The current national park boundary splits the parish of Milford on Sea by including Keyhaven and excluding the village of Milford on Sea, the cliffs to the west of the village and the open countryside to the north of it. Keyhaven is separated from Milford by only a short stretch of farmland. Keyhaven residents depend on Milford for their shops, school, churches and other facilities while visitors to Keyhaven usually stay in Milford where there is more accommodation.

4.62 It is accepted that national park boundaries may sometimes divide an administrative area but they should not sever communities or virtually co-joined settlements. The arrangements here conflict with criterion 2g of the Agency's boundary setting criteria. Criterion 2d should mean that Milford on Sea is included. This is one of the very few rural villages along this part of the coast. It is a lively vibrant community, making a considerable contribution to the New Forest.

4.63 However, it is at the heart of the Parish Council’s case that the whole of the parish qualifies in its own right against the statutory criteria. The coastline to the west of the village provides an opportunity to include a magnificent seascape within the NFNP. The cliff top walk
is wild, natural and unspoiled and has spectacular views from the Isle of Purbeck in the west to the Isle of Wight in the east. The cliffs are part of the Highcliffe to Milford Cliffs SSSI, a key geological site providing access to the standard succession of fossil rich Barton Beds and Headon Beds (57/1/6).

4.64 The Parish also includes 12 SINCs (57/1/6), mainly ancient woodlands and unimproved grasslands. Nine of these are outside the current NFNP boundary and one of these (Sturt Pond) is also an SSSI. Newlands Manor is a 19th century landscape park included on the Hampshire County Register.

4.65 The village itself has retained much of its attractive Victorian and early 20th century areas and is centred around a substantial conservation area centred on the green, containing many listed buildings. A village design statement aims to protect this character. If Lymington (a town with a population of 14,400) is included in the NFNP it is difficult to see why Milford on Sea (with only 4600) is not.

4.66 The community works hard to maintain the culture and atmosphere of a rural coastal village and many visitors return to the area year after year and all times of the year. Accommodation is plentiful. There are 6ha of mobile homes and cabins at Shorefield Country Park and Downton Park, further mobile homes at Carrington Park and pitches for touring caravans and tents at Lytton Lawn. There are 3 hotels, numerous B&Bs, self-catering apartments and 4 pubs, 3 of which are listed buildings. Local recreations include rowing, tennis, squash, sea-fishing, riding, the traditional New Forest recreation of carriage-driving, cricket, wind-surfing, sea-bathing and paragliding.

Land at Lymore Lane

4.67 J Townsend (127) suggests the inclusion of additional land in the vicinity of Lymore Lane, partly overlapping with the objection by Milford on Sea Parish Council and partly extending further north. The lane is described as passing through an attractive rural area, representing an integral part of neighbouring land included in the NFNP, and providing an important link for walkers and cyclists between the coast and areas and paths to the north. Concern is expressed about past and future aspirations for building on land along the lane.

The case for the Agency

The area of contention as a whole

4.68 Looking at the area of contention as a whole, it is acknowledged that this landscape type (coastal plain estates) occurs elsewhere within the NFNP, that the area has historically been considered as part of the New Forest and that much land has rights of common and has formed part of the historic dispersed pastoral system. However, there is a gradual deterioration in landscape quality as one moves from the Forest core towards the coast. There are pockets of higher landscape quality including the wooded valleys of the streams, the coastline in the vicinity of Hordle Cliff, and a few of the quieter wooded lanes, but overall the landscape is not of sufficient quality to meet the natural beauty criterion. Landscape quality in the area as a whole is marred by incongruous features such as large arable fields, suburban development, nurseries and caravan parks.

4.69 With the exception of the short section at Hordle Cliffe, the coastline has a fragmented character with a mixture of suburban elements including lawns, golf courses, car-parks, and poor
quality development. In addition, the sprawling settlements of Ashley, Hordle and Everton form a complete physical barrier to the Forest so the area of contention is perceived as a separate isolated block of countryside dominated by the influence and activity of the surrounding urban areas.

4.70 It is not disputed that the area has historic links with the forest but these considerations are outweighed by the variable quality of the landscape.

4.71 Turning to recreation, it is also accepted that the area offers facilities and amenities for tourists and local residents. However a markedly superior recreational experience is seen as having to be intrinsically related to the character and quality of the landscape and the availability of opportunities to enjoy and understand the special qualities of the National Park. In this area the recreational experience is marred by the lack of a strong visual relationship to the forest and the suburban character of much of the landscape. While parts of the coastal path have a wild natural character there are no views to the Forest and the experience of the route through Milford on Sea is degraded by the quality of the local townscape, while parts of the Barton coastline have a manicured rather suburban character. Inland, links to the forest are blocked by the suburban settlements of Hordle and Everton and public access to the wooded valleys (the most attractive and forest like areas) is limited.

North and east of Hordle and Everton

4.72 The landscape here is of relatively poor quality. Between Kings Farm and Batchley Farm arable intensification has created very large fields with loss of the hedgerows and mature hedgerows trees normally found in the coastal plain estates. Along Everton Road there are urban fringe influences such as busy roads, power lines and builders yards. At Efford land use and the landscape is dominated by the horticultural research station, a large caravan park and a hotel.

4.73 The deterioration in quality across this sweep of land is gradual. It is difficult to define exactly where the natural beauty criterion is no longer met but it does not extend to the point suggested by the District Council and others. The presence of some SINCs and county-level historic landscapes does not elevate the sub-area to a landscape of national importance.

4.74 In terms of recreation, there are two public footpaths and a bridleway north and east of Everton and Hordle but these do not provide a markedly superior recreational experience because of the nature of the landscape through which they pass. Additionally there is permissive access to Icehouse Plantation. Further south, around Efford, there are no rights of way except those already included in the NFNP.

Milford Parish

4.75 Keyhaven is a charming small historic village set in the distinctive and outstanding setting of the coastal marshes, an SSSI with superb long-distance views and good public access. On the other hand Milford is in a quite different, undistinguished setting – an enclosed farmland landscape with an urban fringe character. Nurseries, hotels, golf courses, caravan parks and numerous commercial enterprises contribute to the perception of a fragmented landscape separated from the Forest by the sprawling suburban settlements of Hordle and Everton.

4.76 Milford itself also has different qualities from Keyhaven. While it has an attractive historic vernacular core its overall character is dominated by suburban and modern development of variable quality including multi-storey flats and a sequence of bleak car parks along the sea front. Overall Milford is not of sufficient quality to contribute to the character and purposes of
the Park and so does not merit designation. While it is recognised that the relationship between the two communities is important to local people and they are seen as interdependent, designation will not affect this or sever community links.

4.77 There are pockets of relatively high quality land within the Barton-Milford coastal plain but the administrative boundary of the parish omits some of these. The presence of SINCs does not indicate land of national importance and while the two SSSIs carry some weight, a judgement on natural beauty has to look at all the factors rather than focussing on the positive elements and ignoring the negative ones. Likewise, historic links with the Forest including its historic dispersed pastoral system, cannot in themselves provide reason for designation.

4.78 Referring to the recreation criterion, a markedly superior recreational experience has to be provided by high quality *countryside* recreation occurring in a high quality landscape setting. Many of the facilities mentioned by the objectors relate to Milford’s role as a coastal tourism resort rather than making a contribution to the National Park purpose of enjoying and understanding the Park’s special qualities. Recreational experiences in the countryside around the village are somewhat marred by the suburban character of much of the landscape. The coastal footpaths are an obvious exception but they have to be considered in the context of the wider sweep of land in the Barton-Hordle-Everton-Milford area while the coastal route through Milford itself is degraded by the quality of the local townscape. Elsewhere, public access to the most attractive parts of the rural parish, the wooded valleys, is extremely limited.

*Lymore Lane*

4.79 The quality of the landscape to the north is affected by the research station, a caravan park and the fringes of Everton. Further south the area between Lymore Lane and Milford is excluded from the NFNP because it is dominated by large arable fields, pylon lines and views to the suburban edges of Milford. The quality of the recreational experience on the local footpaths is not markedly superior because of the variable landscape quality.

**The case for those seeking boundary retractions in the Barton-Milford gap**

4.80 *H Philipson (230)* seeks the exclusion of land on the west bank of the Avon Water between Silver Street and Efford Bridge on the A337. In his view the area does not qualify on natural beauty grounds (for example it has no Forest vegetation such as heather or open heath) and no historic or cultural links with the New Forest. Fields to the north of Batchley Farm are mainly sub-divided into small pony paddocks and there is a former tree nursery set out in serried ranks.

4.81 As owner of Batchley Farm he is concerned that the right of way forming the NFNP boundary passes right through the middle of the farmyard which is actively used by cattle passing between fields and overwintering. Use of the footpath and bridleway is moderate, apart from during the peak summer season, and it would be a matter of concern if increased use were to be made by people unfamiliar with livestock including possible dangers from matters such as e-coli infections.

4.82 The objector has managed Batchley Farm with a wider series of local holdings such as Kings Farm and Yeatton Farm. Having struggled to revitalise the estate through diversification over the past decade, income is now derived from agriculture, fishing and shooting, and from letting former agricultural buildings for light industry. A former option for gravel working at Kings Farm has been allowed to lapse and the aim is to manage the estate in a sustainable
manner. Funds have been ploughed into conservation of the woodlands such as Icehouse Plantation, including permissive access and the erection of bird boxes. However, if the objection area is included in the NFNP it could become more difficult to replace the inadequate house at Batchley Farm with a bold model sustainable farmhouse for the 21st century or to build a house for the farm manager, as has now become crucial.

4.83 J Chase (134) suggests that the boundary be modified to omit the area south of Silver Street between Woodcock Lane and the footpath south of Marlwood Nursery. It is suggested that the area is outside the traditional boundary of the New Forest, lacks natural beauty and recreation facilities and is already partly developed. Additional access as a result of designation would be unwelcome since it would conflict with safe animal husbandry. In addition, there is a main sewer across the land so it would be wrong to include it in the NFNP if this rules out development possibilities in the future.

The case for the Agency

4.84 The area referred to by Mr Philipson consists of small fields and woodland typifying the ‘ancient forest farmlands’ landscape type. The boundary here follows the break of slope and marks a change in landscape character and quality from the somewhat degraded coastal plain estate landscapes further to the west. The landscape is in good repair and has no incongruous features. It forms the setting for the river and there are glimpsed views to Upper Pennington Common. There is a small SSSI (forming part of the New Forest SSSI) between Batchley Copse (which is a SINC) and the river, and there are further SINCs between Wainsford Bridge and Efford Bridge.

4.85 Pony paddocks are very common in the New Forest and are a typical feature of the ancient forest farmlands surrounding the central heathland and woodland. The absence of rights of common at Batchley Farm is not in itself a reason for exclusion. Inclusion of only one side of the valley would divide a natural unit, all of which qualifies against the designation criteria.

4.86 There is no reason to suppose that designation will have any adverse effects on the owner’s plans for development because the area is already subject to NFHA planning policies, which are unlikely to change appreciably. An NPA could well be supportive of sustainable development models.

4.87 The area referred to by Mr Chase is also in an area of ‘ancient forest farmlands’ landscape type, without incongruous features, in good repair and of high landscape quality. The land offers attractive leafy views over small pasture fields with common grazing rights and is in an active commoning area. There are rights of way to the south and east of Belford Farm and there is a riding school at the junction of Silver Street and Woodcock Lane.

LAND BETWEEN BARTON AND MUDEFORD

4.88 The following objectors seek various changes to the National Park boundary covering areas south of the railway extending from the eastern edge of the town of Barton on Sea as far to the west as Mudeford on the edge of Christchurch Harbour:

J Bonney (6); P Twaits (112); G White (155); Miss M Shrimpton (176); and M Mawbey (360).
[Objections concerning Christchurch Harbour itself, together with Hengistbury Head, are dealt with under boundary sections 13-15.]

**The cases for the objectors**

4.90 These objections vary in extent but most centre primarily on protection of this attractive stretch of coastline which forms a narrow corridor of undeveloped land between the high water mark and the cliff top settlements of Barton, Highcliffe, Friars Cliff and Mudeford. In terms of natural beauty objectors point to the cliff’s recognised geological and botanical interest as part of the Highcliffe to Milford SSSI; the fine seascapes from the continuous coastal promenade towards the Isle of Wight, Hengistbury Head and the Purbeck Hills; and to other points of interest such as Chewton Bunny, Highcliffe Castle, Steamer Point Nature Reserve and Mudeford Quay/Christchurch Harbour.

4.91 The quiet recreational resource of the long sandy beach (from which little nearby development is visible above the cliffs or through the cliffside trees) is regarded as a major asset of immense interest and value to New Forest residents and visitors who divide their leisure time between the twin attractions of the forest and the sea. There is easier access to this area at times of the year when the Forest itself is too wet underfoot and the coast is also more readily accessible to the old, the less mobile and the very young. It is therefore seen as adding to the range of leisure pursuits potentially available in the NFNPP and contributing to the economy and life of the Park.

4.92 Fear is expressed that the coastal area is coming under intense pressures for development and redevelopment to higher densities with the danger that its pleasant established character may be eroded. National Park designation is seen as a counter to that pressure.

4.93 Some objectors suggest that the Park would benefit from the inclusion of a narrow inland link along the Walkford Brook which has features in common with the New Forest. This would leave the coast at the narrow valley of Chewton Bunney (which runs between residential development to the west and a holiday caravan park to the east), before opening out slightly north of the A337 in the vicinity of Chewton Glen Hotel. It would then cross the railway to join the land west of New Milton discussed below.

4.94 Some objectors also suggest the inclusion of specific parts of the urban areas behind the coastal strip. Mr White appears to suggest the inclusion of the whole area up to the coast including all the towns between the Avon and Milford. Mr Mawbey suggests that Highcliffe be included in its entirety, while Mr Twaits suggests the southern and eastern parts of the town including the remaining areas of common land contained within the urban fabric. Mr Twaits also suggests the inclusion of defined parts of the developed areas at Mudeford, Friars Cliff and Barton.

**The case for the Agency**

4.95 It is acknowledged that the coast between Barton and Mudeford has an attractive character, earth science and ecological interest, and good views and recreational opportunities. However, it does not meet the natural beauty criterion because its landscape quality is variable. Moreover it is only a narrow strip between the sea and the adjacent extensive urban areas, not all of which are of the best townscape quality. It is therefore only tenuously connected with the New Forest and is not part of a qualifying ‘extensive tract of country’.
4.96 While the coastline offers many recreational activities these are outweighed by the marginal location of the area and its failure to meet the natural beauty criterion.

4.97 As for other areas referred to by objectors, the seafront in Barton has a relatively suburban character with manicured lawns. Highcliffe has attractive parts but it is impossible to consider designating isolated parts of the otherwise large and non-qualifying continuous urban area within which they stand.

4.98 Chewton Bunney is an isolated fragment of relatively attractive countryside but has no sense of connection with the core Forest lands. It is hemmed in by development and separated from any relevant ‘extensive tract of country’. North of the main wooded bunny the generally open area around Walkford Brook between the A337 and the railway has an urban fringe character with playing fields, hotel grounds, and a large complex of glasshouses.

**LAND WEST & NORTH OF NEW MILTON**

4.99 The following objectors are concerned with the area to the west and north of New Milton, or some part of it.

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Col P Sweet (1); J Bonney (6); D Osgood (26); D Willrich (37); New Forest Commoners Defence Association (110); P Twaits (112); B Halliday (142); Bransgore Parish Council (153); G White (155); New Milton Sand and Ballast (186); Peterhouse, Cambridge (223); Brockenhurst Parish Council (224); the Ramblers’ Association (226); CPRE (357); and M Mawbey (360).
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**The cases for the objectors**

4.100 Most of the above objectors refer to the whole area of countryside west and north of New Milton and consider that the NFNP should be extended up to the edge of the built-up area of the town. The currently excluded area is felt to have particular value for its existing north-south footpaths (Walkford Lane and the footpaths near Hinton House) which provide important pedestrian links between the urban areas south of the railway and the National Park further north. Objectors refer to the potential for improved access to the wooded valley of the Walkford Brook (a SINC including ancient woodland); concerns that the landscape impact of development along Stem Lane has been overemphasised; fears that these undeveloped areas will otherwise be at risk from revivals of past pressures for gravel extraction and/or the urban expansion of New Milton. Some feel that the boundary here is generally too circuitous and not sufficiently robust compared with the line represented by the railway and Stem Lane. It is also pointed out that rights of common are attached to most of the land west of New Milton and claimed that this area is important to the commoning economy.

4.101 Within the overall area of contention a more local focus of objection concerns a site between Dark Lane, Ringwood Road and the railway, comprising Meetinghouse Plantation/Cranemoor Wood and an arable field fronting Dark Lane. New Milton Sand and Ballast Company and Peterhouse, Cambridge (together with Hinton Estate - see below) seek exclusion of this area from the National Park boundary. Although Cranemoor Wood is a SINC these objectors consider that the large arable field, crossed by a power line, has no great qualities of natural beauty. Also, there is no public access to the area, nor any opportunities for recreation within it.
4.102 These objectors point out that the 1993 Local Plan Inquiry Inspector recommended exclusion from the NFHA of the area to the south of Hinton House (west of New Milton) on the grounds of its low landscape value. This area (known as Walkford Farm) has several times been considered as a candidate for gravel extraction and was recommended by the Hampshire Minerals and Waste Local Plan Inspector for inclusion as a preferred area for sand and gravel extraction, although the recommendation was not accepted by the County Council. The landowners are again proposing its inclusion as a preferred area in the forthcoming review of the minerals plan. They state that it is now clear (whereas it was not in 1993) that the necessary haul route from the extraction area south of Hinton House would have to pass in a westerly direction to join Dark Lane via a corridor through Cranemoor Wood and the arable field. The landowners’ contention is that the parcels of land affected by the haul route have no more case for inclusion against the statutory criteria than the land to the east recommended for exclusion from the NFHA by the 1993 Local Plan Inspector. Inclusion of these parcels in the National Park could inhibit exploitation of the minerals reserves on the adjoining land.

4.103 On the other hand, other objectors (eg J Bonney, D Osgood) are particularly concerned that this part of the wider area of contention should be included in the Park, because of fears of renewed pressures for gravel extraction.

4.104 Another local focus of objection within the wider area concerns land south of Beckley Common where Mr D Willrich and Bransgore Parish Council consider it illogical for the NFNP boundary to make a local detour northwards from the B3055 to omit land bordered by that road and two minor lanes.

The case for the Agency

4.105 Dealing with the totality of the land to the west of New Milton, the Agency considers that the quality of the landscape in the Walkford Brook area does not merit inclusion. This is a nondescript, predominantly large-scale intensive arable landscape with much evidence of hedgerow and tree removal. Consequently the west-east electricity pylons and cables are more intrusive here than is sometimes the case in other areas around the Forest. Industrial and suburban developments are dominant visual features in some views.

4.106 While the corridor of the Walkford Brook is of high landscape quality and has connection with the New Forest it is not accessible to the public via rights of way and the path known as Walkford Lane does not offer a superior recreational experience.

4.107 Near Hinton House the boundary has been drawn to exclude the area of large-scale arable fields and include the higher quality land with more New Forest affiliations. All the boundaries (a public right-of-way, a woodland edge and a field boundary) are distinguishable on the ground and are the same as those followed by the NFHA in the adopted local plan.

4.108 Referring specifically to the objection area at Dark Lane/Ringwood Road, this is part of the well-wooded heath-associated estates around Hinton Park, a landscape characterised by former heathland, pine and oak plantations and intensively farmed land comprising large fields enclosed by hedgerows and woodland edges. The “access field” and its setting have a high landscape quality despite the presence of overhead power cables. Dark Lane is a quiet rural lane fringed with dense hedges containing mature hedgerow oaks; it is used for walking, riding and cycling and is linked to nearby public footpaths. The as-yet unknown content of a future Minerals and Waste Plan is not relevant to the National Park issue.
4.109 As for the objections concerning the B3055 as a boundary, the National Park, like the NFHA, excludes a single large arable field (formerly 3 fields) crossed by dominant pylons. Instead it follows minor lanes (C-roads) that are easily distinguishable on the ground.

LAND AT HINTON PARK

The case for The Hinton Estate (Meyrick Estate Management Ltd) (162)

4.110 The objector suggests that the NFNP boundary should be retracted to exclude the whole of Hinton Park and other land to the south of the A35 between Roeshot Belt (west of Hinton Admiral Station) and a point east of North Hinton Farm. The area of contention is indicated at 162/1/2A SMR09.

General conceptual matters

4.111 The Landscape Assessor’s report deals with the following general conceptual matters raised by the objector:

- While nearly all landscape in England is heavily influenced by Man, natural beauty is not defined in S114(2) of the Act in a way which incorporates the cultural or historical influence of Man in itself. Under the 1949 Act, as amended, the essence of natural beauty is that it must apply to countryside, it must be principally ‘visible’ and ‘natural’ (derived from nature) and it must be outstanding. Insufficient attention to these requirements has led the Agency into giving too much weight to inappropriate factors such as history, cultural associations, commoning considerations, archaeology and nature conservation interests (such as the presence of a rare species or habitat) even where this is unrelated to scenic landscape beauty. Such factors may be relevant to the process of landscape character assessments but they are not relevant to judgements on the quality of natural beauty required under the Act. In considering designation of the NFNP the Secretary of State must confine herself to the strict terms of the designation criteria in S5(2). The extended definition of natural beauty in S114(2) only relates to the statutory purposes set out in S5(1), as does the reference to ‘cultural heritage’ in S5(1), although flora and fauna may be relevant to designation if they have a major influence on the landscape. This is a very different situation from that applying in Scotland where more recent (and perhaps arguably more ‘modern’) legislation in the National Parks (Scotland) Act 2000 provides at S2(2)(a) that an area may be designated for ‘outstanding national importance because of its natural heritage or a combination of its natural and cultural heritage’.

- Some of the boundary-setting criteria in table 2 of CD104 also extend beyond the scope of the designation criteria, eg the following references:- at 2(d) to whether settlements contribute to the rural economy and community life of the Park and to its special qualities and purposes; at 2(g) to whether or not towns contribute to the character and purposes of the Park; at 2(j) to including features of historic or architectural value at the margins; and in the footnote to 2(g) to matters such as visitor accommodation, public transport etc.

- CD126 states at para 4.2.1 that ‘in general the approach (to developing the boundaries) of the National Park was a more generous and inclusive one than was used in defining the
boundary for the New Forest Heritage Area’. However, in reality the tests should be harder and the area more tightly defined.

- The absence of detailed field notes produced by the Agency’s consultants has made it difficult to obtain evidential verification of the claims made about the merits of including various areas. This is in conflict with the advice given in CD229 and the Franks principles of openness.

**Natural beauty**

4.112 The Hinton Estate runs from the boundary of the perambulation to the Avon Valley north of Christchurch as defined at 162/1/2A/SMR01 embracing grazing land on the flood plain, arable production on the river terraces, intensive dairy farming, and a mix of smaller fields and woodland on the higher slopes nearer to the perambulation.

4.113 Within boundary sections 11-12 the relevant parts of the estate are those centred around Hinton Admiral House, a Grade 1 listed building, its surrounding parkland (which is ornamental rather than ‘wild’ or remote), two dairy farms, and areas of woodland and heathland.

4.114 The estate is closely involved with agriculture, forestry, sport, wildlife and employment. It has been estate policy for many years to manage the land in a sustainable manner to provide high income while maintaining and where appropriate conserving environmental quality. Burton Common and Poors Common are both SSSIs that have been managed to promote their nature conservation value, as have the ancient woodlands. It is also estate policy to encourage maintenance of hedgerows, tree belts, watercourses and (where appropriate) species rich grassland.

4.115 The estate’s holdings possess common rights but these have not been exercised within living memory either by the estate itself or by its current long-term agricultural tenants. It is only in the last year that the estate has let grazings to commoners. This letting comprises about 80 ha at Burton Common and Poors Common. The land in question is let to two commoners under the Wildlife Enhancement Scheme for wet heathland for which English Nature pay 100% for the capital works. The land is grazed under the scheme with a low stocking density and no additional fertilisers. These back-up grazing areas do not play a significant part in either the New Forest grazing system or the estate agricultural system. It was with some difficulty that the estate managed to secure lettings since local graziers were reluctant to take up the opportunities because of the poor quality of the grazing.

**Opportunities for open air recreation**

4.116 The Countryside and Rights of Way Act 2000 (CROW) indicates the current Parliamentary view about which parts of the countryside have a character that lends to open-air recreation. The ‘access land’ referred to in S2(1) of CROW for the purpose of ‘open-air recreation’ is defined in S1(1) as being limited to ‘open country’ defined on the appropriate statutory map (predominantly mountain, moor, heath or down) or registered common land. According to the draft CROW map there is no such land or proposed land within the area that the estate seeks to exclude from the NFNP.

4.117 With regard to the Agency’s interpretation of the statutory recreation criterion at CD104 Table 1, the first and third bullet points are accepted. Turning to bullet point 2, access or open-air recreation facilities should either exist now or there should be a realistic potential for them to be provided within the land to be included in the NFNP. Vague or unrealistic aspirations are not
enough. On point 4, opportunities could sometimes be more than quiet enjoyment. As for 5, it is open and exposed uplands which are at the heart of the National Park concept and it is accessibility to such areas that should be considered. Accessibility as a concept in its own right, such as to land not possessing openness, wildness, remoteness or tranquillity, is not relevant to designation.

4.118 Against the above background the extent of rights of way within the estate is somewhat limited. There are no public access rights within the central part including Hinton Park and the adjacent woodlands of Allensworth Wood, Holmhill Wood and Poors Common. The estate would not welcome pressure to provide access to the areas which it wishes to exclude from the NFNP apart from the present occasional opening of the private parklands around the house for certain special events. Access to the dairy farms at East Close and North Hinton Farms would be incompatible with management needs while shooting to control deer sometimes takes place within the woods. Only small parts of the whole area are visible and even then only from the A35 and some other flanking roads. A visual experience of this kind from a moving car is not a markedly superior recreational experience.

**The case for the Agency**

**Natural beauty**

4.119 Hinton Park is historic parkland set within the ‘heath associated estates’ landscape type that occurs in a number of areas around the perambulation. The area of contention is all within the NFHA and comprises extensive areas of mixed woodland within the valley of Sheers Brook, parkland forming the setting to Hinton Admiral House, and a mosaic of mainly arable land and large blocks of woodland east and south of the A35.

4.120 The landscape here is very clearly part of the New Forest. Heath associated estates are described in the District Landscape Character Assessment as enclosed wooded estate landscapes, often on undulating ground, around the fringe of the Forest. They are closely associated with former heathland and retain a heathy character. Pine and oak plantations are interspersed with tracts of intensively farmed land consisting of large fields enclosed by hedgerows and woodland edges. All these characteristics occur within the objection area, the landscape quality of which is very high, with few if any detractors. The high degree of woodland cover imparts a strong sense of being in the Forest.

4.121 Hinton Park itself is of high landscape quality and included on the Hampshire Register of Historic Parks and Gardens. Hinton Admiral House is listed as Grade 1.

4.122 In the Hinton Park area the boundary follows the clear transition in landscape character and quality that occurs south and east of Hinton and Beckley beyond which the land is adversely affected by arable intensification, transmission lines and urban fringe development.

4.123 Much of the estate and its parkland have grazing rights and some land is let to commoners. In this sense it is an integral part of the historic dispersed pastoral system.

**Opportunities for open-air recreation**

4.124 The tract of country including Hinton Park makes an important contribution to visitors’ experience of the New Forest. Although there are no rights of way across the park, the woodland and parkland can be seen and enjoyed from surrounding areas such as the A35 and Ringwood Road. In the southern and eastern parts of the area of contention, around Hinton House and
Beckley, there are a number of footpaths, a bridleway and quiet rural lanes that offer excellent opportunities for walking, riding and cycling and for enjoyment of the special qualities of the New Forest. The footpath network provides links to the south, giving residents of Highcliffe easy access to these opportunities.

**Cranemoor Common (south of the railway at Hinton Admiral)**

**The case for the objector**

4.125  **S Coombs (368)** seeks inclusion within the Park of this remnant common comprising woodland, a watercourse and small water body. The land is accessible at a number of points from nearby residential roads and affords access under the railway embankment to the countryside. The area is rich in wildlife and is used as a resource by local schools. A local group has been established to assist in caring for the area. The landowners (Meyrick Estate) have no interest in this area and have attempted to get planning permission for development.

**The case for the Agency**

4.126 This area is valued by local people for its landscape, nature conservation and recreation but is essentially a local open space enclosed by residential development and the railway embankment. The latter forms a logical boundary to the NFNP, cutting the land off from any ‘extensive tract’. The nature of the land does not make for a markedly superior recreational experience.

**Landscape Assessor’s Conclusions & Recommendations on Natural Beauty**

**The Town of Lymington and Surrounding Areas**

4.127 In considering the diverse landscapes of the town and surrounding countryside it is apparent there are major variations in landscape quality. The boundary of the NFHA excludes Lymington and land to the south while to the north the NFHA boundary has had a chequered history. The AONB covers the coastal area to MLW from Lymington River to Keyhaven but does not include a band of land from Lower Pennington and north of Normandy Lane to the town’s southern periphery. The NFNP boundary in the Designation Order covers the whole of this area including the town and land extending from the river as far west as Milford-on-Sea and north to Lymore and Efford, thereby including land not previously recognised as possessing natural beauty.

**Lymington**

4.128 Looking first to the built-up area of Lymington I find that the town centre has a fine, historic core centred on the High Street which rises from the river valley, providing a view east towards the New Forest and with other outlying architecturally attractive residential areas such as that south of Buckland and alongside Pennington Common.
Lymington also has some nineteenth century housing, but otherwise the majority of the urban area is composed of 20th century development, most recently on the west side of town, where there are extensive areas of modern housing of a type and form which is mainly suburban in character and has no particular relationship with town’s landscape context. In addition on the eastern periphery of Lymington, a string of light industrial and utility sites are found along the riverside mainly north of the road bridge, such as that associated with Lymington Precision Engineers (190). The townscape quality generally decreases from the central Conservation Area outwards and the relationship between urban and rural is not always one of harmony.

According to the Agency’s landscape assessment the town is located within character area 16 (CD 127) which is made up of 4 landscape types: the Urban type of Lymington itself, Coastal Plain Estates, Coastal Fringe and Historic Parkland, the latter being found only on the east side of the river. Even though the townscape possesses a high quality urban environment with plenty of mature gardens and open spaces with mature trees, these are not key characteristics of any other New Forest landscape. In addition I find only one strong visual link with the New Forest, as mentioned above, and the town’s main focus is inward or towards the river and not to the Forest.

Despite its size, it is extremely difficult to get an overall visual impression of the town from the outside, except from the coast due to the local topography and screening by vegetation within and throughout the urban area preventing inter-visibility. This is least evident at Pennington Common where heathland blends into the urban layout.

In conclusion I find that the town is contained within its own urban character area of Lymington townscape, and the physical relationship with the surrounding countryside is predominantly exclusive of the New Forest.

While I accept that the central area of Lymington is a high quality urban setting and historically there were strong links with the New Forest through past associated activities, such as the export of Forest products, I do not find that the wider urban area relates to the rural hinterland today, but is more oriented to the coast as a ferry port and centre for sailing.

In conclusion I find that the quality of the townscape of Lymington is variable, is not part of the typical landscape character of the New Forest, does not form part of the extensive tract of country and does not meet the natural beauty criterion that is necessary for consideration as part of the NFNP. In conclusion I recommend that the town is excluded from the NFNP on natural beauty grounds.

**Land south of Lymington**

The land between the urban edge and the coast to the south of Lymington to Milford-on-Sea contains considerable diversity both in landscape character and landscape quality. This area was not included in the NFHA mainly because the relationship between the New Forest and the coastal landscape was not as strong as that east of Lymington River. However the previous AONB designation had recognised the intrinsic natural beauty of this part of the coast and its hinterland north of Keyhaven Marshes.

The NFNP boundary in the Designation Order includes land right up to Milford-on-Sea, including Keyhaven village and land on the west side of the Avon Water beyond the AONB. In looking to this area I find there is an extensive area of land west of Lower Pennington which is adversely affected by incongruous land uses and devoted to mineral extraction, landfill and
refuse recycling, which impose a highly negative impact on the landscape quality of this area which is not in keeping with that expected of AONB or NFNP designations.

4.137 Even with the relatively short time horizon of 2007 for initial land restoration I am of the opinion that this area will not for many years, if ever, meet the standard required to satisfy the natural beauty criterion for NFNP designation purposes.

4.138 The landscape structure has been essentially broken between Keyhaven and Efford to such an extent that even with a careful and well designed restoration scheme, the landscape will appear artificial and over time is likely to achieve no more than an ordinary status of landscape quality. Between the Avon Water and Lymore Lane the landscape is an agriculturally intensive one of cereals and maize, interspersed with occasional remnant Forest features such as in the vicinity of Agarton Lane but much more evident around Keyhaven village. At Efford, apart from Great Newbridge Copse, the land around the Horticultural Research Station contributes little to New Forest landscape character offering only a tall exotic conifer linear boundary, and associated strictly regimented plots which tend to over power the semi-abandoned narrow valley between that and the refuse site.

4.139 In contrast, to the south of this disturbed and ravaged landscape I find that the Coastal Fringe landscape type is one of high quality with outstanding views east and south across the marshes and the Solent to the Isle of Wight. A strong sense of remoteness and tranquility prevails regardless of the industrial activity to the north, in an open coastal marsh environment appropriately recognised for its natural beauty by the AONB designation and containing important nature conservation designations, all of which extend to Hurst Spit. In addition, immediately south of the built-edge of the town, between Lower Pennington and Waterford and inland of the Coastal Fringe, I find the Coastal Plain Estates landscape type is still very evident and intact, containing a typical pattern of small irregular fields with hedgerow trees and small areas of woodland connecting with the coastal landscape pattern of marshes and woods further east across the river. This area has a close intimacy with and forms part of the assemblage of coastal landscapes of the New Forest running along this part of the Solent between Keyhaven and Calshot. As a result I find that this area demonstrates a typical New Forest landscape assemblage, is of high quality and fully meets the requirements of the natural beauty criterion.

4.140 In my overall conclusions on the assessment of land which qualifies as part of the extensive tract and meets the natural beauty criterion, I recognise that the situation south of Lymington is complex, that the landscape conditions and character have and continue to change and therefore require particularly careful consideration in order to arrive at a robust and legible boundary for the NFNP that will stand the tests of time.

4.141 I therefore recommend that to include all the land south of Lymington which does meet the natural beauty criterion and is therefore suitable for NFNP designation the boundary should be as follows:-

On the east side of the river estuary below Lisle Court Farm, where MLW meets the perambulation, the NFNP boundary would cross the river directly south west to meet the west bank close to the southern edge of the outer marina at Waterford. It would then follow the footpath and Solent Way which follow a bund beyond the western edge of the marina, reaching the built edge of the town at the end of Westfield Road. It would then follow the boundary of the built up area (as shown in the Local Plan) along All Saints Road to Delaware House, then turning south to Normandy Mead via Viney Road. It would then leave the defined built-up edge of the town just before Normandy Mead, and continue south to the junction with Normandy Lane where it would then follow Poles
Lane west to Ridgeway Farm (omitting areas of formal public open space on the edge of the town which do not meet the natural beauty criterion) where it then picks up a footpath north of the farm going west to Lower Pennington Lane and crosses it, via a track to meet the AONB boundary and cycleway north of Sadlers Farm.

From here I recommend that the boundary turns south to join and then follow Lower Pennington Lane to the road end on Pennington Marshes and then follow the byway west to Keyhaven Marshes as far as Illey Lane including the triangle of recently restored land. The boundary would then follow the eastern ditch running north and parallel with the Avon Water as far as the ditch and dyke crossing the watercourse and then return south towards Vidle Van Farm track.

From this point my recommendation is that the NFNP boundary should skirt the built-up area of Keyhaven as closely as possible to join MHW south of Salt Grass Cottages and then include Hurst Castle Spit before returning east along MLW. In my view it is important to include the whole of the small coastal village of Keyhaven, centred on its harbour and historic core, but the area of qualifying natural beauty does not extend into the large-scale open arable fields to the north and west of the village. The boundary shown on the map attached to Appendix 1 attempts to indicate this but it is difficult to do so entirely clearly at the scale of the Designation Order, especially as Keyhaven is not a village with a built-up area defined on a Local Plan Inset Map. It may be that this area should be covered by a specially prepared Inset Map attached to the Designation Order so that the boundary can be clearly indicated at a more appropriate scale.

Land north and west of Lymington

4.142 In the area west of Lymington and north of Efford Bridge around to Buckland and Bowling Green to the edge of the town I do not find the landscape character and quality of the Ancient Forest Farmlands type consistently intact and the resultant landscape quality is limited. This is due partly to the loss of hedgerows and field rationalisation especially west of Buckland Manor Farm, but also to the mixed standard of ribbon development along Ramley Road where several glasshouse complexes, some of which are disused, and the medium scale and occasionally visible Gordleton Industrial Park together impart an urban fringe feel to this landscape which is not outstanding in natural beauty terms. The land between Yaldhurst Copse and Cowley Farm is of marginally better landscape quality, having retained a typical irregular field pattern with a more wooded character than that to the east, but still has an urban fringe quality and is otherwise isolated.

4.143 In my opinion this is contrasted by the landscape quality and condition of the mainly wooded valley of the Avon Water south of Batchley Copse and Wainsford Bridge which, together with the heathy character of Upper and Lower Pennington Common, I find contains a good blend of New Forest landscape character and a true sense of being on the edge of the Forest. This is despite the encroachment of recent housing development on the western outskirts of Lymington, which is fortunately well screened from view.

4.144 In conclusion I recommend that the boundary for the NFNP in this area should be retained as for the NFHA in the Local Plan from Walhampton on the east bank of the Lymington River, crossing west at the road bridge and continuing around the north side of the town, including Buckland Rings, then west along Sway Road, excluding Gordleton Industrial Park turning south to Upper Pennington to meet the edge of the built up area before swinging away again to reach the A337 at Efford Bridge.
4.145 In considering the whole area of contention between Milford-on-Sea and Barton I recognise that from the coast northwards the area does have landscape associations with the New Forest. The NFNP boundary follows the NFHA continuously between Efford Bridge and Hinton House thereby recognising that the area to the north of the boundary line met the natural beauty criterion for the NFHA designation.

4.146 I agree that the landscape character of the open countryside is one of the Coastal Landscape Estates landscape type with small parliamentary enclosures, with the Historic Parkland type present at Newlands Manor and Ashley Clinton House, but also at Arnewood House and Efford House, interspersed with the larger urban areas of Milford-on-Sea, Barton, Ashley and New Milton together with the sizeable villages of Everton and Hordle.

4.147 I also recognise the various typical New Forest landscape type features of small fields, woods and streams that are present in certain areas such as around Lymore, the often wooded corridor of Danes Stream and its tributaries, from Noah’s Ark Farm in the north through Taddiford Gap to the edge of Milford-on-Sea, and in the vicinity of Leagreen and Newlands Manor, which together with the other historic landscapes in this section, all display a degree of natural beauty giving pockets of high landscape quality. There is also visual access to a coastal landscape with fine views across the Solent from Hordle and Barton cliffs with the associated geological interest at the latter.

4.148 Notwithstanding the past literary and land management links with the New Forest, I also find that this landscape has changed considerably in recent times due to the dynamic pace of suburban expansion of the late 20th century evident in all the settlements across this swathe of countryside, especially visible at Barton and Ashley. In looking to Milford-on-Sea I find a pleasant seaside village focused around the village green and historic buildings of the Conservation Area, but with considerable newer development on all sides. This effectively divorces the historic village from its original combined country and seaside setting. The village has retained a not surprising orientation to the coast being a popular haunt with locals and visitors alike, but has not retained the small scale charm of Keyhaven which is well integrated into its waterside and coastal marshland landscape setting.

4.149 Even though the landscape types present are found elsewhere in the NFNP it is evident that here landscape intactness has in places been markedly infringed, mainly by the raw edges of suburban residential development and changes in agricultural practices, but also by incongruous features such as Efford Horticultural Research Station and the large holiday park south of Downton.

4.150 In assessing this area I find that, even with the higher quality areas as mentioned above, the strength of landscape character and the overall landscape quality diminishes as one moves south from the NFNP boundary in the Designation Order to a level not worthy of National Park status between the main settlements and south of Everton and Hordle. This landscape is not, in my opinion, outstanding in a New Forest sense and the natural beauty criterion is not met in the majority of the countryside of this area.

4.151 North of Everton and Hordle up to the NFNP boundary I find the situation slightly different in that the landscape here is at the upper end of the transition spectrum of land that would qualify under the natural beauty criterion. There are few detractors but the landscape character is compromised by extensive arable fields where field boundaries have been comprehensively rationalised so my conclusions would still apply.
4.152 However I do find there are two exceptions to this conclusion which lie close to the NFNP boundary. The first is at Arne Wood/Arnewood House which I find has physical affinity (and may yet have proven literary connection) with the landscape to the north and would make a more robust boundary in this area. The second is at Cottager’s Lane north of Hordle where the field pattern, boundary vegetation and vernacular buildings have an obvious connectivity with the Ancient Forest Farmlands landscape to the north to such an extent that I believe this area would be more appropriately classified as of that landscape type.

4.153 In drawing conclusions for this section I find that the boundary does define the land which meets the natural beauty test for NFNP designation and provides a legible boundary for the National Park. I also conclude that the wider contention area is isolated from the New Forest by the surrounding settlements, though shows some affinity with the Forest, but that affinity is patchy and shows unevenness in landscape quality. The combination of isolation, and inconsistent character and quality is such that the area does not form part of the extensive tract of countryside that does meet the criterion of natural beauty.

4.154 The boundary of the Designation Order is robust and meaningful along this section except at the two locations described above, namely Arne Wood and north of Hordle where NFNP boundary revisions are recommended. Both of these areas satisfy the natural beauty criterion and form part of the extensive tract of country which qualifies for National park status.

4.155 The boundary recommended is therefore as the Designation Order from Efford Bridge to the wood north of Batchley Farm where it would depart from the NFNP boundary turning west around the wood and include the two small enclosures between it and Arnewood itself. The boundary would then continue along the southern boundary of Arnewood including Arnewood House and the small paddocks and grounds around the house returning to meet the NFNP boundary at the footpath coming from the west side of Arnewood.

4.156 At Hordle I recommend that the boundary should include the Cottager’s Lane area, departing from the NFNP boundary from Hollybush Farm and continue south along the lane to follow the built edge of Hordle towards the crossroads on the north side of the village where it would rejoin the NFNP boundary just east of the road junction.

**LAND BETWEEN BARTON AND MUDEFORD**

4.157 While accepting that the coastal area between Barton and Mudeford is attractive and forms a valuable landscape resource in the otherwise heavily developed area east of Christchurch, I find that the area has little connection, either actual or perceived, to the landscapes of the New Forest.

4.158 Apart from the shore between MHW and MLW and occasionally the narrow strip behind, I find the area is thoroughly urbanised and has no New Forest landscape character. The narrow open area at Chewton Bunny is encroached upon by holiday chalet development and the urban development of Highcliffe, while north of the A337 are the rather manicured grounds of Chewton Glen Hotel and a heavily modified series of fields and a large nursery complex closer to the railway. As a result I find this essentially urban fringe area has a very tenuous connection to the landscape north of the railway, which anyway is not within the NFNP boundary in the Designation Order.

4.159 In conclusion I find that the area of contention is isolated, has little connection with the landscapes of the New Forest, does not meet the natural beauty criterion and therefore cannot
qualify for inclusion in the NFNP. I therefore recommend that the boundary here is retained as in the NFNP Designation Order.

**LAND WEST AND NORTH OF NEW MILTON**

4.160 In looking to the land in question west and north of New Milton I agree that the landscape character is of the Coastal Plain Estates type as defined by the Agency but contains a simple composition of two main elements. The first is the wooded valley of Walkford Brook running north to south and the other the large arable fields either side of the valley which lack field boundary definition but are crossed by pylons and overhead lines.

4.161 Consequently I find the landscape here is simple and ordinary, and without the landscape pattern framework typical of this type resulting in poor landscape quality. By its very nature Walkford Brook has connectivity to the New Forest landscapes further north but only as a limited corridor and not forming part of the extensive tract of countryside north of the B3055. Considered as a whole this area does not have outstanding landscape quality, and does not satisfy the natural beauty criterion and is therefore not of National park status.

4.162 In the vicinity of Dark Lane and Hinton House I find the NFNP boundary alignment is correct in that it excludes the large arable fields associated with the area west of New Milton considered in the last section, but includes land more typical of the Heath Associated Small Holdings and Dwellings landscape type which is evident around Hinton House and Hinton Park. Here the larger scale field system is also well wooded with mature hedgerow trees throughout the farmland with former heathland evident in places.

4.163 I find that all the land associated with the Dark Lane objection area has the character of this typical New Forest landscape type, is intact and of good quality satisfying the natural beauty criterion and so should be included in the NFNP.

4.164 I therefore conclude that I do not find it necessary to recommend a revision to the boundary in this area.

**LAND AT HINTON PARK**

4.165 I find that the contended land at Hinton Park and the surrounding associated countryside has long been recognised for its natural beauty, having been part of the NFHA.

4.166 While accepting that the landscape of Hinton Park is not often visible from surrounding countryside due to the extensive layout of woods beyond the central parkland area and the mosaic of smaller woodland within, I do find that the wider landscape setting is appreciable at various locations in the surrounding countryside and from longer distance viewpoints. The landscape character is one that is redolent of the New Forest, markedly intact and of a very high quality, which typifies a well-managed estate that is intrinsically part of the wider New Forest landscape and amply meets the natural beauty criterion.

4.167 Beyond the highly regarded designed landscape of the parkland, which is recorded and detailed on the Hampshire County Register of Historic Parks and Gardens, with English Heritage Grade 1 listing for the buildings it contains, I find the wider landscape within which it sits consistently includes all the characteristics of its Heath Associated landscape type which is a classic New Forest type found elsewhere within the NFNP.
4.168 I therefore have no hesitation in recommending that this area should be included in its entirety within the NFNP as it more than adequately satisfies the natural beauty criterion and I see no reason on these grounds for a boundary revision in this area.

CRANEMOOR COMMON

4.169 I find Cranemoor Common is an attractive, well used and locally valued landscape resource for the nearby residential neighbourhood. However it is now dislocated from the NFNP quite emphatically by the railway and its embankment, both visually and physically. While I accept that it must have once been part of the New Forest commons it no longer forms part of that system and does not logically form part of the extensive tract of countryside to the north.

4.170 I conclude that it would be inappropriate for the NFNP boundary to divert from the robust boundary that the railway provides in order to include this small parcel of land which is now a local open space. Therefore I do not recommend that the NFNP boundary be revised to include Cranemoor Common.

INSPECTOR’S OVERALL CONCLUSIONS ON THE TWO DESIGNATION CRITERIA

NATURAL BEAUTY

4.171 With two small exceptions I agree with the Landscape Assessor’s conclusions on the applicability or otherwise of the natural beauty criterion within the various areas of contention in boundary sections 11-12. I deal with these exceptions in paragraphs 4.183 – 4.186 below, in which I cover both of the designation criteria together for ease of reference.

4.172 There are also two other areas about which I need to make some comments in relation to natural beauty.

4.173 Firstly, Lymington would be by far the largest town in any English National Park. While it may contain limited aspects of ‘natural beauty’ an urban area of this size does not (and probably could not) meet the designation criterion to anything like a sufficient extent. It is not a small town blending into or penetrated by the surrounding countryside like Lyndhurst or Brockenhurst and in my view its inclusion would be manifestly inappropriate, as well as requiring too much of the NPA’s resources to be devoted to urban planning issues irrelevant to proper National Park purposes. In my view none of factors raised by the Agency under boundary-setting criteria 2d and 2g (or the accompanying footnotes) concerning the inclusion or exclusion of towns (see table 2 of CD104) come near to outweighing these fundamental points.

4.174 Secondly, the area south of Lymington is one where particularly careful judgement is needed as to whether the area should be included in the NFNP or excluded from it. I have no doubt that the area meets both of the designation criteria, but its remaining connectivity with other areas qualifying for inclusion in the NFNP is much more open to question.

4.175 This area is physically isolated from other areas recommended for inclusion except for its loose attachment (across the mouth of Lymington River) to similar Coastal Fringe and Coastal Plain Estates type landscapes on the eastern side of the estuary within the NFHA/AONB and the NFNP designation order. However, although this link is somewhat tenuous (and inclusion of the land south of the town would result in a long projection from the main body of the National Park) I recommend that this coastal land is included in the NFNP. This would have the
pragmatic merit of taking into the NFNP all the land within the South Hampshire Coast AONB which the Assessor and myself still consider to qualify on natural beauty grounds, thus enabling the AONB to be revoked in its entirety. If this area is not included in the NFNP its current level of landscape protection would be undesirably reduced since it could hardly be feasible for such a small area to be retained as a separate AONB in its own right.

OPPORTUNITIES FOR OPEN-AIR RECREATION

The town of Lymington

4.176 Lymington is clearly a popular visitor destination for recreation based on coastal pursuits such as sailing and more casual enjoyment of its scenic waterside and attractive town centre. It is also a starting point for walks along the marshes. However, the developed urban area as a whole does not provide a markedly superior recreational experience based on landscape resources of National Park-standard natural beauty.

Land north of Lymington

4.177 The area in contention north of Lymington, recommended for exclusion by the Landscape Assessor, is penetrated by footpaths but I found that these cross a generally flat plateau of unremarkable, somewhat degraded countryside. Some paths appear to be little used and the recreational experience here is certainly not ‘markedly superior’.

Land south of Lymington

4.178 I consider that the area considered by the Landscape Assessor to warrant inclusion and exclusion south of Lymington on natural beauty grounds coincides with the extent of the area meeting the second designation criterion.

4.179 The coastal area comprising the on-shore marshes and salterns (and the quieter pastoral areas behind these approaching the southern edges of Lymington) contains a network of quiet lanes and rights of way passing through tranquil countryside with occasional traditional buildings. Hurst Castle (accessed on foot along the lengthy spit or by boat from Keyhaven, and representing a historic feature right in the middle of the Western Solent) offers an additional point of very great interest, as does the highly attractive coastal village of Keyhaven. Overall, this area provides ‘markedly superior’ recreational opportunities for walkers, cyclists, horse-riders, bird-watchers and more casual visitors.

4.180 By contrast, the recreational experience available elsewhere south of the town is inevitably affected by the different (much lower) quality of the evolving landscapes found on the extensive former and current extraction sites and the large-scale arable landscapes west of the Avon Water. In my view the open-air recreational opportunities in these areas, though pleasant in places, are not ‘markedly superior’.

The Barton-Milford gap

4.181 I have agreed with the Landscape Assessor, and the Countryside Agency, that this tract of land (between the coast to the south, Barton and Ashley in the west, and the Designation Order boundaries in the north and east) does not have sufficiently consistently outstanding natural beauty to merit inclusion in the NFNP. As a result, this sizeable tract of land (taken as a whole) does not provide the opportunity to experience sufficiently continuous episodes of ‘markedly superior recreational experience’.
4.182 The cliff-top walk from Barton to Milford is certainly an uplifting experience in any weather, and full of great interest, and there are a number of sub-areas where lanes and other rights of way pass through pleasant countryside, providing short interludes reflecting aspects of the New Forest. However, too often the presence of the generally encircling built-up areas (Barton, Ashley, Hordle, Everton and Milford) and other detractors such as caravan sites, busy roads, Efford Research Station, and areas of extensive arable cultivation, break up the continuity of the available open-air recreational experience, reducing it below the level required for National Park designation.

4.183 I now turn to the areas where the Landscape Assessor has suggested small-scale additions to the NFNP. First of all, I agree with her (and the Agency) that it is difficult to draw hard and fast boundaries in this area where the quality of the landscape and the available recreational experience is in gradual transition away from designation quality from north to south.

4.184 Dealing with the Arnewood House/Arne Wood area, it seems to me that the literary associations of the House are unproven. More particularly, even if they exist, there appears to be little about the present house to bring these associations alive to visitors, were they to have access to the house, which at present they do not. Arne Wood offers an attractive footpath through woodland but this is only a short length in a wider route most of which passes through countryside that is not of outstanding quality. The paths leaving the wood to the north and west pass over land which (although partly within the NFHA) appear to me to be less intact, well-maintained or high-quality than would be necessary to merit inclusion in the National Park. To the south of the wood the recreational experience undergoes a change in character. The paths from Arne Wood to Batchley Farm and then onwards to Everton via Icehouse Plantation appear to be popular and provide a very pleasant route but the landscape here is opening out into a larger scale than that found along the north-south path along the western side of the valley of the Avon Water.

4.185 Turning to the second area, the triangle based on Cottagers Lane, I agree that this area would be more appropriately characterised as being of the Ancient Forest Farmlands landscape character type but it seems to me that its ability to meet the natural beauty criterion is at best marginal. Also, there is no public access to this area and although part of Cottagers Lane has a pleasant rural character I do not consider that the addition of this triangle to the NFNP could contribute to the necessary ‘markedly superior recreational experience’.

4.186 My overall conclusion in this area is that land south of Silver Street between (in the west) the built-up edge of Hordle and (in the east) the north-south footpath along the western rim of the valley of the Avon Water (passing the development known as Broadmead) does not meet the two designation criteria. Silver Street is a busy straight road used by a considerable amount of traffic and fronted (especially on the south side) by a considerable amount of development, much rather utilitarian in quality and including commercial uses. There is little opportunity to see into the land within the NFHA on the south side of Silver Street and the only footpath into this area (opposite Marlwood Nurseries) does not afford a markedly superior recreational experience. Silver Street therefore presents an obvious robust boundary to the NFNP at this point.

**Land between Barton and Mudeford**

4.187 This is an attractive coast with considerable appeal to visitors but the inland setting is urban, most of the land between the sea and the railway being developed. Although the urban area contains pleasant open areas such as the grounds of Highcliffé Castle, a number of remnants
of former New Forest-related commons, and Chewton Bunny this is primarily a developed tract not offering National Park-type opportunities for open-air recreation.

**Land west and north of New Milton**

4.188 As described by the Landscape Assessor, this area does not provide a landscape resource of National Park quality. Moreover it is one to which there is little public access. Walkford Lane falls far short of providing a ‘markedly superior recreational experience’. The same is true of the paths extending north from the railway line towards the Designation Order boundary.

4.189 However, the Dark Lane area is a quiet backwater where recreational links on foot or cycle can begin to be made between the urban areas to the south and the New Forest landscapes which have begun to emerge strongly in this area. On balance I recommend the inclusion of this land within the NFNP.

**Land at Hinton Park**

4.190 Turning to the large area of contention based on Hinton Estate, I agree with the Landscape Assessor that this area meets the natural beauty criterion. From our extensive accompanied visit I am satisfied that the area has a very high quality, intact, well-maintained landscape containing considerable elements of variety from broad parkland to intimate wooded valleys to the well-ordered woodland-fringed fields of the dairy farms.

4.191 This area of Heath-associated Estates landscape is extensive and forms an important and integral part of the highly attractive ring of landscapes immediately surrounding the perambulation. The various elements of this landscape provide the foreground for those travelling through the area on the A35 and the various other minor roads, including that leading to Forest Lodge, and there are also occasional longer distance views into the landscape. These visual opportunities all add greatly to public enjoyment of the area by considerably extending the experience of being in the Forest.

4.192 Although there is little public access to this particular section of the area within the Designation Order south west of the perambulation it is not necessary for such access to exist across every part of a qualifying tract. The estate has a track record of granting and considering access to other nearby areas within the same tract of ‘heath-associated estates’ landscape type although it has expressed a current desire not to provide access to the area in contention other than, as now, to the Hinton Admiral parklands on special occasions. However, circumstances can change and, given the quality, scale and tranquillity of the landscape resource here, I do not consider it unreasonable to conclude that the general question I have posed in relation to ‘potential opportunities’ for open-air recreation offering a markedly superior recreational experience (at paragraph 15 of Appendix 2) could be answered in the affirmative.

4.193 Overall, therefore, I recommend inclusion of this area in the NFNP.

**Cranemoor Common**

4.194 I agree with the Landscape Assessor that this remaining open area south of the robust boundary formed by the railway embankment is of local value rather than meriting inclusion in the NFNP on natural beauty grounds. Similarly, while it forms a valuable recreational resource for local people, the tunnel under the railway does not appear to link with any legally established rights of way on the north side and this small site does not offer a markedly superior recreational experience of national importance.
OVERALL RECOMMENDATIONS (Boundary sections 11-12)

4.195 I recommend that the NFNP boundary for these sections be modified as indicated on the attached maps and described in the summary of recommendations at pages 5-6.
PART 5. BOUNDARY SECTIONS 13-15 (The Avon Valley)

INTRODUCTION

5.1 The objections in these boundary sections can most conveniently be reported under the following sub-areas:

Proposals to retract the boundary

- retraction to the present western boundary of the NFHA;
- the exclusion of Ringwood and nearby land;
- the exclusion of land at Breamore;
- the exclusion of land at St Catherines Hill/Town Common/Blackwater Hill.

Proposals to extend the boundary

- land west to the Moors River;
- land to the west of the Avon between Town Common and Fordingbridge;
  - sub-area between Town Common and Ashley;
  - sub-area at Ashley, east of the A338;
  - sub-area between Ringwood and Fordingbridge;
- land in and around Fordingbridge;
- land between Fordingbridge and Downton;
- land east of Burton;
- Christchurch Harbour and Hengistbury Head

PROPOSALS FOR RETRACTION OF THE BOUNDARY

1. Retraction to the present western boundary of the Heritage Area

Introduction

5.1 A number of objectors suggest that the National Park should extend no further west than the present boundary of the NFHA. Organisations with this view are a consortium of Dorset Local Authorities – Dorset County Council (189), Christchurch Borough Council (202) and
East Dorset District Council (83); a consortium of quarrying organisations – New Milton Sand and Ballast (186), RMC Aggregates (220) & Tarmac Southern (351); and the Hinton and Avon Tyrrell Estates (118 and 162), originally submitted in the names of Meyrick Estate Management and Mr Manners.

5.2 A further objector – J Woolley (104) – suggests a line slightly further west than the NFHA, following the line of the B3347 between Burton and Ringwood, skirting the town, and then generally following the line of the perambulation northwards.

5.3 In addition, the Christchurch and District Sports Club (370) shares the Dorset Authorities’ opposition to the inclusion of any land in the Borough of Christchurch. In the Club’s view establishment of the NFNP could reduce future opportunities for outdoor physical recreation available to Borough residents if suitable land around the edge of the town cannot be developed to meet shortfalls in recreational space because priority has to be given to landscape protection.

The case for the Dorset Authorities

5.4 The evidence for the Dorset Authorities concentrates on the Lower Avon Valley south of Ringwood (boundary section 13) because this equates with their main objective which is to exclude all areas of Dorset from the Park. The Lower Avon Valley is regarded as a separate Landscape Character Area (CD127) so a boundary including land in the valley to the north of Ringwood could be logical. There is no reason why the whole of the valley from Christchurch to Downton should be included and in any case the Agency itself omits some parts of the river terraces.

5.5 The Landscape Assessor’s report deals with submissions made by the authorities on the general conceptual matters set out beneath in relation to the ‘natural beauty’ criterion.

- The statutory natural beauty criterion was applied at all stages of determining the NFHA boundary. This is apparent from the LUC report (CD206), the evidence of that report’s author to the first local plan inquiry, and from the two reports of the Local Plan Inspectors. While the present NFHA boundary does not bind the Agency, if there are well-justified reasons for departing from it, the NFHA represents a robust, defensible and appropriate limit to the National Park;

- The current national landscape assessment guidelines (CD229) have not been applied in a transparent way. Too much weight has been placed on the national-level New Forest Countryside Character Area (CD209, p156) and the New Forest District Landscape Character Assessment (CD127) and not enough upon assessment of the factors that lead to value being assigned to landscape as set out in CD229. For instance, 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.

- Rather than ensuring that the Lower Avon Valley meets the statutory criteria in its own right, the Agency has placed too much emphasis on seeking to establish that it has common character or links with the New Forest core. It is certainly appropriate and necessary to establish substantial linkages so as to meet the Agency’s own policy (CD301 para 51 and CD237 para 11) but this should be done after the statutory criteria have been satisfied or as
part of the ‘especially desirable’ requirement [S5(2) of the 1949 Act] because it is a New Forest National Park that is to be established. The approach has become too dependent on a wide interpretation of ‘forest landscape’ with the result that areas deemed to be historically or culturally connected have been assessed as having outstanding natural beauty irrespective of the actual condition of the modern landscape or its current intrinsic attraction or interest.

**Natural beauty**

5.6 The Lower Avon Valley comprises 3 landscape types – the Avon terrace farmlands, mainly east of the river; the Avon floodplain; and the heaths and pine forests to the west of the floodplain. There are strong contrasts between these landscape types and they are all different from those in the NFHA, containing few of the 4 key characteristics of forest landscape identified by LUC – ie, wooded character, heathy character, ancient character and commoning influences. Including these areas in the NFNP on the basis that they provide ‘different’ landscape types for the Park would result in the inclusion of an eclectic range of landscape types insufficiently connected with the Forest.

5.7 The Avon river terraces make a clear break from the edge of the Forest plateau and the rich mosaic of mixed landscapes which it contains. On the terraces there is no heathland and woodland cover is generally sparse, the main concentrations being close to Ripley Wood and around the Bisterne Estate. The area is generally flat and composed of 19th century enclosures with regular square shaped fields and a simple pattern of unexceptional intensive agricultural management. Views across expanses of often featureless farmland are either contained by simple hedgelines or, in summer, by tall maize crops. This type of landscape dominates much of the English countryside and here produces no strong sense of place. The river terrace landscapes therefore fail outright in terms of distinctive character. This area was rejected as a New Forest landscape type by the LUC report and that approach has been followed by the two Local Plan Inspectors.

5.8 Referring to condition, unspoilt character and intrusions, the river terrace landscape east of Burton village is curtailed by the tall east-west railway embankment. Areas of farmland have suffered field amalgamation and there are a number of substantial farm buildings. The poor condition of this area has been partially accepted by the agency in a boundary revision between the public and local authority consultation stages but this does not reflect the wider more average condition of the terrace landscape.

5.9 The Lower Avon terraces have little ecological interest and there are no SSSIs and only a few SINCs.

5.10 The Avon floodplain has a more distinctive character than the terraces. The braided and meandering channels represent an evolving landscape with an element of instant interest and a sense of an untamed environment. Most of the riverside areas comprise a secluded and very private landscape with minimal human activity. As such, they are highly sensitive to intrusion or increased activity. The river is set within a very low lying landscape and the channel is often lost to view, even within accessible parts of the flood plain. Because of the open terrace landscapes to the east and elements of the urban landscapes to the west, the river corridor does not have a strong landscape setting. The river is a very attractive feature and the flood plain has a sense of place, especially where the river is visible, but this is highly sensitive to the noise and visual intrusion of the urban area and infrastructure.
5.11 As a landscape resource the Lower Avon flood plain is a good example of a low lying floodplain landscape but it is not the only example in Dorset and Hampshire. Others in Dorset are the Frome, Piddle, and Stour. The area of the Avon affected by the ESA designation (CD300 A&B) extends in a long narrow corridor from Christchurch to Netheravon, north of Salisbury. Appropriate management of land use within the corridor is already provided for through the ESA scheme. Although this has not yet achieved all its aims a lot of land has been taken into the lower tier funding schemes. Much more needs to be done but it is clear what this involves. Addition of the floodplain to the NFNP will not achieve further benefits in that respect.

5.12 The Avon Valley SSSI citation does not show links with the New Forest. The SSSI’s interest arises from the Avon’s nature as a chalk river. Although there are references to this being supplemented by acid streams draining from the New Forest Heaths these contribute little volume, especially in dry summer months, and do not have a clear effect on the overall river ecology. The public consultation draft of the River Avon SAC Strategy makes no reference to any links between the management of these European sites and the New Forest core.

5.13 The lower section of the floodplain between the railway embankment and the A35 is dominated by these two major items of infrastructure and is heavily compromised by overhead power transmission lines (including 4 pylons within the flood plain). To the west there is a sewage treatment works and to the east a supermarket.

5.14 To the north of the railway the floodplain landscape is in generally good condition but is heavily influenced by the railway embankment, the sizeable village of Burton extending deep into the southern section of the valley, a power line and the water treatment works to the west. The smaller Cowards Marsh/Dudmoor Farm area is a semi-remote backwater with elements of suburban development.

5.15 The western heaths at St Catherines Hill and Leybrook Common are distinctive landscapes with a sense of place but are small parts of a suite of much more extensive areas of mixed heath and forest to the west of the land within the designation order. They are undoubtedly valuable as representative or rare resources and, at a superficial level, are similar to the heathlands of the New Forest. However, they are part of the different collection of Dorset Heaths, the vast majority of which are SSSIs and component parts of the Dorset Heaths cSAC, SPA and RAMSAR (189/3/3 appl1 and CD232).

5.16 On ecological grounds the inclusion of some heathlands to the west of the Avon, as opposed to others, is essentially arbitrary. Any reliance on specific ecological characteristics would be difficult to justify. The heaths to the west of the Avon Valley included in the Order show affinities with all heathlands of southeast Dorset and the New Forest but there are a few features that link them with others to the west of the river. West of the Avon the substrate is generally sandier than elsewhere in Dorset or the New Forest and sand sedge (Carex arenaria) is a more constant feature of the dry heath communities.. The boggy heaths in this area regularly support hare’s tail grass (Eriphorum vaginatum), a rarity on other heaths in Dorset and the Forest.

5.17 Unlike the New Forest, the Dorset Heaths have not been subject to continuing traditional land management practices. Consequently important habitats and species have been coming under increasing threat through natural succession, accumulation of humus, lack of poaching by stock, and human influences such as fires, erosion, tipping, predation of protected species by domestic pets and rats, and poor public perception.
5.18 To address these problems Dorset County Council is leading a partnership project known as the Urban Heaths Life Project, with major European funding (189/3/3 app6). This will include tackling issues affecting the heathlands at St Catherine’s Hill and Town Common.

5.19 North of Town Common significant intrusion can be expected in future from the allocated minerals site close to Avon Causeway at Avon Common. Although this area has been excluded from the proposed designation it could have an impact on the adjacent area of floodplain.

5.20 This area is also located below the final approach path to Bournemouth International Airport, which is within 1500m of the Agency’s NFNP boundary (see 189/1/2 app13). The future of the airport is clearly defined in adopted development plans. Continued expansion of airport facilities and associated employment land is a key feature of the South West Regional Strategy (RPG10), yet inclusion within the Park of land west of the NFHA boundary could threaten the operational integrity of the airport. Examples of concerns about this issue are (a) that the New Forest Committee’s draft strategy for the New Forest (CD215) calls for special guidance to control noise impacts from aircraft using the airport and (b) that the Council for National Parks opposed an application for a new passenger terminal (granted permission in October 2001) on grounds of possible impacts on the proposed NFNP.

5.21 189/1/2 app 16 gives details of current and predicted aircraft movements at the airport and indicates how the Avon Valley would be affected by noise contours under the expansion plans if these were implemented.

5.22 Not far to the north is Matchams Stadium (400m outside the Agency’s NFNP boundary). This is an established motor sports stadium (used for stock car racing and scramble bikes) which is recognised by the East Dorset Local Plan as conflicting with other nearby users because of noise impacts. Noise from this source, and from the heavy traffic on the north-south A338 dual carriageway severely affects the quality of the experience for visitors to Leybrook Common, including the viewpoint at Matchams View. In any case the viewpoint is some way from the core of the New Forest and is a poor place from which to attempt interpretation of it. While there are skyline views towards the perambulation on the opposite plateau these are often obscured by vegetation or the weather conditions, or seen against the sun. The more natural views obtained from here look southwards across the valley to Christchurch, Hengistbury Head and the Isle of Wight.

5.23 Turning to tranquillity and wildness, areas within the NFHA have these characteristics and although there are some intrusive elements such as the A31 corridor the landscape is capable of absorbing them. However, the Agency has provided little analysis of whether or where the Avon Valley has these qualities and the more open landscape here has less capacity to absorb disruptive elements of infrastructure. Fig JD T5 (189/189/4/3/G) illustrates that the Avon Valley is influenced by differing degrees of noise and visual intrusion. Ironically, the visually unremarkable landscape of the terrace farmlands is identified as among the most tranquil areas of the lower valley. On the other hand the heathlands and floodplain are affected by major roads and the presence of built-up areas. Overall there are no Zone E landscapes and only very limited areas of Zone D.

5.24 On the issue of scenic quality, the New Forest core contains open expanses, woodland lawns and picturesque villages, all of which are inherently attractive. In contrast, the Avon
Valley contains some locations that provide attractive views but their focus is generally the river itself as seen from higher ground where the meandering river creates natural landscape patterns that attract the eye. At a lower level there are some glimpsed views from the edge of the river terrace to the Avon and its meadows. On the eastern edge of the terraces there are attractive glimpsed views towards the wooded slopes of the Forest edge and from some places the low wooded ridge of St Catherines Hill/Town Common is a modest landmark. However, these varied views are not outstanding and their distribution is limited to discrete parts of the valley. Overall, they do not compare with the level of scenic quality expected within a National Park or AONB.

5.25 Turning to cultural and historical associations, the Agency claims (CD 107, page 32) that in the Lower Avon Valley ‘The land historically was part of the more densely settled farming zone that encircled the forest core, linked to the core via old droveways, and merits inclusion in the National Park on that basis.’ However, the evidence at 189/2/1-3 shows that the actual or potential links identified by the Agency are tenuous at best. In most respects the issues identified by the Agency (even if factually correct) would not constitute tangible links that users of the park could identify or connect with. The contrast in landscape types and the lack of visible individual features suggests that this is an aspect of natural beauty that few would recognise without full knowledge of comprehensive interpretation information. Even if strong cultural and heritage associations could be identified they would not be sufficient to justify including landscapes with the attributes of the Lower Avon Valley.

5.26 While some land within the objection area has rights of common these rights are widespread in many areas away from the core. They do not reflect the current active position in relation to commoning. They may never have done so because disafforestation of the New Forest was being considered at the time when the register was compiled (1858) and it was in landowners’ interests to register as much land as possible because the register would have formed the basis for compensation claims. In many cases whole farms were registered, including land well away from the core.

5.27 As far as the Lower Avon Valley is concerned the ERM report (CD126) identifies only 3 practising commoners from Dorset, 2 from Sopley and 8-18 from Ringwood, with generally low numbers of stock turned out. Some common land in the southern part of the valley (eg Town Common) is grazed by the Christchurch Commoners who have no rights on the New Forest and are not part of its historic pastoral system.

5.28 CD219, which comprises a historic review of the loss of commonable grazing land in the New Forest, does not identify links between the current nature conservation management of the Avon Valley and New Forest. This report presents a somewhat idyllic view of pre-1964 straying and verge-grazing. It seems to aspire to show the desirability of reintroducing grazing to the adjacent commons (although many of those listed as such ceased to be commons at the time of the enclosures), the dispersed commons and other former grazing areas.

5.29 This is curious because the straying of stock was generally regarded with disfavour by commoners and others alike. Commoners were fined to recover stock from former pounds in the straying areas and actively selected ‘lane and hedge haun ters’ for removal from the forest. While the presence of grazed verges had an impact on the landscape this diminished with distance from the core and few stock reached the Avon. The claim at p5 of the report that ‘...the extent of summer straying equates to the functional extent of the New Forest’ is hard to substantiate today. So to is the conclusion that ‘....if a National Park is to be established, the
boundary should include the former extent of summer straying as defined by this report’ (at map 1).

5.30 The development of the Avon water meadows in the late seventeenth century increased the potential for keeping larger numbers of healthy stock over the winter but there is no evidence that this was supplied to stock depastured on the Forest and English Nature’s claim on that matter is unsubstantiated.

5.31 Although the Large Bounds may have extended to the Avon in 1257-1280 they were later forgotten and are not substantial evidence of any link between the valley and the forest. No eighteenth, nineteenth or twentieth century writers referred to them until they were rediscovered in the 1970s and described by Stagg (189/2/2 app1). Tubbs (189/2/2 app2) considered that the Large Bounds of 1280 should be ‘interpreted as part of a more general and ultimately unsuccessful attempt to further the territorial ambitions of the Crown in the 12th and 13th centuries.’ Although heathlands of similar character to the New Forest may have existed on the river terraces before the enclosures it is unlikely that these areas (or other surviving relics of common such as those in the urban area of Highcliffe) were actually administered as part of the New Forest.

5.32 On the Domesday Manors mentioned in the ‘Links Paper’ (CD237), analysis of entries is difficult as manors were not always single units. The connection between separate sections is not always clear and none of the manors along the Avon Valley had been completely included in the Forest. Medieval court records do not make mention of any places in the Avon Valley.

5.33 References in CD237 to well preserved small parliamentary fields on the river terraces are linked to a series of 5 local enclosures between 1802 and 1868. However, 162 Inclosure Acts were passed in Hampshire. Fields relating to this period of agricultural history are comparatively common and there is no evidence that these field systems are of any particular importance.

5.34 Turning to drove roads, the Agency places considerable emphasis on the presence of these features. The thesaurus to the National Monuments Record defines a drove road as ‘a road or track specifically used by drovers or herders to drive their animals to market.’ This precise definition may not actually apply to any of the roads running out of the forest although the Agency implies that the roads came into being for the purpose of moving stock between the core and the valley.

5.35 There is no evidence that this practice actually took place either significantly or at all. The only evidence for ‘drove roads’ linking the two areas appears to be to the north of Ringwood where ‘drove’ is used as an element of a few road names. However there is the possibility that ‘drove’ has nothing to do with the movement of stock. On Ibsley and Gorley Commons the dialect word ‘droke’ was recorded at the beginning of the 20th century as meaning a sunken trackway. Reference to roads shown on pre-and post-enclosure maps does not suggest the existence of any special link between the Forest and the valley beyond that to be expected between any adjacent areas of land.

5.36 The agency claims that ‘the historical evidence clearly shows that the Avon Valley is and always has been part of the New Forest land management system.’ However, there is a complete absence of any reference to land use in the Avon Valley in accounts of the past economy of the New Forest commoners.
5.37 On the issue of artistic and literary links, the boundary study (CD126) suggests that 19th century writers such as Gilpin and Wise (who were highly influential in the New Forest’s rise to popularity as a recreational landscape) perceived the Forest as extending westwards to the Avon. However, Wise’s book, written in 1863 as a guide for visitors to the New Forest, contains a typical description of the Avon Valley as a place separate from the Forest:

‘The valley of the Avon should certainly be seen, both because large parts of its manors and villages once stood in the Forest, as also for the contrast which it now affords to the neighbouring Forest scenery. Nothing can be so different to the moors (of the New Forest) we have just left as the (Avon) Valley. Though close to them, you might imagine you were suddenly transported into one of the Midland Counties, and were walking by the side of the Warwickshire, instead of the Wiltshire Avon’

5.38 Although Gilpin refers to the ancient boundary of the Forest as running down to the Avon, his comments on the valley also point out the differences between the two areas:

‘Along the banks of the Avon, from Ringwood to the sea, the whole surface is flat, inclosed and cultivated. There is little beauty in this part.

From Ringwood to Christchurch the country is flat, and the lanes close and woody. Scarce any distant view is admitted, except here and there, among the meadows on the right. On the left, Mr Compton’s park at Bistern affords some variety, running a considerable way along the road.’

5.39 Turning to cultural perceptions, it is difficult to find any New Forest artist who regarded the Avon Valley as an integral part of the area, eg Cornish (1894), Hutchinson (1904) and Rawnsley (1904). Although Pike painted in both areas (1846-1907) he also painted in South Devon.

5.40 Heywood Sumner is a notable artist who moved to the Avon Valley in 1802 and subsequently became the pioneer of New Forest archaeology. He made numerous drawings of the Forest and some of the Valley but his writings always regard them as separate (although one edition of Wise contains some illustrations by him of both areas).

5.41 Works of fiction also fail to make a link between the Forest and the Valley. The action in Children of the New Forest (Marryat 1847) never strays into the Avon Valley. In Skewbald (Seaby 1923) the Avon Valley is perceived as a distant place although the hero (a forest pony) strays from the then ungridded forest and wanders through lanes around Lymington. In The White Company (Doyle 1890) some time is spent in Christchurch but the implication is that the town is well outside the Forest boundary.

5.42 On archaeology, the scheduled monuments on St Catherine’s Hill and Town Common show no significant links with the New Forest. The Round Barrows are similar but are also similar to those found to the north and west. The only unusual monument is the ‘chapel’ site claimed to be linked with Christchurch Priory.

5.43 Finally, it is worthwhile looking at the qualities of the New Forest previously recorded as the reasons why it was felt to have outstanding natural beauty. These are set out in CD207 p46-52 and the LUC report (CD206) and are usefully paraphrased in the NFNP boundary study (CD126). They are:
- an outstanding historic landscape. The most intact survival of a medieval hunting forest and pastoral system in England, if not Europe, although the origins of the system of land management are in fact much earlier. In addition it is of prime cultural importance, as the only Royal Forest where traditional ownership and practices survive.

- A landscape with unique character. The forest is 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 it 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.

- A landscape with aesthetic appeal. As noted in CD207 the New Forest has long been a source of artistic inspiration. Over the years it has inspired writers, artists and photographers whose work has helped to shape other people's image of the forest. The picturesque qualities of the landscape are seen as being particularly English, and to many present an image of ideal countryside.

5.44 The Lower Avon Valley does not accord with these attributes. CD126 appears to suggest that the valley has been included to provide a landscape type not represented within the NFHA. A landscape character test is set out in a table to provide a yardstick for judgement of quality and potential for inclusion in the NFNP. This is a simple confusion between character and quality. The questions posed on page 25 of CD126 do not address several of the key points that need to be addressed in assigning value to landscapes.

5.45 The concept that the New Forest could form a National Park has been around for many years. The NFHA defines the area that most people would understand as the New Forest and, on the eastern side of the Avon Valley, marks a clear division between landscapes of different type and quality.

**Opportunities for open-air recreation**

5.46 There is no transparent assessment or audit of recreational opportunities in the Lower Avon Valley and the Agency has provided no justification for including substantial areas not meeting the statutory criteria.

5.47 The Agency recognises (CD301, para 24), that National Park designation requires that opportunities must exist (or potentially exist) to provide a markedly superior recreational experience within a landscape that is different from the bulk of normal countryside. These opportunities need to be substantial, realistic and realisable, based on the resource of the area’s natural beauty, and represented by more than a network of rights of way.

5.48 However, the Agency provides no coherent assessment of the Lower Avon Valley in this respect. The Dorset Authorities’ audit (at 189/4/3/JDT4) confirms that there is a very distinct difference between the resources and potential found within the NFHA on one hand and the Lower Avon Valley on the other. Contrasting with the extensive tracts of access land in the former, the latter has only occasional pockets of common land.

5.49 The river terraces have a network of minor lanes and footpaths providing a good level of access to the farmland but this is the area of least visual interest within the valley. The level of
provision here is not unusual within the countryside generally and, as the Agency accepted, does not provide a markedly superior recreational experience in its own right.

5.50 The floodplain itself is a difficult landscape to explore because of the limited number of crossings and the general absence of accessible routes. The Avon Valley Path only comes into close contact with the river near Christchurch and on the outskirts of Ringwood. This is a desirable situation from the standpoint of the ecological importance of the River Avon, which is considerable. Much of the floodplain is an SSSI, cSAC, SPA and RAMSAR site, recognised internationally for its wintering bird populations, particularly Bewick’s Swan and Gadwall and nationally for its European Goose and Pochard. It is also one of the eight most important areas in Britain for breeding waders on wet lowlands grassland, particularly Lapwing, Snipe and Redshank. Lack of access and consequent minimal human interference may one of several reasons for the presence of these populations.

5.51 The Agency has taken account of the potential for improving access to the river to assist opportunities for understanding and enjoying the area’s special qualities. However, this could be difficult to secure because of the existence of extensive fishing rights, the flooded nature of the riverside areas during much of the winter, and the probable impact on bird populations. In any case it is questionable whether the NPA would afford priority to enhancing facilities in such a peripheral part of the Park for a limited number of people. It is also relevant to note that there appears to be limited scope for recreational opportunities to be promoted as a payment option within the ESA scheme for the Avon Valley. As for visual contact with the river, even this is hard to obtain from many public vantage points.

5.52 The Lower Avon Valley cannot be viewed as an extension to the New Forest resource simply on the basis that the sum of its parts is greater than the whole. Nor is it reasonable to do so on the grounds that the inclusion of marginal areas brings the Park closer to the population of Bournemouth or creates opportunities for relocating pressurised facilities such as car parks, camping facilities, visitor centres and country parks away from fragile sites into ‘marginal’ areas. CD104 page 54 (final sentence) raises the suspicion that the designated area has been stretched to offer new scope for meeting recreational needs in a sustainable way and alleviating pressures on the Forest core. Such measures can be provided outside the Park, as exemplified by Moors Valley Country Park.

5.53 West of the river, the areas within the Order comprise small pockets left on the eastern side of the busy A338 dual carriageway. This road is a major barrier to recreational access since there are only 4 crossings within a 9 kilometre length, one of which is an at-grade footpath and another a main road.

5.54 Dorset County Council is seeking to contain access to these areas on ecological grounds and is confident that it has the necessary resources to manage them effectively as part of the chain of Dorset Heaths through the Urban Heaths Life Project. This will invest some £2.4m in the period 2001-05 on, among other things, countryside wardening and public education.

5.55 The larger area of heathland (Town Common) mainly serves immediate local residents in the Jumpers Common area as it is isolated from elsewhere and parking opportunities are very limited. From an ecological standpoint it is not suited for recreational use by large numbers of people and aerial photographs show existing problems of footpath erosion (189/4/3e). The Agency accepts that additional access to the area should not be encouraged, yet one of the principal reasons for including St Catherine’s Hill Town Common and Leybrook Common is
that they provide public viewpoints to allow appreciation of the Avon Valley landscape, so further pressures are likely to be brought about by their inclusion.

5.56 Separation of these heaths from the rest of the Dorset Heaths does not make sense in management terms and the Dorset strategy already involves trying to divert pressures from St Catherine’s Hill and Town Common to the Forestry Commission’s nearby Hurn Forest complex. Inclusion of Leybrook Common would also damage the Dorset County Council’s holistic approach by severing it from other areas of Avon Heath Country Park, of which it is part, and further visitors could endanger ground-nesting birds.

5.57 It is the wrong approach to brush aside the potential for damage to be caused in Avon heathlands or the floodplain, waiting to see if a problem arises and then attempting through the NPA’s budget to solve them by management. It is not ‘especially desirable that the necessary measures’ (of designation and the establishment of an NPA) be taken to include them within the Park. Indeed it may be especially undesirable to do so because there is no budgetary gap for a NPA to fill. The LIFE project has already increased wardening resources and funds for work on the ground at Town Common and splitting the Dorset Heaths in this way is only likely to introduce confusion.

5.58 The Christchurch Borough Local Plan includes a policy for the creation of a small country park at the southern end of the common at Cowards Marsh/Dudmoor Farm. This is a long-standing modest proposal aimed at securing improved and controlled access within the context of the sensitive nature conservation designation and should not change the very locally based patronage of the common.

The case for the Quarrying Consortium

5.59 Chapters 3 and 4 refer to a number of general conceptual matters raised by the consortium in the context of boundary sections 3-10 and 11-12. These matters are dealt with in the Landscape Assessor’s report. In addition, a further matter was raised in the context of the Avon Valley as follows:

- there are no grounds for extending the NFNP any nearer to the Avon Valley than the existing line of the NFHA, especially as the valley has never had previous national, county or local landscape designations. The NFHA is the area put forward after professional appraisal by LUC (CD206) and generally accepted by the two NFDLP Inspectors as meeting the statutory criterion of outstanding natural beauty. An early (pre LUC) version of the NFHA was also referred to by the Government in its reference to the New Forest as a candidate World Heritage Site, but only in the sense of expressing doubt as to whether it would all qualify.

Natural beauty

5.60 The Avon Valley river terraces between Ringwood and Ibsley have been subject to extensive sand and gravel extraction. This tract now typically comprises lakes edged by narrow banks planted with trees. There are occasional clearings and grassed paths together with recreational facilities including angling, water-sports and bird-watching. Extraction is active in some areas. In such cases screening bunds generally surround the sites and their associated plant, concrete block works and haul routes. Information about the planning permissions, after-care schemes, and time-scales of these sites is at 220/1/5, 6 & 11.
5.61 North of Ibsley and south of Ringwood the river terraces comprise medium to large fields growing arable crops and improved grass. Field boundaries are marked by low hedgerows and occasional hedgerow trees. There are small villages with more recent linear development associated with the A338 and the lanes running perpendicular to it.

5.62 All of the terraces from Fordingbridge to Burton (including the lakes and extraction areas) are described by LUC (CD206) as type 9 ‘terrace farmlands’ apart from a small area at Rockford. This is an intensively farmed landscape with a medium to large scale regular field pattern. The lack of wooded enclosures allows long views to the wooded slopes and, in places, heathland summits along both sides of the valley. As described by LUC this is ‘a simple farmed landscape with few ancient features and little heathland character.’

5.63 The New Forest District Landscape Assessment (CD127) describes the key issues for the gravel/mineral extraction areas as ‘change in land use; lack of biodiversity; changes in visual character of the area; impacts on adjacent areas in terms of noise, visual amenity, air quality and traffic; erosion of landscape pattern and historic routes.’ This is not a description of an area meeting the natural beauty criterion.

5.64 Comparing the lakes and workings against the assessment criteria set out in the national guidance for assessing landscape value (CD229), the consortium’s assessment is as follows:-

- Landscape quality:- Loss of original landform, land use, vegetation, and visual character; erosion of landscape pattern. Working areas have low quality. Restored water areas have better quality.

- Scenic quality:- Impacts on adjacent areas in terms of visual amenity. Working areas have low scenic quality. Restored water areas are attractive; but very different to the original and to Forest landscapes.

- Rarity:- Gravel workings and lakes are common throughout Britain.

- Representativeness:- The character is of gravel workings and lakes, which are not representative of the New Forest.

- Conservation interests:- Low on working areas. Restored lakes have nature conservation designations for wintering wildfowl, not characteristic of the New Forest.

- Wildness:- Working landscapes and man-made restoration.

- Associations:- Limited artistic representations or poetry related to mineral workings.

- Tranquillity:- Impacts on adjacent areas in terms of noise, visual amenity, air quality and traffic.

5.65 The New Forest District Landscape Assessment describes the key issues for the river terrace farmlands as ‘mineral extraction; loss of ancient deciduous woodland and replacement with conifer plantation; hedgerow loss and fragmentation of the network; and new roadside development.’ Again, these do not suggest landscapes of natural beauty at the national (or local) level.
5.66 The river terraces can be assessed against the national criteria as follows:-


- Scenic quality:- Flat, open, and intensively farmed with medium to large scale regular field pattern. Ordinary lowland British countryside.

- Rarity:- Common throughout lowland Britain.

- Representativeness:- Not a particularly strong character, nor representative of any New Forest landscapes.

- Conservation interests:- None in river terrace farmlands

- Wildness:- Cultivated, not wild.

- Associations:- There may be painting and literature about the floodplain landscapes of the Avon Valley to the west and there are many about the quite different New Forest landscape to the east.

- Tranquillity:- Mineral extraction. Busy A338 traverses the area north to south. Major urban areas of Ringwood and Christchurch.

5.67 Turning to the floodplain, parts of the flood meadows have their scenic attractions and charms together with ecological designations intended to protect the lush habitats and the species they attract. However, these are not New Forest landscapes and are separated from the core by the wide belt of 1-2km of undistinguished terrace farmlands lacking New Forest character. As indicated in CD301 (para 18) it was recognised at the Dartmoor National Park Variation Order Inquiry that ‘the critical test for boundary making in this case was whether the landscape was of both Dartmoor character and national quality’.

5.68 Referring specifically to the floodplain north of Fordingbridge, this should also be excluded although it was included in the NFHA under the back-up grazing criterion. This is the only place where the floodplain abuts the Forest landscapes without any intervening terrace farmlands, but the landscape type (river-meadowlands) was not considered by LUC to be a New Forest type in natural beauty terms. In any case the area has only one footpath so would not meet the recreation criterion.

5.69 The Agency’s ‘Links Paper’ (CD237) is irrelevant because the intrinsic qualities of the Avon Valley fail to meet the natural beauty criterion. The ‘unifying factors’ represented by past historic links (which are commented upon in detail by the consortium at 220/1/9) cannot create natural beauty where that attribute does not exist. Intangibles (such as the feeling of ‘getting away from it all’) can contribute to natural beauty but features that used to exist but are now absent or no longer discernible (such as many of the matters referred to in CD237) cannot contribute. Natural beauty must be apparent – it cannot rely on visitors possessing or acquiring knowledge about things that used to exist. Too many of the items mentioned in the paper fall into this category, if indeed they ever did exist in the way relied upon by the Agency.
Opportunities for open-air recreation

5.70 The consortium does not dispute that the NFHA meets the second statutory criterion by providing opportunities for a markedly superior recreational experience of national importance. However, areas to the west of that do not.

5.71 The agricultural land within the valley is not inherently different from other farmland in Britain which is crossed by defined paths. It does not provide a recreational experience of national importance comparable with the extensive stretches of open land found within the Forest. The restored pits are used for water-sports, including power boats. These uses conflict with ‘quiet enjoyment’. Other lakes have nature conservation designations for their ornithological interest where increased recreational use would be in conflict with such designations. Restored gravel pits are common features in lowland England and low-key birdwatching in such environments is not an exceptional experience. The floodplain could not meet the recreational criterion because it has only one footpath.

The case for the Hinton and Avon Tyrrell Estates

5.72 [Hinton Estate’s case in relation to Hinton Park, Burton Common, and land on the foreshore near Lymington has been dealt with under Boundary Sections 11-12.]

5.73 These two estates also suggest that the western boundary of the Park should follow that of the NFHA. A suggestion is also made that Bransgore should be considered for exclusion since it is an urban area immediately adjoining the NFHA boundary. Many of the estates’ points echo the views of the Dorset Authorities and the quarrying consortium.

Natural beauty

5.74 Chapter 4 includes reference to the general conceptual points made on behalf of the estates in the context of boundary sections 11-12. These are dealt with in the Landscape Assessor’s report.

5.75 The Avon Tyrrell Estate covers 1376ha abutting the perambulation and lying across the Avon Valley to the north of Sopley and Bransgore and to the south of Ripley Wood and Bisterne. Avon Tyrrell House is listed Grade 1. The house and its surrounding parkland (which is included on the English Heritage register) are within the NFHA and are now used as a residential centre run by UK Youth and visited by 16,000 people pa. providing numerous facilities for young people.

5.76 The estate’s land is used for agriculture, forestry, sport, wildlife and employment. There is extensive arable production on the river terraces and grazing and hay production on the floodplain meadows. A substantial dairy complex is housed in clusters of large modern buildings at Court Farm and London Farm. There is also an open pig enterprise with numerous corrugated iron arcs and some commercial strawberry production.

5.77 The flood meadows are available for autumn grazing after the hay-cut in early August but at this time of year it has a low value with few nutrients. Inundation normally occurs during the winter months. The inclusion of 148ha of the water meadows in the Avon Valley ESA scheme has significantly reduced summer and autumn stocking rates by increasing wetness.
5.78 Inclusion of the floodplain is inappropriate as it is both isolated from and unrelated to the New Forest. Any historical associations are now lost. The nature conservation interest of the area is not a suitable ground for inclusion and the late addition of the western commons into the designated area only compounds this inappropriate situation.

5.79 The relevant portion of Hinton Estate in relation to Boundary Sections 13-15 is the large tract of farmland stretching across the Avon Valley between Christchurch in the south and the northern end of Burton to the north. The estate’s farming enterprise in this area is focused on arable crops and dairying. The Avon terraces form ideal arable fields with shallow gradients, richer soils and favourable south and west-facing aspects. Most of this area is species-poor because it consists either of enlarged arable fields or areas rotated for arable and grazing to retain tilth and soil quality. Including this land would degrade the worth of the National Park designation and dilute the quality of land properly designated for inclusion.

5.80 The farmland within the bottom of the valley is mostly water-meadow, also managed under the ESA scheme, and used for grazing ponies and cattle and for hay production. Land use is seasonal due to winter flooding and the grassland is species rich with good ecological value. There is controlled access for fishing.

5.81 Referring to commoning, both Avon Tyrrell and Hinton Estates possess common rights over their extensive holdings in the Avon Valley but neither has exercised them in living memory. However, two of Avon Tyrrell’s tenants do so. One tenant (Middle Ripley Farm) grazes about 100 cattle on the Forest during the summer and feeds stock on maize silage during the winter. The other operates a smallholding near Elmers Copse.

5.82 Considering the proximity of some of the objection lands to the perambulation this may seem surprising but few if any of the larger landowners possessing rights actually do so. Furthermore the parishes adjacent to the estates are not an active commoning area. The most recent Verderers’ register identifies only 3 commoners in Bransgore, 2 in Christchurch, and none in either Burton or Sopley.

5.83 Back-up grazing is a market-led regime. The only land made available is low-quality land with poor stocking rates, usually on short-term annual licences linked to management for conservation purposes. The Agency’s consideration of the issue seems to make no distinction between existing back-up grazing and potential land but the difficulty of trying to pin down the importance of theoretically available back-up land is illustrated in an appeal decision at Walhampton (118 & 162/1/3 app5). Moreover, LUC recognised (CD206) the indications that commoners are now willing to travel significant distances to gain access to suitable land.

**Opportunities for open-air recreation**

5.84 The Agency has failed to take account of the difficulties experienced over the past 50 years in securing access opportunities under the 1949 Act access creation schemes (118 & 162/1/3 app6). Despite this poor record the proposed NFNP includes too much land which contributes nothing to open-air recreation and holds no prospect of ever doing so. This approach would lead to confusion, frustration and devaluation of the concept of National Parks.
5.85 The farmland and the floodplain have only limited rights of way and those on the floodplain are sometimes inundated for long periods. Even where paths exist these sometimes pass through tall crops such as maize, so that views are obscured, or cross fields used for by dairy herds which are better left undisturbed by walkers, children and dogs. The whole concept of encouraging access to areas of intensive agriculture in preference to the attractive areas of the open Forest is flawed.

5.86 The Agency’s desire for increased access to the floodplain is equally puzzling. There is controlled access to the river for fishing but no use (and no possible use) for sailing, rowing, canoeing or swimming. The existing Avon Valley Path avoids most of the areas subject to nature conservation designations but provides periodic views of the flood meadows, the river, seasonal birds and longer views to the New Forest and the Dorset Heaths. Both estates have implemented ESA management plans and agreements for the floodplain to bring a balance between the grazing regime and the habitat requirements. Further recreational access would conflict with these aims, as indicated by an ecological report prepared in 2001 (118 & 162/1/3 app9). This considered the implications of including the water meadows within the NFNP but concluded that increased recreational activities would have an adverse effect on the reasons for its international and national ecological designations and the objectives of the ESA. The appropriate approach is to avoid such potential conflict (which could only increase as a result of the inevitable public expectations arising from designation) by avoiding including such areas in the NFNP.

5.87 The Agency’s approach here is also inconsistent with that taken in relation to some areas that were excluded from the NFNP on grounds of their limited access, such as some of the commons next to the A338. At the same time, the estates recognise that there are areas within the NFHA (whose inclusion in the NFNP is not objected to) which could be made available for public access subject to protection of their individual nature conservation interests (eg Burton Common, Poors Common, Beckley Common and Shirley Common).

5.88 The Agency’s approach to the open-air recreation criterion, as indicated at CD104 p 13 (penultimate sentence) & Appendix E (final sentence) refers to the New Forest Committee’s strategy to develop new attractions outside the Forest core (set out at CD215) and seems to suggest that the aim is to expand the Park to create a buffer zone to alleviate pressure within the core. This is not a correct approach to the designation process.

The case for the Agency

The extent, character and special qualities of New Forest Landscapes

5.89 The Agency does not accept that the NFNP has to be limited to land of singular unified character. This is not a requirement of the Act or the Hobhouse report. Item 2(b) of the Agency’s boundary-setting criteria (Table 2 CD104) states that ‘Areas to be included may be of differing landscape character: quality will be the key determinant rather than uniformity’. The relevant footnote states that ‘A variety of landscape character is an important factor in the overall amenity of the Park. Usually however there will be some unifying factors, such as land use, ecosystems, or historical or cultural links which bring differing character areas together to be included in a National Park.’
5.90 ERM’s research on the extent, character and quality of the forest landscapes led the Agency’s Board and officers to agree with the conclusion that there are strong conceptual grounds for a NFNP of considerably greater extent than the perambulation or the NFHA. The view was taken that subject to land meeting the statutory criteria, the NFNP should encompass all the inter-related parts of the natural, cultural and historic landscapes.

5.91 It is generally accepted that the New Forest is, first and foremost, a unique cultural and historic landscape. It is the most intact survival in Britain, if not Europe, of a medieval hunting forest. Alone among such forests, only the New Forest survives in anything like its medieval form as an institution. Its importance as a historical and cultural landscape is perhaps best summed up in the World Heritage Site description ‘The New Forest is a recognisable piece of medieval Europe that has survived virtually intact for over 900 years, due to the persistence of a style of land ownership, management and use.’

5.92 The key point is the complete interdependence of the open land within the perambulation and the surrounding land with forest rights attached. Both are essential parts of the commoning system but have different landscape and habitat characters. They are interdependent because they are different. The open Forest is mainly woodland and heathland; beyond this lies a belt of smallholdings and farmland landscapes; and beyond this again, the river meadowlands and coastal marshes that are also grazed by Forest stock.

5.93 This interdependence and connectedness was recognised by LUC in their work on the NFHA when they commented that ‘This 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.’

5.94 Continuity is also evident in nature conservation terms. For example the New Forest Natural Area Profile (CD230, p6) notes that for much of the area's history the pastoral economy of the open forest relied on a wider area including the Avon Valley, the Waterside and the Solent coast and that ‘evidence of these links occurs throughout the Natural Area’. It is correct that the nationally and internationally important nature conservation sites in these wider areas are different in character to the New Forest cSAC but this only serves to underline their role as one component of the wider interdependent Forest system.

5.95 Many of the New Forest's landscape characteristics also occur in other parts of the country, for example in the Dorset heaths, which show strong similarities with the New Forest in terms of geology, land cover and habitat types. However the New Forest is distinguished by the survival of traditional ownership and practices, the particular wealth of ancient landscape features and the influences of commoning, including the widespread presence of grazing animals and traditional smallholdings in the landscape. These characteristics extend over a much wider area than the perambulation.

5.96 The Cox and Reeves report (CD219) highlights the special role of grazing animals. It describes the extent of grazing around the open forest prior to the gridding in 1964, using satellite commons, grazing marshes, droveways, verges and village greens. Maps in the report show that summer straying of stock extended west as far as the River Avon while winter straying extended into Dorset. The report expresses a preference that the NFNP should cover the full extent of summer straying (see Map 1 of CD219), incorporating most of the grazing land lost since 1964. According to the report there would be substantial benefits to landscape and nature.
conservation, as well as to the commoning economy, if open land around the forest could be restored to use as grazing for Forest stock.

**Natural beauty**

5.97 Landscape quality is a key concept in the assessment of natural beauty and is a function of distinctive character, the presence of key characteristics, absence of atypical and incongruous features, the state of repair of the landscape and its intactness. The New Forest District Landscape Character Assessment (CD127) was a major point of reference in assessing landscape quality. This district wide study was designed to complement the county landscape character assessment (CD220) and the historic landscape character assessment referred to in CD126.

5.98 Although CD127 was partly based on the landscape assessment prepared by LUC in 1991 for the purpose of defining the NFHA it updates and supersedes it. The study was commissioned and fully reviewed by the District Council, the County Council, the Agency and English Heritage. It was subject to public consultation, particularly in relation to the boundaries of the landscape types and character areas, and was formally adopted by NFDC as supplementary planning guidance. Therefore it is the single best and most authoritative source of landscape character and quality information for the District although it is neutral as to whether the landscape types and character areas within the New Forest meet the natural beauty designation criterion.

5.99 The Avon Valley is included in the NFNP on strong natural beauty grounds. CD104 P21-22 identifies the need to include:-

- the high quality river terrace and floodplain landscapes, reflecting their function as an integral part of the traditional land management system and cultural heritage of the New Forest, plus their importance to views of the New Forest;

- the river, water meadows on the floodplain, and other valley-bottom land, much of it ESA and highly suitable for back-up grazing for forest stock, together with the wet gravel workings, which are areas of European and international importance for their diverse wetland habitats, waders and wildfowl;

- the many fine historic landscape features concentrated within the valley, including the parliamentary enclosure landscapes and drove roads found on the river terraces, the remains of the water meadow systems, and the ancient settlements and river crossings;

5.100 The jewel in the crown on the western boundary of the NFNP is the River Avon Floodplain, described in the Avon Valley ESA Environmental Guidelines (CD300A) as containing ‘Britain’s most significant areas of managed water meadow system’. This is an outstanding landscape which easily merits designation. The meandering braided river and informal water meadows comprise a gentle, scenic landscape retaining a sense of wildness and unpredictability with small groups of willow trees and lines of trees along ditches creating variations in scale and degree of enclosure. Man’s first management of the river is demonstrated in places by the remains of the 18th and 19th floodplain management systems.

5.101 The floodplain forms a contrast with the wooded scarps and heathlands to the west and the orderly farmlands to the east and is a key feature in the dramatic views of the New Forest obtainable from vantage-points such as Matcham’s View.
The river terrace farmlands also have a distinctive character and sense of place. This wide swath of farmland between the forest core and the River Avon has a peaceful, deeply rural character with a sense of space and time that presents an attractive contrast to the core. This is a more predictable, rhythmic, gently sloping landscape of geometric fields and open views. The lanes are often shaded by spreading mature hedgerow oaks, there are remnants of heath, and many of the fields are divided by belts of Scots Pine seen silhouetted against the sky. The winding roads and lanes, many running east-west often have wide verges, indicating that they are former drove roads linking the forest with the commons and pastures along the Avon. The villages have the linear pattern typical of peripheral New Forest landscapes.

Although some parts of the terraces are currently adversely affected by sand and gravel extraction there is no reason to doubt that high quality restoration of these areas to uses contributing to National Park purposes (agriculture, recreation and water storage) will be completed within specific timetables.

Inclusion of the valley in the Park has been influenced by its high ecological value. Most of the floodplain is an SSSI (Avon Valley (Bickton-Christchurch)), SPA and Ramsar site and the River Avon is a cSAC. As indicated in the SSSI citation (186/1/3, p61-63), the River Avon has a greater range of habitats and more diverse flora and fauna than any other chalk river valley in Britain. The sand and gravel river terraces along the eastern edge of the floodplain have areas of acidic grassland and heathland where former commons support an extremely interesting and varied flora including species rare inland in Britain. Most of the flooded gravel pits are within the SSSI.

Historically there was a strong link between Forest grazing and the Avon, with Forest stock roaming widely along the drove roads throughout the area pre-1964. Functioning commons still exist within the floodplain as at Winkton, Jocktrills, Avon Hams and Kingston North Commons. Forest rights of grazing extend throughout the valley and there are significant areas of land in use as back-up grazing, for example near Sopley, Ripley and Ibsley. Although the water meadows may not be suitable for off-Forest winter grazing they can provide very useful summer grazing and hay crops at affordable rents and are attractive as back-up grazing, as indicated by the New Commoners Defence Association. A strong commoning economy continues within the valley, particularly north of Ringwood and potentially the valley – especially the flood plain – could make an even stronger contribution to the historic dispersed pastoral system. This finding supports the inclusion of the valley in the NFNP on grounds of natural beauty.

Although the quality of parts of the river terrace farmlands has been compromised by agricultural intensification and active gravel extraction, overall the valley meets the natural beauty criterion because of its unspoilt, high quality landscapes, its ecological importance and its historical and cultural links with the New Forest.

Opportunities for open-air recreation

In determining which land meets the open-air recreation criterion, broad judgements have to be made about particular tracts of land and the recreational experiences that they offer. Although an approach based on an audit of facilities was considered at boundary study stage this was not pursued because the recreational criterion focuses primarily on opportunities for
experience of the outstanding natural beauty of the landscape itself rather than on local amenities and facilities as such.

5.108 In terms of recreation there is a clear case in principle for including coastal and river landscapes around the edge of the New Forest. Bringing these landscapes within the national park considerably extends the range of recreational experiences on offer. In particular, it provides opportunities for appreciating the ancient water meadows and wildlife of the Avon Valley.

5.109 While the core forest contains an exceptional resource of open access land it is inevitable that public access will be more constrained in the landscapes around the perambulation. However, the majority of these other areas have a comprehensive network of rights of way including rural lanes. In any case outstanding enjoyment of the countryside relies on the quality of the landscape setting rather than open access. The wetland nature of the flood meadow of itself limits access, but difficult access and isolation are part of the intrinsic appeal of such landscapes and they are valued for these reasons, especially as such qualities are increasingly rare in the modern world.

5.110 Taken as a whole the valley has the scope to provide outstanding opportunities for quiet outdoor recreation dependent on the natural beauty resource. Inclusion of the valley offers a wider scope of recreational opportunities than could be provided in the NFHA alone. The river terrace farmlands offer a network of quiet roads, green lanes and other public rights of way within an ordered farmed landscape. The floodplain offers outstanding opportunities to experience tranquil flood meadow landscapes with a strong sense of history and fascinating wildlife. The gravel pit landscapes offer scope for nature study and more active water-based pursuits. All are linked by the Avon Valley Path.

5.111 It is not necessary for access to be available to each and every parcel of land to appreciate the area’s character and special qualities. Inclusion of these additional landscape types will contribute to people’s understanding and appreciation of the range of landscapes within the New Forest system as a whole, as well as the ties that bind them.

2. Exclusion of Ringwood

5.112 This case was made primarily on behalf of Moortown & Tudor Rose Farms (23) and Linden Developments (375). However, the Dorset Authorities and the Quarrying Consortium also consider it inappropriate to include this urban area.

The case for Linden Developments

5.113 The company seeks the exclusion from the Park of the land indicated at Doc 375/1/1A/app13, as originally proposed by the Agency. Broadly, this area of contention comprises the land shown in the adopted local plan as making up the ‘built-up area’ of Ringwood, together with some additional parcels of land excluded from the Green Belt to the west of Crow Lane near Hightown Trading Estate (in which Linden have an interest) and west of Nouale Lane, plus some further land within the Green Belt at the Sewage Disposal Works.
5.114 Some general conceptual matters were raised on behalf of Linden Developments, coinciding with those raised in respect of Lymington on behalf of Lymington Precision Engineers and S J Fuller Ltd. These matters are as set out beneath and are covered in the Landscape Assessor’s report:

- the Agency needs to justify why certain areas are now included in the NFNP when they were previously excluded from the NFHA and AONB against the same test of natural beauty;

- that it is questionable whether townscape can exhibit ‘natural’ beauty as required by the Act;

- that a large town such as Ringwood cannot be included in the NFNP because the Act only provides for the inclusion of ‘extensive tracts of country’, an interpretation which is reinforced by the way in which the Act and the Hobhouse boundary-setting criteria have been applied elsewhere.

Natural beauty

5.115 Tracing the evolution of the concept of an NFNP historically, Dower and Hobhouse never conceived of including land outside the Forest core within a National Park. Later, a Countryside Commission report in 1983 (375/1/1A/app2) expressed continuing concern about the need for a National Park but again did not refer to land beyond the perambulation and the South Hants AONB, designated in 1967. The same approach was reflected in the Countryside Commission report ‘The New Forest Landscape’, published in 1986 (CD207) which only dealt with the perambulation.

5.116 Although the draft consultation report upon the original conception of the NFHA in 1987 covered a larger area than that eventually adopted (375/1/1A/app3) it still excluded any land in the Linden objection area. So did the LUC report (CD206) which worked up the Heritage Area concept in detail and provided the basis for the boundary adopted (with very little change) in the Local Plan.

5.117 The New Forest District Landscape Assessment (CD127) identified Ringwood and Lymington as landscape type 4 (Urban Areas) described thus: ‘...These tend to be large settlements which are inward-looking towards a town centre and which have a large area of residential development around their core which acts as a barrier between the town centre and surrounding landscape’.

5.118 The ERM boundary study for the NFNP (CD126, p22) proposed to deal with Ringwood by making it an excluded island near the western boundary of the Park. That recommendation was adopted by the Agency’s Board. Consequently the Public Consultation Report (CD104) comments that ‘Ringwood has been isolated from its landscape setting within the Forest by the A31 and no longer contributes to forest character. The Agency therefore proposes that it should be excluded from the National Park, as it has been from the Heritage Area. The proposed boundary follows the edge of the built-up area.’ However, this description of the boundary is not quite accurate: the proposed boundary included in CD104 also excludes the two areas excluded from the Green Belt.

5.119 Following the public consultation the Agency considered a report on proposed boundary changes (CD118). Annex 1 summarises and considers the responses in relation to Ringwood at p35-36 while paragraph 6 of Annex 2 concludes that:
Exclusion of the town of Ringwood has proved to be the most controversial issue in the consultation process, with 930 responses calling for its inclusion. The Board recognised when it considered the draft boundary last July that this issue needed particular consideration and that it would want to consider the views of respondents. Weight of public opinion in itself is not a reason for inclusion, but the responses did provide considerable additional information about the town in relation to the statutory criteria. The crux of the issue is the contribution that Ringwood would make to the character and purposes of the national park. There is new evidence relating to the town’s historical connections with the Forest, its strategic role in informing and educating visitors about the Forest, its transport and footpath links, and its social and economic importance. These arguments tip the balance (which members recognised was fine when they discussed this area last July) towards inclusion and so this is recommended.'

5.120 A similar justification for the change of view by the Agency occurs in the text of the Local Authority Consultation report (CD107) at p33. Although Linden has inspected the letters referred to in CD118, the Agency has not agreed to make copies available despite the company’s wish to present them to the inquiry. However, the summary of points in the Board Paper reveals no new strands of evidence that would not already have been clear to both ERM and the Agency; nor does CD107. While the Agency is entitled to change its mind it can only do so rationally if substantive new information is produced.

5.121 There is nothing in the Agency’s case to justify a departure from the Heritage Area boundary arrived at after careful consideration of all the land meeting the natural beauty criterion. It must therefore carry very great weight. Indeed, CD104 at p16 states that where the NFHA ‘works well’ it has been retained. It is unclear why it does not work well in the case of Ringwood, especially as the Government indicated at Para 6 of its response to the 1990 report of the New Forest Review Group ‘The future for the New Forest’ that it was not convinced that all the land within the then proposed Heritage Area ‘can be described as being of the highest national and international importance’. There has long been a general expectation that the NFHA, as it was eventually defined in local plans, would form the essential basis of the National Park. Any additional land would need strong justification.

5.122 The statutory criteria remain as laid down in the Act. Although the Agency reviewed its guidance on the interpretation of the criteria in 2000 (CD114) this contains nothing to suggest that large urban areas should be included. Indeed revised criterion 2(g) suggests a move in the opposite direction.

5.123 It is accepted that there will be cases of villages and small market towns embedded within a National Park whose character is not separable from the surrounding countryside. However, the inclusion of Ringwood, a substantial town with a population of 13,600, is inconsistent with the natural beauty criterion as it has traditionally been understood and interpreted.

5.124 The original Hobhouse criterion 2(d) states that ‘Towns or villages should not normally be cut in two by a National Park boundary. The inclusion or exclusion of a marginal town or village should be dependent on its character and beauty and its present or potential value for the accommodation of visitors’. By reference to existing parks it is possible to see how this guidance has been interpreted in individual cases and to show that small urban areas embedded within National Parks tend to be included whereas large urban areas on the periphery of Parks
tend to be excluded. Although size of itself may not be a determining factor it is relevant to note that:

(a) the Peak District excludes both Ashbourne (pop 7,700) and Buxton (pop 21,560) despite their cultural and historic associations with the Peak District and their important functions as visitor centres.

(b) the Lake District excludes Kendal (pop 24,430) and Penrith (pop 15,089), again despite strong links.

(c) the Yorkshire Dales excludes Richmond (pop 8,760), Settle (pop 2,350) and Skipton (pop 13,950) although all are at main entrances to the Park and have strong cultural, historical and tourism links.

(d) the North Yorkshire Moors National Park excludes Whitby (pop 14,120), Scarborough (pop 53,730) and Pickering (pop 6,710) despite similar considerations.

(e) Dartmoor National Park excludes Okehampton (pop 6,215) and Tavistock (pop 11,227) despite similar considerations.

5.125 The Agency’s officers’ report concerning the modern development of the Hobhouse criteria (CD116) recommended that new criterion 2(g) should read ‘Towns or villages should not normally be cut in two by a National Park boundary. The inclusion or exclusion of a town or village should depend on whether it contributes to the character of the Park, including its economy and community life, and its present or potential role for visitors; eg provision of accommodation, access to public transport, information or other services. Large settlements should generally be excluded as a National Park Authority should not be overburdened with responsibility for planning in urban areas.’ [Objector’s emphasis]. The last sentence was included in the Hobhouse report, but was deleted by the Board in its redefinition of the criteria and does not appear in 2(g) in table 2 of CD104, or in the relevant footnote. The matters raised in 2(g) and the footnote are nothing to do with natural beauty.

5.126 While Ringwood has historical links to the New Forest it has grown considerably over the past century and its historic core is ringed by relatively recent and unremarkable development, including industrial areas. Its conservation area includes a relatively small proportion of the town’s area and does not interface with the natural beauty of the Forest.

5.127 The Agency has allowed itself to be distracted from the central and statutory purposes of National Parks. Although Ringwood has some cultural, historic and functional links to the New Forest these are not in themselves aspects of natural beauty as defined in the statute. The second bullet point of Table 1 of CD104 is wrong in law in stating that in addition to the statutory elements (ie, flora, fauna, geological and physiographic features), ‘Archaeological, historic, cultural, architectural and vernacular features are also included (in accordance with guidance and precedent)’. Guidance and precedent (in whatever terms may be referred to here) cannot rewrite the law.

5.128 The Act refers to ‘extensive tracts of country’. A town such as Ringwood does not (and - as a town - could not of itself) possess attributes of natural beauty to the necessary outstanding national degree. Nor does it provide material opportunities for open-air recreation, which in itself means that the criteria are not satisfied. Any links to the New Forest do not need protection
by National Park legislation. At the same time the Agency has not considered the potential negative effects of applying restrictive National Park policies on the social and economic development of the town or the extra burden placed on the Authority in administering the planning functions of a complex urban area.

5.129 Referring briefly to the company’s land west of Crow Lane (outside the urban area but excluded from the Green Belt) the New Forest District Landscape Character Assessment report (CD127) refers to this as being within Landscape Character Area 7: Lower Avon Valley. However, the land in question exhibits none of the 4 stated key environmental features of that character area. Its inclusion within the Park is dependent upon inclusion of the urban area. Without this, the land would not be a candidate for inclusion on the basis of the statutory criteria since it is a flat parcel of land bounded by modern housing to the north and east, an industrial estate to the west and the disused railway line to the south, now a footpath.

5.130 There is no reason why Ringwood should not be excluded as an island within a National Park. There are precedents or near precedents in Snowdonia (which has an undesignated void at Blaenau Ffestiniog), the North York Moors (which surround Whitby on its landward sides), Pembrokeshire National Park (which leaves Fishguard as the only coastal break) and the Peak District (where Buxton falls within a long narrow tongue of excluded land). The proposed NFNP also includes a void at Fawley Power Station.

The case for Moortown & Tudor Rose Farms

5.131 These objectors suggest 3 possible options for realigning the boundary as indicated at 23/1/1/appH. Version 2 creates an island of exclusion covering the same area as that suggested by Linden Developments. Version 3 additionally omits an area of the Avon floodplain immediately to the west of the town while version 1 follows the line of the A338 to the north of the town and the B3347 to the south.

5.132 The farms make many submissions similar to those made by the Dorset Authorities and the Quarrying Consortium (in relation to the Avon Valley generally) and Linden Developments (in relation to Ringwood in particular).

5.133 Concerning the historic precedents in other National Parks raised by others, additional examples are:

- Dulverton and Yelverton are included in Exmoor and Dartmoor respectively because of their contribution to the rural character of the Parks;

- Minehead is excluded at the edge of Exmoor, and;

- Bakewell (pop 4,000) is included in the Peak District but has a totally different economy and social structure from Ringwood.

5.134 The largest town within an English National Park is thought to be Windermere & Bowness with a population of 8,000. In that case the town lies well within the Park’s boundaries by the side of its largest lake. After Lymington (if it is included in the NFNP), Ringwood would be the largest town included in any British National Park. It would also be the least architecturally attractive. However, CD107 contains no analysis or recognition of the issues
related to these factors, merely a restatement of factors that would have been apparent when the original decision was made to omit the town.

5.135 The clear conclusion must be that the Agency Board has bowed to political pressure and weight of public opinion expressed in writing and at a vociferous public meeting, probably motivated by desire to bring greater protection for the town from future development. The protection of property values is irrelevant to National Park designation and such views are unlikely either to represent future generations needing homes and jobs or to fulfil the aims of the New Forest Economic Strategy.

5.136 The Avon Valley, within which Ringwood sits, has quite distinct characteristics from other New Forest landscapes as recognised in the considerations behind the NFHA. The valley has no strong cultural or historical links with the New Forest. No land west of the A338/B3347 was ever proposed for inclusion in the Heritage Area and the final version was cut back further to the east because of the non New Forest character of the watermeadows and river terraces. The historic landscape at Bisterne Manor was laid out in the early 19th century as a new landowner’s park in which he put ‘large speckled cattle’ not indigenous to the New Forest. Cattle grazing on the river meadows have to be vaccinated against liver fluke, leptospirosis and blackleg. If forest cattle were to be grazed there they would be in serious trouble without similar protection.

5.137 As for Ringwood itself, it is described in the New Forest Local Plan (CD221, pF22) as having ‘suffered greater disruption and change over the last three decades through highway schemes than any of the other towns in the District……Although the new road has brought major environmental benefits, this, together with the large retail development off the main car park has brought substantial changes to the pattern of streets and spaces in the town centre, and the way they function. The backs of properties have become exposed to view and dead areas have been created’.

5.138 The town’s built-up area has grown about 6-fold since 1896 and its character is dominated by modern development. It lacks any or most of the traditional character of other Forest villages and towns such as Brockenhurst, Lyndhurst or even Lymington. The cattle market no longer exists and the street traders’ market is no different from that in many other towns and has no real New Forest connections. The older part of the town within the Conservation Area is on the valley floor on the western side of Ringwood away from any vantage point in the Park. On the other hand, recent housing and industrial expansion has created a hard edge to the town from north east through to south east where it is closest to the Forest. The A31 cutting also significantly detaches the town from its immediate rural surroundings.

5.139 The alleged historical links between the town and the Forest have been seriously weakened over the years. Ringwood now looks outside the Forest to Bournemouth & Poole and Southampton rather than towards it. Ringwood’s local plan employment allocations are intended to meet not only the town’s own needs but also those of other places such as Fordingbridge (23/1/1/appG).

5.140 It is clear from the original Hobhouse report and the Agency’s revision of his boundary-setting criteria that towns on the edge of a Park, but excluded from it, can have a role to play in serving the Park’s economy and other needs. These could include issues concerning ‘community life’, ‘visitor accommodation’ and public transport access. In fact, Ringwood provides very few bed-spaces for visitors. Only two hotels (with a total of 14 rooms) are included in the official
hotel guide for the New Forest, while the ‘Where to Stay Guide’ refers to only 24 bedrooms. If left outside the Park Ringwood would be in a better position to fulfil those roles because development would not be so constrained. If included there would be conflicts between the normal development control approach in a National Park and the present identified development needs and role of the town.

5.141 It is clear that Hobhouse (at para 43) felt that conflicts such as this should be avoided by excluding ‘areas where the needs of urban or industrial development conflict with or outweigh the essential values of the Park.’ Future problems of this kind have been ignored by the Agency.

5.142 One such example could arise with future development of land owned by the farms: land adjacent to the sewage works offers an opportunity for development related to food processing using a dedicated pipeline for waste disposal in accordance with modern legal requirements.

The case for other objectors

5.143 Avon Tyrrell and Hinton Estates additionally raise the issue that inclusion of Ringwood would require the NPA to be responsible for all aspects of development control from domestic extensions to larger residential and commercial developments, retailing and other facilities. This would undermine their ability to deal in an effective and timely manner with proper National Park issues.

The case for the Agency

5.144 As acknowledged in relation to other boundaries, the NFHA is relevant because it was part of the blackcloth to the area of search for the National Park boundary. However, it can only be one factor because the criteria for the two areas are different, as explained in CD239. Land excluded from the NFHA can therefore be included in the NFNP. There is no special onus on the Agency to give special explanation in such cases and no justification for simply applying previous Inspectors’ decisions about the Heritage Area boundary. The focus should be on the reasons for including land in the National Park.

5.145 In general terms the designation process has placed more emphasis on landscape quality and an inclusive outward-looking approach whereas in identifying the NFHA more emphasis was placed on landscape character and a restrictive inward-looking approach concentrating on adding the minimal amount necessary to support the perambulation.

5.146 The NFNP boundary study (CD126) looked at Ringwood afresh, using independent experts, and the Agency used this to inform its own judgements. It also carried out public consultation (as well as the necessary statutory consultation) and appraised the outcome of both including the results of further fieldwork and technical study before deciding the boundary.

5.147 With regard to the updated approach to defining National Park boundaries (as set out in the revised Hobhouse criteria in table 2 of CD104), the Agency is the body charged under the Act with the statutory duty of considering which areas should be designated as National Parks and proceeding with their designation. It is therefore quite proper for it to develop policy guidance for defining boundaries around the qualifying extensive tracts, taking account of changed circumstances over the past 50 years. The revised Hobhouse criteria do not modify the statutory designation criteria.
5.148 The relevant Agency policy in this case is criterion 2(g) of table 2 (CD104) which states that the inclusion or exclusion of towns and villages lying within an “extensive tract ‘should normally depend on their contribution as a whole to the character and purposes of the park’. Footnote 2(g) indicates that ‘This may include a contribution to the Park’s economy and community life, and a value for visitors; eg provision of accommodation, access to public transport, information or other services’.

5.149 The examples concerning towns excluded from other National Parks are said by Linden Developments to be ‘large peripheral urban areas.....excluded from their adjoining National Parks’ whereas Ringwood has been assessed anew in the light of the statutory criteria and the Agency’s approach to defining National Park boundaries.

5.150 Ringwood is not on the edge of the Park in a situation where boundary-setting criterion 2(d) from table 2 of CD104 would apply. Rather, it lies within a broad sweep of countryside meeting the two criteria. Its sits within the countryside and its urban values are not outweighed by that fact. Its contribution should therefore be judged in relation to criterion 2(g). On that basis it should be included within the National Park boundary because it makes a contribution to the rural economy and community life of the Park and to the Park’s special qualities and purposes. The description of the town in the District-wide Landscape Character Assessment quoted by the objector should not be taken out of context. It simply explains how the built-up area has been distinguished from smaller settlements and identified as requiring more detailed analysis of settlement character by virtue of its size.

5.151 Initially the Agency acknowledged the historic nature of Ringwood town centre and the town’s former role as a livestock market for the area but took the view that, on balance, this urban area should be excluded from the NFNP because of the impact of modern development on the townscape and the dominance of the A31T. However, as described in CD118, the main strands of the arguments put by consultees and stakeholders in favour of Ringwood’s inclusion (summarised by ERM in the form of 12 bullet points) tipped the admittedly fine balance towards its inclusion.

5.152 Six of the bullet points are related to natural beauty, ie:

- an historical and cultural attachment to the New Forest dating back 1000 years (the original name Rimucwude means rim of the forest);
- the cattle market served the inhabitants of the New Forest for centuries. This no longer exists but there is a weekly market which attracts and serves local people and visitors;
- much of the new development is in character;
- the A31T is sunken and not dominant;
- the town contains many historic buildings;
- surrounding areas within the parish of Ringwood, such as Crow, are still used for grazing.

5.153 Three of the bullet points are related to recreation, ie:

- the town is a gateway to the New Forest, providing accommodation and information about the area to visitors;
- it has good, bus coach and road links;
- there are footpaths, including the Avon Valley Path, and further potential to develop walks along the River Avon.
5.154 The other bullet points do not relate to the statutory criteria, although one is a boundary setting criterion point relevant to table 2 of CD104 (ie that the town is socially and economically crucial to the area and contributes to community life within the park).

5.155 The information produced in relation to the exclusion of towns from other National Parks does not represent policy, only the way that it was applied in the particular cases. Inclusion and exclusion should not rely on any inflexible precedents, nor should any particular weight be attached to the size of a town in population terms. However, since the New Forest is a lowland area in Southern England containing coasts and river valleys it is more likely to include larger settlements within the Park.

5.156 With regard to the small pocket of land west of Crow Lane, the Agency accepts that it might not merit inclusion if Ringwood was excluded. However, it considers that there is no case for removing the land from the Order as it stands since it fits within an extensive tract meeting the designation criteria.

5.157 As for the claimed potential negative effects of National Park policies on the social and economic development of Ringwood this ignores the fact that NPAs have a duty to foster the economic and social well-being of local communities. Indeed, inclusion could have an enhancing effect because NPAs are expected to act as models for sustainable development and economic advantages can result from designation. Fears about planning restrictions are not part of the statutory criteria. Designation does not halt development: towns in National Parks still appropriately accept a range of new developments for housing, tourism and employment.

3. Exclusion of land at Breamore

The case for the objectors

5.158 Breamore Estate Company, members of the Hulse family and Dr A Hobson (objections 16, 42, 145 & 191) consider that the protrusion of the boundary into the Breamore area is illogical. Mr E M W Hulse considers that the natural edge of the Park is the River Avon because Breamore has not historically been part of the New Forest since at least 1280. Sir Edward Hulse suggests that if any extension beyond the river is accepted it should follow the A338 (the present Heritage Area boundary).

5.159 The proposed boundary would split the estate, comprising Breamore House and Park (both in Cranborne Chase and West Wiltshire Downs AONB) and the village. The main emphasis on the estate is historic settlement and property whereas in the National Park it is land and fauna. The estate has been a partner in The Breamore Project [16/1/2] which has resulted in the restoration of a large number of the traditional Breamore Estate buildings over the past 20 years. A number of permissive footpaths have also been created. This has made the area attractive to visit so long as numbers remain relatively small.

5.160 However, with so much restoration completed there would be few gains from inclusion. The area is more likely to survive without too much pressure if it is excluded and it is already a conservation area. Problems have already arisen with people perceiving the marsh as a common and gypsies have had to be evicted. Such problems of over-use and management could become worse with inclusion in the Park.
5.161 The Avon Valley is not part of an ‘extensive tract of country’ as it is divided into fields. Historically it has been grazed by dairy cattle, not by the type of stock reared on the Forest, and would have provided early grazing for sheep before they were driven up onto the Downs to the west. The river has always represented a boundary. There have been few crossing points and it was even used as a potential stop line during the Second World War.

5.162 The Avon Valley, especially at Breamore, should not be part of the New Forest: it looks nothing like it, and always would have appeared a lush green area of completely different character. The area should not be managed like part of the New Forest and its proper management would suffer from inclusion.

The case for the Agency

5.163 The land in the village core and at Breamore Marsh was not included in the original proposals for the boundary. However, after considering a substantial number of representations made in response to the public consultation report, the Agency concluded that circumstances at Breamore are sufficiently exceptional to justify one of the few extensions to the Park west of the Avon floodplain. The boundary was therefore extended to include the whole of the settlement and follow the conservation area boundary. This also made the western boundary contiguous with that of the Cranborne Chase and West Wiltshire Downs AONB.

5.164 The majority of Breamore is part of the river terrace farmlands landscape type identified in CD127. This is a distinctive New Forest agricultural landscape type characterised by a regular field pattern and quiet shady lanes. A small area on the western side is part of the enclosed farmland and woodland type. The whole area is part of CD 127’s Upper Avon Valley landscape character area and is therefore similar in character to other areas of the New Forest and Avon Valley that have been included in the National Park.

5.165 Breamore’s landscape quality is excellent and meets the criterion of outstanding natural beauty. There are no atypical or incongruous features and the landscape is in good repair. There are fine and distinctive landscape features, the vernacular listed buildings in the conservation area (associated with the estate village that served Breamore House), and the attractive manorial green and its grazing marsh which is an SSSI.

5.166 There is probably no definitive answer to the question of whether Breamore is or is not part of the Forest. Although it lies outside the Large Bounds of 1280 it is well within the band of land to which Rights of Common are attached. In any case ‘links to the New Forest have not been a significant factor in the Agency’s decision to include the village in the NFNP because the key consideration in determining the exact location of the boundary is landscape quality rather than landscape character, as indicated in Position Paper 1 paras 35 (2a and 2b). It is clear that Breamore should be included in the National Park on landscape quality grounds.’ [384/0/4/16 para 12]

5.167 The area meets the recreation criterion because the village is criss-crossed by public rights of way and offers many opportunities for open-air recreation and enjoyment of the area’s special qualities.

5.168 Referring to other matters, partial inclusion of the Estate’s land holdings will not affect land management as the NPA would have no control over that matter. Fears of recreational
damage to the SSSI are also unfounded as priority would have to be given to conservation in the National Park. The existence of other forms of policy protection is not a reason for excluding the area from the Park as no other designation is made for the same purposes or affords similar recognition.

4. Exclusion of land at St Catherines Hill/Town Common/Blackwater Hill

The cases for the objectors

5.169 These areas were added to the NFNP between the public consultation and local authority consultation stages.

5.170 Malmesbury Estate (323) owns the Manor of Christchurch of which Town Common is part. The common rights attach to the commoners of Christchurch and historically the area has never been part of the New Forest which lies to the east of the River Avon. Rather, the common forms part of the East Dorset heaths.

5.171 Town Common is bordered by urban parts of Christchurch and is so heavily used for recreation that it is at the maximum limit of its use consistent with its SAC/SPA/SSSI status.

5.172 The Herpetological Conservation Trust (206) leases and manages Town Common. The Trust broadly welcomes the National Park proposals but expressed reservations that they could be harmful to the wildlife interests of this area. Particular concerns were (a) the potential for the area to be used more intensively as a honeypot vantage point for views across the Avon Valley towards the New Forest and (b) any possible moves to extend active commoning influences in this area because traditional burning and grazing regimes are felt to be damaging to natural populations of sand lizards.

5.173 After consideration of the Agency’s response the Trust conditionally withdrew its objection, being sufficiently reassured that S62 of the 1995 Act would offer the necessary primacy to nature conservation interests over those of recreation.

5.174 Mr & Mrs S Tuck (376) object to the inclusion of a small part of this area of land added to the NFNP, namely their smallholding at 1 Blackwater. This is one of a small group of about 8 houses near the junction of the A338 and the B3073 at the foot of Blackwater Hill, although only Nos 1 & 2 have been included in the National Park boundary. They suggest exclusion of their property (which fronts a noisy main road and has views to a sewage works and a hospital incinerator, thus leaving the wooded slope of Blackwater Hill as the National Park boundary. In the objectors’ view their land contributes nothing to either of the statutory criteria and inclusion could hamper their commercial activities.

The case for the Agency

5.175 The area comprising St Catherines Hill/Town Common/Blackwater Hill was included in the National Park as a response to the public consultation stage (see map at CD107, p70). Whereas the character of this area was previously felt to be different from that prevailing in the Forest core, its heaths and woods (to which there is extensive public access) have outstanding natural beauty in their own right and include a number of spectacular panoramic viewpoints.
The area also has nature conservation interest as an SSSI and a number of features of archaeological interest.

5.176 The dramatic viewpoints provide an appreciation of the contrasts between the meandering river in its water meadows, the fields and villages in the middle distance and the distant New Forest woodlands. These views provide a visual link across the Avon and the Forest core; consequently, the fine recreational opportunities afforded by the extensive public access contribute to people’s overall understanding and enjoyment of the Forest. Since the area is close to the urban population of Christchurch, the requirements of S5(2)(b) are particularly well met.

5.177 As with the other Dorset Heaths discussed above, inclusion of Town Common in the National Park would not prevent the current and on-going strategic management of the heaths as a whole, giving primacy to nature conservation, and could bring additional resources for that purpose.

5.178 With specific regard to 1 Blackwater, this occupies about half of a relatively small area fronting Hurn Road between the A338 slip road and the edge of the urban area. Although the smallholding has some utilitarian buildings they are very typical of the New Forest landscape sub-type of ‘heath associated small holdings and dwellings’ and are seen against the attractive rising wooded backdrop of Blackwater Hill. They form part of the setting to the hill which is well-used for recreation and are a minor part of an extensive tract meeting the statutory criteria.

PROPOSALS FOR EXTENDED BOUNDARIES

1. Land west to the Moors River

The case for the objectors

5.179 About 9 objectors (96, 102, 126, 168, 240, 320, 322, 354, and 372) suggest that there is a good case for extending the boundary considerably further to the west as far as the Moors River and the eastern edge of Verwood, but excluding the mainly postwar developments at St Leonards, St Ives and Ashley.

5.180 This view was most fully expressed by the Council for National Parks (CNP) (354) and Mr J Thackray (322) who believe that the boundary should take in extensive tracts of land west of the Avon floodplain north of the A338/B3073 junction. Their suggestions would include land shown on the OS Explorer 1:25,000 map as (from south to north) Ramsdown Plantation, Sopley Common, Avon Common, Hurn Forest, Barnsfield Heath, Avon Heath Country Park, West Moors Plantation, Moors Valley Country Park, Ringwood Forest, Boveridge Heath, Cranborne Common and Alderholt Common.

5.181 The CNP considers that protection and management of the New Forest will best be served by the establishment of a National Park extending beyond the boundaries of the Heritage Area. To ensure fulfilment of the Park’s statutory purposes there must be a clear vision for a New Forest. This must embrace an area which is sufficiently extensive and robust to endure
indefinitely and perpetuate the uses, management practices and customs which imbue the New Forest with its special characteristics.

5.182 The national and international importance of the New Forest is matched by the growing forces working to diminish its special qualities. If designation is not to be a false dawn, the vision must be equal to the task at the outset, especially as it is clear that opportunities for reviewing National Park boundaries are rare. Realisation of the vision requires designation of the widest possible legitimate boundary although (even with the western boundaries proposed by CNP) the New Forest would remain one of the smallest National Parks. Failure to grasp the need to extend the boundaries widely enough would seriously weaken the NFNP and represent a very regrettable lost opportunity.

5.183 In CNP’s view the western boundary needs to be drawn to recognise the great pressures faced by the New Forest. It must aim to ensure long term viability and secure the statutory purposes. Those purposes must be considered at the outset; their relationship with the statutory designation criteria must be taken into account now and not ignored. The decision to create a national park is a profound one and should be supported by a boundary with long term resilience to the influences of development pressures, landscape and habitat fragmentation, declining land management, and poorly co-ordinated access arrangements, all of which might work to undermine National Park purposes.

5.184 While the Agency’s inclusion of some sites west of the Avon is supported, their extent falls far short of the area which could and should be included. The areas listed above were almost unbroken heaths in the early 19th century and even now comprise an exceptionally extensive network of heathlands, commons, native acid woodlands, wetlands and coniferous plantations representing continuity with the landscapes to the east of the Avon. Also, they are relatively unfragmented by roads and urban development, more so than many areas within the designation order. SSSIs at Cranborne Common, Verwood Heath, St Leonards/St Ives Heaths, Hurn Common, and Moors River reflect the great rarity of lowland heath habitats and the huge concentration of this type in and around the New Forest.

5.185 While most of Ringwood Forest is a SINC rather than an SSSI its afforested heaths are rich in heathland species despite the fragmented and sub-optimal condition of heathland habitats due to rotational felling and replanting. Data reviews by the RSPB and Hants Wildlife Trust in 1993 found that populations of heathland ground-nesting birds were of national importance, with numbers of nightjar and woodlark sufficient to meet SAC criteria. Populations of rare and protected heathland species such as smooth snake and sand lizard also persisted to SSSI and SPA criteria although the land is not currently notified as such. Some parts of Ringwood Forest have not been designated as SINCs but this is only because the Dorset classification system is more stringent than that applied in Hampshire.

5.186 The impact of predominantly coniferous plantations on much of the heathland does not damage its long-term value as part of the NFNP as indicated by the fact that substantial areas of similar type exist within the NFHA. Similarly, landscape damage resulting from existing mineral extraction sites within areas such as Ringwood Forest is no greater than that caused in parts of the Avon Valley within the designation order. Although there are some existing and preferred extraction sites in Minerals Plans, dating from a period when the value of heathlands was not appreciated, there is no reason why these sites should not be restored to a use and quality contributing to Park purposes.
5.187 The scale of the past loss of heathland makes the remaining areas a precious resource, particularly when, as here, many areas are relatively large, continuous, secret and tranquil tracts forming part of the wider landscape of the New Forest. In several areas (such as Ashley Heath, Ringwood Forest, Boveridge Heath and the extensive open heaths of Cranborne Common and Alderholt Common) there is a rare sense of remoteness which is strongly consistent with National Park criteria. Despite the current reluctance of Forest Enterprise to agree to reversion strategies in this objection area there is nonetheless potential for future landscape and ecological enhancement to occur. Designation of the Park presents an opportunity to develop a long-term vision for a much wider application of the policy being operated in the New Forest in which commercial production of conifers is being reduced in favour of restoration and reversion to pasture woodland, broad-leaved woodland and heathland. Much of the objection area presents similar possibilities and needs to be included in the Park so that the opportunity can be realised. In parallel with these reversion strategies new areas have to be found for woodland and timber production to support the existing forest economy: such needs could be met within those smaller pockets west of the Avon which have only modest potential to meet the statutory designation criteria.

5.188 The area has strong historic and cultural links with the New Forest and contains significant Iron Age and more recent remains. Its flora and fauna are chiefly the same as found in the Forest and the area therefore represents an actual and potential reservoir and overflow area for all species including New Forest Commoners’ animals and humans.

5.189 Not too much should be made of the A338 as a barrier to westward expansion of the Park. The A35 and A31 already run through the NFHA and the Peak District and the Lake District are crossed by the A57 and A66 respectively. In the case of the A338 the land on both sides has the necessary qualities to be included. Journeying along Matchams Lane and The Belt, the nature and quality of the land is generally consistent on both sides.

5.190 The proposed added area has exceptional value for recreation since much of it is owned by the Crown and recognised as access land under the Countryside and Rights of Way Act 2000, conveniently situated for nearby urban populations. These areas present opportunities for many forms of quiet recreation compatible with National Park purposes and are greatly enjoyed by the public who can experience here all the things that people come to the New Forest to enjoy. Although there are some antique land closures by the Ministry of Defence these generally now appear to be obsolescent. Existing camping/caravan sites and horse-riding facilities offer scope for taking pressure off the Forest core, as do the existing country parks at Avon Heath and Moors Valley. Although there are some less quiet recreation facilities such as Matchams Stadium and a ski centre this is a robust environment and the current degree of development at these sites does not preclude their inclusion in a National Park, as shown by experience in the Lake District and elsewhere.

5.191 In summary, the addition of the suggested areas offers a considerable opportunity to conserve and enhance their already substantial qualities which continue those found on the eastern side of the Avon. In turn, this would contribute to the integrity and viability of the whole of the New Forest as a National Park by strengthening its long-term resilience to visitor pressure and development. It would also greatly expand the available heathland and commoning resource and provide additional low value agricultural land which could be available for back-up grazing.
The case for the Agency

5.192 Designation of an NFNP has to be confined to land meeting the statutory criteria. The Park should include all the qualifying land but cannot be stretched to drawing in the ‘widest possible boundary’ in the pursuit of an aspirational vision. While much of the land referred to may be mainly open country it does not meet the statutory designation criteria. Unless it does so it cannot be included. It is not reason enough to include land on the basis that it may be a fragile landscape, vulnerable to change or development, and/or in need of better management and protection in terms of land use, wildlife, cultural heritage and opportunities for public understanding and enjoyment.

5.193 The landscape quality of the objection area is at best mixed and at worst poor. The principal landscape types are forestry plantation and heathland. In the north there is also enclosed farmland. The commercial conifer plantations - which cover at least half of the objection area - are of uniform character, crossed by long straight roads and rides. They lack the more varied topography and species composition that characterises the New Forest timber inclosures.

5.194 The more mixed heathland and plantation areas accommodate a diverse range of land uses including MOD land, caravan parks, a dry-ski centre and go-karting. Along many of the main roads there are large areas of suburban development and a number of commercial activities such as car sales, kennels, and a major sand and gravel and landfill site. In addition the land adjoining Bournemouth Airport suffers from visual intrusion and noise. South of the A31 the A338 forms a major barrier between the objection area and the New Forest and, since the area lies well outside the visual envelope of the Avon Valley, there are very few views to the New Forest.

5.195 The SSSIs cover only a relatively small proportion of the objection area, have few (if any) significant links with the New Forest and do not meet the natural beauty criterion. Nor are there strong historic links with the Forest since the CNP’s boundary extends up to 6km west of the Avon and much of the objection land is well beyond the zone in which Forest rights occur.

5.196 The objection area does have substantial areas of access land and a reasonable network of rights of way but some of the available recreation types (eg the dry-skiing and go-karting activities) are unrelated to the character and special qualities of the Forest and incompatible with National Park purposes. In addition they detract from the area’s natural beauty.

5.197 The Agency does not accept that the reference to ‘enhancement’ as part of the first National Park purpose justifies the inclusion of land because its landscape and/or ecological interest has potential for enhancement or for restoration or reversion to heathland. Judgements on natural beauty have to be based on current condition, not potential or aspirational condition, except in the case of land where appropriate high quality restoration is already assured as a result of an existing planning condition. Nor is it acceptable to include land simply on the basis that it provides opportunities to increase the Park’s overall resilience to visitor pressures by reducing perceived pressures on more fragile areas.
2. Land to the west of the Avon between Town Common and Fordingbridge

5.198 21 objectors seek more modest westward extensions of the designation order boundary than those described above, generally as far as a north-south line between Town Common (north of Christchurch) and Fordingbridge bounded by (from south to north) Matchams Lane or the A338, the B3081, The Belt, and Harbridge Drove.

5.199 The objectors comprise New Forest Consultative Panel (89); New Forest District Council (106); the New Forest Commoners Defence Association (110), the New Forest Association (111); Ringwood and Fordingbridge Footpath Society (122); Hants and IOW Wildlife Trust (166); the Ramblers Association (226); the National Trust (228); Ellingham, Harbridge & Ibsley Parish Council (344); the Association for National Parks (356); together with 11 individuals (94, 96, 100, 102, 116, 123, 125, 177, 237, 243, and 347).

5.200 Not all of these objectors support every area of land within this overall sub-area, which can be more particularly broken down into 3 component parts – (a) land between Town Common and Ashley, (b) land at Ashley, east of the A338 and (c) land between Ringwood and Fordingbridge.

The overall sub-area

5.201 Objectors concerned with the overall sub-area generally see it as necessary to add these areas to the NFNP to ensure the inclusion of the Avon Valley as a complete landscape and land management unit. In their view the western boundary of the Park has been drawn too tightly. Although it purports mainly to follow the outer western edge of the floodplain as represented by the boundary of the Avon Valley ESA this differs in detail from the Environment Agency’s indicative floodplain map and is not clearly demarcated on the ground.

5.202 The designation criteria justify inclusion of the entire width of the valley landscape unit, taking in the whole of the river terraces and slopes at least as far as the skyline. A precedent for this approach was set by the Agency’s response to the public consultation stage when the boundary was extended away from the floodplain to include (a) the wooded slopes of St Catherines Hill and Town Common and (b) the Matchams Viewpoint together with Leybrook Common and Wattons Ford Common.

5.203 The proposed additional areas are similar to the above and to those on the eastern side of the valley. They comprise predominantly wooded higher slopes together with a mosaic of woodland, open farmland and occasional heathland pockets on the valley sides, and more intensively farmed land on the flatter gravel terraces above the floodplain. The whole Avon valley unit has strong landscape, historical and commoning connections with the Forest and the proposed added areas contain features of intrinsic landscape, ecological and historic merit. The resulting boundary follows a more consistent, robust and easily distinguishable line because it follows strong road lines and, unlike that in the order, it does not weave in and out of the floodplain.

5.204 The New Forest Commoners Defence Committee points out that until 1964 the droves, greens and commons that ran from the open forest down to the floodplain allowed stock to access the river and cross it at certain places. These animals then roamed the lanes, greens and commons to the west of the Avon, making this area a functional part of the wider forest grazing system.

203
5.205 The NFCDA and others also consider that the designation order takes inadequate account of the extent of land west of the river benefiting from Rights of Common. In their opinion it is highly desirable to include additional areas west of the river so as to increase the available protection for the existing and potential pockets of back-up grazing land to be found here.

2a. Sub-area between Town Common and Leybrook Common

The case for the objectors

5.206 The edge of the floodplain is generally felt by objectors to be a weak boundary, difficult to identify. Those suggesting a particular revision to the boundary mostly seek inclusion of additional land up to the A338 including Avon Common, Week Common and Week Wood. In their view this busy dual carriageway forms a firmer, more natural boundary and traffic has only a localised impact on nearby land. Others suggest that the boundary should be slightly further west, following the B3073 and Matchams Lane despite the severance effect of the A338 and the closer proximity of Bournemouth Airport not far to the west of Matchams Lane. This proposal would also include Ramsdown Plantation, Sopley Common and the remainder of the Avon Common area.

5.207 Objectors such as New Forest District Council, the Ramblers Association and the Hants and IOW Wildlife Trust consider that the heathland and semi-natural woodland in this area represent an important and characteristic landscape type and resource which is intact, well managed and in good condition. The coniferous plantations overlying heathland are very characteristic of similar landscape/habitat types in the New Forest and it is somewhat artificial to make a strict division here between the Dorset Heaths and the New Forest. The landscapes in this area provide a distinctive and aesthetically pleasing setting for the wider valley and make an important contribution to its overall character and natural beauty. Degraded elements and detractors are not present to the east of the A338.

5.208 Reference is made to the sub-area’s historic and ecological associations with the Forest, such as past links between Avon and Sopley, where the villages are east of the river while commons of the same name are to the west and were used by straying Forest stock pre-1964. Until 1974 the Hampshire/Dorset boundary was further west so these areas were administratively associated with the New Forest until then and many parts are compatible in character and use with New Forest landscape types.

5.209 Week Common is contiguous with the floodplain but forms heathland which is part of the St Leonards & St Ives SSSI, a constituent element of the Dorset Heaths cSAC and SPA. It is also included as access land on the draft map under the CROW Act. Sopley Common and parts of the steep slope of east of Ramsdown Plantation are also part of the cSAC and SPA. The former is also a nature reserve managed by Dorset Wildlife Trust while the latter is Forestry Commission land with a viewpoint.

5.210 That part of Avon Common to the east of the A338 is a commercial timber plantation owned by the Forestry Commission. There is no public access and it is currently managed for shooting. The site is a preferred area for sand and gravel extraction in the adopted Dorset Minerals and Waste Local Plan, but pre-application discussions involving the Dorset Wildlife Trust envisage the restoration of the working area (41ha) to wet woodland. An adjacent 21ha of
plantation would be felled and managed as a heathland extension of the adjacent Week Common. Public access would increase. Overall these changes would not diminish, and may enhance, the extent and quality of the features meriting inclusion under the statutory criteria.

**The case for the Agency**

5.211 It is agreed that the landscape of Ramsdown Plantation is similar to that of St Catherines Hill/Town Common, with a mosaic of heathland and woodland on high ground overlooking the Avon Valley. However, it lacks the latter area’s extensive nature conservation and historic designations. Moreover, its setting is not comparable because it is further from the Avon Valley and separated from it by the busy A338 dual carriageway which forms a major barrier.

5.212 The landscape quality of the rest of the objection area is at best mixed and at worst poor. The principal landscape types are plantations and heathlands. The plantations cover at least 50% of the objection area and are uniform stands of commercial conifers with long straight roads and rides and limited public access. They lack the more varied topography and species composition characterising the New Forest timber inclosures and have very little public access. Along Matcham’s Lane there are intrusive features such as suburban housing, assorted commercial developments, caravan parks and views of Bournemouth Airport. Parts of the objection area (no more than half) carry SSSI and other nature conservation designations of national importance.

5.213 The existence of a preferred area for sand and gravel extraction at Avon Common (under the Dorset Minerals and Waste Local Plan) provides an additional reason for excluding this parcel under the provisions of boundary criterion 2i [CD 104, table 2].

5.214 While the New Forest heaths and the Dorset Heaths have many geological and other similarities (and there is much merging in this transitional area) there is a distinction to be drawn between the historical and cultural entity represented by the Thomas Hardy heaths and those of the New Forest which have generally been perceived as extending only as far as the Avon. On the western side of the Avon only Town Common and Leybrook Common/Matchams View offer sufficient opportunity to look towards, experience, appreciate and enjoy the New Forest.

5.215 As for recreation, Ramsdown Plantation has open access and there are short lengths of public footpath and bridleway in the southern part of the objection area. However, most of the objection area is not accessible to the public and there is no link across the A338 except via Avon Causeway. Opportunities for a ‘markedly superior recreational experience’ therefore do not occur.

**2b. Sub-area at Ashley, east of the A338**

**The case for the objectors**

5.216 The Ramblers Association and the New Forest Commoners Defence Committee suggest inclusion of this area on the grounds that the A338 forms a firmer boundary than the straggly edge between this mainly low density residential area and the River Avon ESA. The Defence Committee considers that inclusion could help to protect views from the valley and there is the possibility that the area could yield some small pockets of back-up grazing.
The case for the Agency

5.217 The suburban housing and assorted commercial development here are inconsistent with the designation criteria and it would be inappropriate to include this area while omitting similar suburban areas north of the A31.

2c. Sub-area between Ringwood and Fordingbridge

The case for the objectors

5.218 The case for inclusion of this area (which includes the plantations at Bakers Hanging, the grounds of Somerley Park, and a belt of farmland and woodland between Lower Turmer and Midgham Farm) was most fully presented by New Forest District Council.

Natural beauty

5.219 The area displays typical characteristics of ‘river terrace farmland’, the most extensive landscape type within the valley. While the proposed NFNP sweeps over all of this landscape type along the eastern side of the valley, the approach taken on the western side is inconsistent, partly following a hard-to-distinguish line along the fuzzy edge of the floodplain and partly departing from that. Some obvious anomalies include that in the area of Midgham Wood and Midgham Long Copse where it is unclear why some woodland is included and some excluded.

5.220 The suggested boundaries are clearly distinguishable roads and would include extensive timber inclosures and plantations to the north of (and including) Bakers Hanging. These demonstrate key characteristics of a typical New Forest landscape type. There is some incongruous activity here including a small amount of mineral working but the great majority of the plantations are intact and in good condition. They have intrinsic ecological interest since they overlie former heathland and are included within the Ringwood Forest SINC.

5.221 These areas also provide an attractive backdrop to the historic parkland of Somerley Park which stands to the north. Somerley House is an imposing Grade 2* listed building built in the 1790s by Samuel Wyatt standing on a bluff above the Avon floodplain. Its grounds are included in the Hampshire Register and comprise an intact and distinctive landscape characteristic of its type and with aesthetic appeal. From the terraces there are spectacular panoramic views to east and south towards the river and its carriers, and – beyond – to the New Forest plateau.

5.222 North of Somerley Park there are attractive hanging, predominantly broad-leaved woodlands at the top of the slope (Turmer Hill, Kent Hill, Bleak Hill and Midgham) overlooking remnant ancient semi-natural woods, patches of grass and arable farmland on more gentle slopes, interspersed with strong hedgerows, frequent trees and winding lanes serving agricultural hamlets such as Turmer and Harbridge. These two very small settlements once formed part of the large estate associated with Somerley House and contain features such scattered listed buildings, coach roads, parkland trees and Harbridge Church, a prominent valley landmark. All these areas are characteristic of the Avon Valley and wider New Forest and display distinctive characteristics of those landscape types. The landscape is in good condition, attractive and intact, and there is a sense of remoteness and tranquillity and an absence of incongruous or detracting elements. Arable use is present but does not dominate. These are typical Forest edge
landscapes, much of which benefit from Rights of Common, and they are of comparable character and quality to those found on the eastern side of the valley.

5.223 Commoning is still active in these areas. 14% of all practising commoners in 2000 resided in the north-west parishes of Fordingbridge, Woodgreen, Hale, Ringwood and Ellingham, Harbridge and Ibsley. The latter alone had 25 commoners turning out 344 stock.

**Opportunities for open-air recreation**

5.224 In terms of recreation there is a good network of public rights of way and quiet country lanes between Turmer and Fordingbridge, including a section of the Avon Valley Path. In the view of the Ramblers Association it is important to include the whole of the Path within the Park, as far north as Fordingbridge/Downton. The routes in the area offer ample opportunity for walking and cycling and for understanding and enjoying the special qualities of the tranquil Avon Valley landscape and its birdlife. Some routes (such as those on the ridge south of Fordingbridge) offer fine views across the valley towards the Forest core. Other local opportunities for quiet recreation include horse riding and golf.

5.225 South of Turmer there is limited access or none. However, although Somerley House is not open to the public it is available for hire for corporate and other events and hosts a programme of special events during the year which are extensively enjoyed by the public at those times. Views are obtainable from the grounds in front of the house across the valley to the New Forest plateau beyond. The grounds also contain a golf course. Overall, the areas without access compare in size with other areas also lacking access that have been included within the Order. ‘Visual access’ to some of these areas is available from points such as the Avon Valley Path and Ibsley Bridge and there is future scope for improved access on foot and by cycle and horse, including possible opening up of some of the private bridges across the river such as that at Ellingham.

**The case for the Agency**

**Natural beauty**

5.226 It is accepted that there are small areas of high quality landscape and pockets of ecological interest to the west of the Avon between Baker’s Hanging and Fordingbridge. Examples are the hanging woods on some of the slopes (especially above Harbridge), Somerley House and its parkland, and other individual features of nature conservation and historic interest, such as the conservation areas. However, the principal landscape elements are commercial forestry in the south and substantial areas of open arable farmland above and to the west of the break of slope. These have no connection with the New Forest. Much of the lower ground is very flat and open. There are few views of the New Forest except from Somerley, which is private. There is no suitable boundary line that would include only those areas of outstanding natural beauty and it must therefore fall back to the edge of the floodplain.

5.227 There is limited historical evidence to link this area to the New Forest. It was never within the Large Bounds and although the whole area (other than the plantations) has Rights of Common attached to it, in itself this is insufficient reason for inclusion.

5.228 Although some have suggested that the farms in the objection area form part of the management unit of the floodplain partial inclusion of land holdings will not affect land
management as the NPA would have no powers to control this. The existence of some commoning activity in the area is not sufficient reason to include it in the NFNP.

**Opportunities for open-air recreation**

5.229 Although the northern part of the area has a reasonable network of rights of way, Somerley and the plantations have none. Hence there is very limited scope for providing an outstanding recreational experience.

### 3. Land in and around Fordingbridge town

**The cases for the objectors**

5.230 32 objectors consider that various areas in and around the town of Fordingbridge should be included in the NFNP (43, 47, 55, 78, 97, 94, 96, 100, 102, 110, 122, 123, 125, 126, 131, 149, 167, 168, 197, 207, 211, 226, 237, 240, 243, 320, 322, 347, 352, 354, 372, 371 and 377).

5.231 Objecting organisations comprise Hyde Estates (55); the New Forest Commoners Defence Association (110); Ringwood and Fordingbridge Footpath Society (122); Fordingbridge Society (167); New Forest Village Shops Association (197); the Ramblers Association (226); Council for National Parks (354); Fordingbridge Town Council (371); and Fordingbridge Museum Trust (377). Desmond Swayne MP (211) also seeks inclusion of the town if an NFNP is designated.

5.232 A considerable number of objectors put forward definite alternative boundaries around or within the town. Although these differ considerably in detail a common theme is that the Park should include the whole of the built-up area as defined in the local plan. However, many also suggest the inclusion of a more extensive area including the village of Ashford.

**Natural beauty**

5.233 According to the objectors Fordingbridge is widely perceived as a valuable north-west gateway to the New Forest and is regarded as an attractive rural town retaining its scale and sense of tranquillity. Detailed reference is made to the historic core of the town, including 72 buildings of historic and architectural interest and an interesting group of ancient streets and traditional buildings clustered around the ancient river crossing [see 371/1/3]. Reference is also made to the complex of streams making up Sweatford Water, which constitutes an extension of the Avon floodplain. These channels wind through the town and tend to be associated with attractive semi-natural recreation areas containing abundant wildlife.

5.234 The earlier ford and the subsequent 14th century bridge are seen as evidence of ancient links between the New Forest and the chalk landscapes to the west, emphasising the historic and current role of the town as a gateway to the Forest. Many perceive it as an anomaly to include the bridge and the area of Horseport but exclude the whole of the rest of the Fordingbridge Conservation Area within the main town.
5.235 The town offers many services to nearby parts of the NFNP including medical services, retail and business services, and community services such as schools, churches and many large seasonal community events.

5.236 The Town Council, New Forest Commoners Defence Committee and others believe that the Agency understates the town’s strong past and present links with the commoning system, pointing out that the town is within an area with Rights of Common and that until 2000 the parish boundary ran deep into the Forest at Godshill. Between 1978 and 1999 the number of commoners in Fordingbridge Parish rose from 5 to 10, while the number of commoners’ cattle depastured on the Forest increased substantially. The town was also well within the pre-1964 straying area and formed a route to the Forest for commoners from the Rockbourne area.

**Opportunities for open-air recreation**

5.237 There are many footpaths linking the town with the designated area including the Avon Valley Path. The riverside recreation ground (held and run by the Town Council and situated in the Park on the eastern side of the river) is the finest in this part of the country and much enjoyed by visitors and locals. The town has a plentiful supply of pubs, restaurants, a hotel, numerous B & Bs and good bus access from Salisbury, Ringwood, Poole and Bournemouth. The town also funds and supports its own Visitor Information Centre in the newly established Fordingbridge Museum without any financial assistance from the District Council. Well over 15,000 enquiries were handled between Easter and September 2001 despite the effects of the foot and mouth outbreak.

5.238 It is not understood why the larger towns of Ringwood and Lymington have been included for their gateway functions and contributory roles, despite the fact that they have much more modern development and, in Ringwood’s case, a smaller conservation area. Inclusion of Fordingbridge would benefit the Park by providing potential for relieving visitor pressure on more sensitive areas and continuing the town’s ancient gateway role. It would also benefit the local tourist economy and afford extra protection to retain the town’s special character and charm. Without this, development pressures along the western side of the Park will be funnelled into Fordingbridge.

**The case for the Agency**

**Natural beauty**

5.239 The landscape setting of Fordingbridge is dominated by the meandering River Avon and its extensive water meadows. The river, bridge, island and water meadows are therefore included as a scenic part of the Avon floodplain, the western edge of which forms a logical and consistent boundary of the National Park along the entire valley save for the exceptional cases of Breamore, Matchams View and Town Common.

5.240 However, inclusion of the town itself would demand a very clear-cut case to be made since it is on the very edge of the Park. It is a pleasant but not outstanding town with a distinctly urban character. To merit inclusion it would need to be an integral part of a qualifying ‘extensive tract of country’ as defined in the Act and possess outstanding landscape and townscape qualities. In the Agency’s view it does not fulfil these requirements to a sufficient degree although the judgement is a difficult one.
5.241 Where other towns have been included, such as Ringwood and Lymington, they are surrounded by land that is clearly part of the New Forest and meets the natural beauty criterion. This is not the case for Fordingbridge. The land to the north and west of the town is not part of a qualifying tract. It is pleasant countryside but has no special quality, is remote from the Forest and has no visual relationship with it. Nor does the town itself meet the natural beauty criterion. While the town has a number of features of historic, visual and architectural interest, the townscape is not outstanding. Modern suburban development and an unattractive and confusing central car park are obvious detracting features. However, Burgate House, the 14th century bridge and the built-up area of Horseport (on the opposite side of the bridge) have been included in the Park as they are considered sufficiently outside the main built-up area of the town.

5.242 It is accepted that the town has some historical, cultural and commoning links to the Forest but it also has strong community links to the west in the direction of Ashford, Sandleheath, the downlands, and Salisbury.

**Opportunities for open-air recreation**

5.243 Fordingbridge offers facilities for accommodation, refreshment and orientation to New Forest visitors, and a section of the Avon Valley Path runs through the town. However, it is the riverside and the water meadows (which are both included in the Park) that are the main focus for quiet riverside recreation including angling, walking and picnicking. With the exception of these areas the town’s contribution to recreation and tourism does not meet the standard of a ‘markedly superior recreational experience’.

5.244 The Agency’s approach to defining National Park boundaries is that settlements need to meet two tests for inclusion as set out under part 2g of the boundary considerations tests at CD104 table 2 and the relevant explanatory footnote. 2g requires a judgement to be made on the town’s ‘contribution as a whole to the character and purposes of the Park’, while the note explains that this ‘may include a contribution to the Park’s economy and community life and a value for visitors’. The Agency’s view is that the town fulfils some of these functions but does not have the necessary landscape and townscape qualities to qualify.

5.245 Commenting on other factors raised by objectors, the statutory criteria do not permit consideration to be given to fears about future development pressures, the inclusion of land in order to relieve visitor pressures affecting more sensitive areas elsewhere, or the benefits that might accrue to the local tourist economy.

4. **Land between Fordingbridge and Downton**

**The case for the objectors**

5.246 The CNP (354), the Ramblers Association (226), and Mrs B Hare (116) suggest the inclusion of additional land on the valley slope between Fordingbridge and Breamore, generally following the line of Whitsbury Road. Mrs Hare considers that this would reflect the area’s botanical and ornithological interest.

5.247 Beyond Breamore the CNP and the Ramblers Association propose the inclusion of additional land in the north-west corner of the Park. Both organisations consider that the Park boundary should be contiguous with that of the neighbouring Cranborne Chase and West
Wiltshire Downs AONB (as shown at CD107 p74). This would avoid the anomalous situation in which a small area of land between the A338 and the AONB between North St, Breamore (in the south) and Lions Lodge (in the north) would be excluded from both. North east of Lions Lodge the two organisations suggest different boundaries. CNP’s proposal is essentially confined to an additional wedge of land within the floodplain as far as the southern edge of Downton. The Association suggests crossing the floodplain via the route of the dismantled railway, joining the B road at Lode Hill and then linking up with the Agency’s boundary east of Morgans Vale. In their view this would provide a clearer boundary and an additional resource area for wildlife, visual appeal and quiet recreation with considerable back-up grazing potential.

**The case for the Agency**

5.248 Dealing with the land between Fordingbridge and Breamore, this is relatively flat river terrace farmland mainly consisting of regular geometric fields, straight lanes and scattered linear housing. Landscape quality and Forest links generally weaken beyond the edge of the floodplain and the nature conservation interest is only of local importance. Overall, the land does not have sufficient natural beauty and any opportunities for recreation are not of the necessary ‘markedly superior’ quality.

5.249 North of Breamore, the Ramblers Association’s suggestion would bring into the Park the open intensively-farmed land north-east of Breamore around North Charford Manor House, chalkland landscapes around Rye Hill Copse, and the mainly suburban settlements of Woodfalls and Morgans Vale. None of these meet the statutory criteria.

5.250 Although the area around South Charford Farm and North Charford Manor is within the floodplain its landscape quality is relatively poor since it is now mainly enclosed farmland in arable use and with mixed landscape quality and condition. It is inappropriate to include this area.

5.251 The land around Rye Hill Copse is underlain by chalk, has no outstanding landscape features and looks northwards to Downton. As for Woodfalls and Morgans Vale, these make no significant contribution to the special qualities or rural economy of the Park.

5.252 The CNP’s suggestion for further extension up the floodplain to Downton is unjustified because it would take the Park beyond the point where there is true connection with the New Forest. However, it is accepted that there must be some degree of arbitrariness about the point selected to cross the Avon at the north-west corner of the Park.

5.253 The boundary in the designation order follows mapped features and meets the requirements of the Agency’s National Park boundary-setting considerations in table 2 of CD104. The issue of a small area of land being left excluded from both the NFNP and the AONB is not relevant to the statutory criteria.

**5. Land east of Burton**

**The case for the objectors**

5.254 6 objectors (45, 64, 212, 226, 322 and 346) are concerned specifically about the boundary on the river terraces to the east of the Avon and to the east of Burton. All are dissatisfied with
the Agency’s late decision (made between the local authority consultation stage and the publication of the order) to omit all the land bounded by the eastern edge of the village, Preston Lane, the footpath leading south from Waterditch Farm, and the railway. Concern is expressed that this decision could pave the way for village-related developments planned by the landowner. In addition, one objection (64) seeks inclusion of the village itself, remarking that only 25% has street lighting and that its character compares with other villages that have been included such as Breamore, Redlynch, Bashley and Winkton.

5.255 The Ramblers Association considers this to be a very popular area for walking. In particular, it provides direct, fairly flat pedestrian links into Burton Common and other areas of the National Park from the urban areas of Christchurch and offers opportunities for circular walks. There are opportunities for riding and cycling on the quiet country lanes and paths and these could be improved. Hedgerow replacement could also reduce the scale of the landscape.

The case for the Agency

5.256 The Agency explain that this block of land was excluded after the local authority consultation stage in response to comments by Dorset CC and Christchurch BC that its landscape quality has been damaged by intensive arable farming, including hedgerow removal and field amalgamation, and the visual impact of development in Burton. In addition, the single footpath across the land does not offer a markedly superior recreational experience. Referring to Burton village, the objector’s comments are not related to the statutory criteria.

6. Christchurch Harbour & Hengistbury Head

The case for the objectors

5.257 21 objectors (18, 94, 96, 100, 102, 112, 123, 125, 126, 130, 176, 226, 236, 237, 240, 243, 320, 322, 347, 354, and 372) propose that the National Park should extend southwards from the point where the A35 crosses the Avon Valley, thus including Christchurch Harbour and Hengistbury Head.

5.258 The case is most fully put by the Ramblers Association (226) and the Council for National Parks (354) who argue that this whole area meets the statutory designation criteria. The distinctive summit of the headland at Hengistbury Head and Warren Hill is a fine example of a heathland summit, so characteristic of the New Forest. Its landscape quality is enhanced by attractive views on 3 sides. To the north is the heart of historic Christchurch and its priory, Stanpit and Grimbury Marshes, and the harbour formed by the combined estuaries of the Avon, Stour and Moors Rivers. To the east are the sand and shingle spit at the mouth of the harbour and the attractive pine-fringed sweep of Christchurch Bay, and to the south is the open sea.

5.259 The heathland, river valley, marshland and coastal landscapes of the New Forest are concentrated here to great effect and the diverse panoramas of wetlands and water constantly change with the effects of tide, wind and light.

5.260 The area has considerable wildlife interest, most of the objection area south of the A35 being part of the Purewell Meadows and Christchurch Harbour SSSIs where migratory birds are
attracted by the varied wetlands and other habitats. A significant portion of Hengistbury Head is managed as a nature reserve.

5.261 There is a rich cultural heritage and substantial links exist with the Forest. Hengistbury Head has extensive Iron Age monuments including defensive, settlement and burial structures. Christchurch was an important medieval town and harbour dominated by the Priory which, by the 13th century, controlled the overwhelming majority of the heaths and commons in the southern part of the New Forest. The historic heart of the town thus forms a tangible link with the land management practices which fashioned the New Forest landscape. Historical evidence runs from the 13th century when King John used the town as a base for his visits to the Forest until the 1939 promotional film about the town ‘New Forest Borderlands’. Stanpit Marsh is still used for conservation grazing and Hengistbury Head, like much of the urban land around the harbour, benefits from Rights of Common.

5.262 The objection area has excellent access by bus and rail and good local access routes including footpaths, cycle routes and nature trails. The Avon Valley Path begins at the Priory and runs deep into the New Forest to the north. Christchurch is an excellent centre for visiting the southern part of the Forest and the harbour offers many recreational pursuits including sailing and windsurfing. The heart of the town presents opportunities for public understanding and enjoyment of the cultural heritage of the southern New Forest.

The case for the Agency

5.263 It is accepted that some of the landscapes here are similar to types found within the National Park. This area also has nationally important habitats and historic features, valuable grazing marshes and strong historic links to the New Forest. However, these historic links are not particularly evident today and the area’s character is adversely influenced by the dense urban areas surrounding it tightly on all landward sides. The physical connection with the New Forest hangs by the narrow corridor of the river near the Priory and is further severed by the A35 dual carriageway just to the north. There is no direct access along this corridor. It is therefore not part of the extensive tract making up the NFNP. Hengistbury Head is also inaccessible from the NFNP without a lengthy journey through the urban areas of Christchurch and Southbourne.

5.264 The recreational facilities available in this area are not quiet countryside pursuits allowing people to enjoy and understand the special qualities of the NFNP.

5.265 In addition, inclusion of any part of the historic core of Christchurch near the Priory would conflict with item 2g of the Agency’s boundary-setting criteria [CD104, table 2] which aims to avoid drawing the boundary within an individual settlement.
5.266 The Avon Valley presents a major challenge for defining a meaningful western boundary for the NFNP due to the variety of

- landscape character and landscape quality
- land use
- connectivity to the New Forest core area

5.267 In assessing all the perspectives put before the Inquiry it is evident that a wide range of options exists, all with reasoned arguments for both exclusions and inclusions of land varying from the NFNP boundary as defined in the Designation Order. In assessing all these perspectives, it is satisfying the Natural Beauty criterion that is critical to the process of defining a justifiable and meaningful boundary worthy of NFNP designation status.

5.268 Various conceptual matters related to the landscape of the Avon valley area and the natural beauty criterion are considered more comprehensively in my general report to the Inspector (Appendix 1). These matters include concepts such as defining the “extensive tract”, what is “New Forest” landscape character, the role of the cultural dimension in “linkages to the New Forest” and the consistency of landscape quality, to name some which are most pertinent to the consideration of these particular boundary sections.

5.269 When recognising land that satisfies the criterion it is critical to ascertain the degree to which landscape quality is present in order to define the area of nationally outstanding countryside for NFNP designation purposes. Also, it is important that convincing arguments are employed for what constitutes the landscapes of the New Forest and how the various types of landscape relate and connect to each other in order to understand the validity of this western boundary to the NFNP.

5.270 Diversity of landscape character is considerable in the Avon corridor arguably more than any other part of the NFNP boundary areas by virtue of the:-

- range of agricultural landscapes
- presence of the water-meadow and river system
- historical patterns of land use
- variety of habitat and biodiversity interests
- presence of sizeable areas of urban development close to and within the NFNP Order

5.271 In looking first to the overall landscape analysis of the Avon by LUC for the NFHA (CD206), landscape type 9 (Farmed Terrace) was totally excluded between Christchurch and Fordingbridge. Type 10 (River Meadowlands) was included only north of Fordingbridge on the eastern side of the river where it was identified as important for backup grazing with a close relationship to the Forest core area. On the other hand the Agency, in CD126, found that a much wider area of the valley satisfied the natural beauty criterion and included areas of River Terrace Farmlands and the Avon Floodplain types within the NFNP boundary of the Designation Order, so that the western edge of the floodplain often provides the western boundary of the NFNP, except in the Lower Avon where higher heathy ground west of the floodplain, such as Town and Leybrook Commons, is also included. The justification for this
considerable extension is based primarily on a wider definition of New Forest related landscapes, the ecological quality of the river system, and historical connections to the Forest.

5.272 Looking to the urbanised areas of the valley, the NFHA has consistently excluded the urban areas of Christchurch, Burton, Ringwood and Fordingbridge. Although LUC also recommended the exclusion of Bransgore, the village was eventually included in the NFHA as adopted. The NFNP boundary originally excluded all these urban areas except Bransgore, but after the public consultation stage the Agency also included Ringwood within the Designation Order boundary.

5.273 In setting out my conclusions for this extensive and complex part of the boundary of the NFNP it is more manageable to divide boundary sections 13-15 covering the Avon valley from Christchurch to Downton into several subsections (following the pattern in the case reporting), dealing first with proposed boundary retractions and then with proposed extensions. Finally, I conclude with my overall recommended boundary revisions.

PROPOSALS FOR A REDUCED BOUNDARY

1. RETRACTION TO THE HERITAGE AREA WESTERN BOUNDARY

5.274 After the first local plan inquiry the western boundary of the NFHA, as defined according to the criteria used for that purpose, was broadly along the bottom of the New Forest slope opposite Fordingbridge. The second local plan inquiry scrutinised and revised the boundary north of Ringwood and Blashford Lakes. However in considering the boundary of the NFNP as in the Designation Order there is a need to examine a wide range of additional areas that are included by the Agency and other parties to see whether they offer a more rigorous boundary alignment or interpretation of the natural beauty criterion as now understood.

1a. THE LOWER AVON VALLEY

5.275 The Dorset Authorities’ case argues (a) that the landscapes of the Lower Avon valley are not adequately related to those of the New Forest and therefore not valid for consideration as part of the NFNP, and (b) even if they were related, they do not possess the necessary landscape quality to satisfy the natural beauty criterion. I consider that this view is too critical as there are areas within the Lower Avon that do demonstrate New Forest related landscape character, are distinctive and intact, and do therefore satisfy the criterion in terms of landscape quality. In my opinion these areas are Hengitsbury Head, Stanpit Marsh, St Catherine’s Hill, Town Common, Ramsdown Plantation, Sopley village, Leybrook Common, Kingston village and North Kingston Common.

5.276 The main question for these areas is related to the extent of their isolation and lack of physical connectivity to the core Forest area. Even though some areas offer outstanding mid and distant views to the New Forest from the elevated sites mentioned above, they all are nevertheless collectively separated from it by either unacceptably large areas of low landscape quality with unrelated character such as encroaching urban areas or land that has experienced agricultural intensification.

5.277 I find that there are extensive areas of mediocre to poor quality landscape often occurring within the River Terrace Farmlands landscape type. Frequently this is the critical factor
separating land which otherwise could form part of the extensive tract of countryside that would satisfy the criterion. For instance at Kingston North Common across to Leybrook Common and Matcham’s View, I find physical isolation from the Forest brought about by the presence of ordinary countryside with extensive arable intensification, together with other negative landscape elements such as hedgerow loss and incongruous buildings. The same situation occurs eastwards of Town Common and Sopley village where degraded landscape quality due to the extent of agricultural intensification and the presence of uncharacteristic features is even more severe across to Bockhampton and Bransgore.

5.278 In the Lower Avon I find it difficult to reconcile the inclusion of the high quality landscape of the River Avon and floodplain as land sufficiently physically connected to the New Forest and included within the NFNP. So often it is resolutely separated from the core landscapes by the same wide swathe of low to mediocre farmland with little landscape quality or strong relationship to the landscape mosaic of the New Forest and therefore not worthy of National Park status. These river landscapes cannot be considered part of the extensive tract of countryside meeting the natural beauty criterion, when the dominant intervening component is a landscape type that in the majority so obviously falls well short of the landscape quality required to satisfy the criterion.

5.279 In assessing Bransgore, I find a markedly expanded New Forest edge village with substantial areas of modern housing which overwhelm the old village centre. This is distinctly different in character to the Thorney Hill settlement which is well integrated within the Heathland Small holdings and Dwellings landscape type of the surrounding countryside. I find that I agree with LUC’s analysis in CD 207 para 38 that due to the extent of recent development Bransgore fails to satisfy the natural beauty criterion even though it is located hard up against the landscape of the core forest area on its eastern side. However, to south of Bransgore and west of Neacroft and Waterditch, there is a small strip of farmland beyond the NFHA boundary that continues to display a relationship to the Forest with landscape quality that meets the criterion.

5.280 The exception to this situation is found in the land from Ripley Wood to the edge of the watermeadows below Bisterne, where I find there is a continuous and substantial degree of connectedness to the Forest from Bisterne Common westwards, in terms of landscape character and landscape quality satisfying the natural beauty criterion to a degree that qualifies this area for inclusion within the NFNP. There is a network of small copses and woods in this area, some with a heathy character, as well as a lesser degree of arable intensification throughout and a persistence of the original enclosure pattern with frequent hedgerow trees and historic landscape parkland trees around Bisterne Manor itself.

5.281 Apart from this, it is not possible to justify inclusion of any further land west of the A338 below Ringwood on natural beauty grounds because of the factors discussed above - isolation, urbanisation, unrelated character and insufficient landscape quality.

1b. THE UPPER AVON VALLEY

Blashford Lakes

5.282 Looking to the Blashford Lakes area north of Ringwood as far as Ibsley village, I find the landscape decisively affected by past mineral extraction and current workings east and west of the A338. Previous extraction areas have been reclaimed as a series of water bodies which form a waterscape of recreational and ecological value and interest. I therefore agree with the
Agency’s classification of the Blashford Lakes complex as predominantly an area of the Gravel Extraction landscape type with a limited area of the Heath Associated Small Holdings and Dwellings type. As such the area has little or no landscape character in common with the New Forest, even though the Lakes often provide the context and foreground to views of the steep and wooded forest edge which lies in close proximity to the east.

5.283 The landscape of the surrounding area consists of the urban area of Ringwood to the south, the Avon Floodplain to the west and the River Terrace Farmlands to the north. I find each of these is either insufficiently connected to the Forest or lacking in adequate landscape quality, or both, so that collectively they and the Lakes themselves do not form an extensive tract of countryside that qualifies to be considered for inclusion in the NFNP. Overall, with the history of past extraction and the scale of current activity towards and beyond the A338, I find this area (except for the Avon floodplain from Ringwood to Ibsley Bridge which is an outstanding landscape in its own right) to be essentially an engineered landscape with little New Forest character or landscape quality except at Ellingham. It thus fails to meet the natural beauty criterion and is not worthy of National Park status.

Ibsley to Fordingbridge

5.284 This section contains certain areas within the Floodplain and Enclosed Farmland and Woodland types which have considerable natural beauty and tranquillity, some with evidence of New Forest landscape characteristics and high landscape quality. These are all found west of the River Avon at Turmer and Turmer Hill, Kent Hill, Bleak Hill, Harbridge village and the floodplain and woods south of Fordingbridge to Bickton. In these areas I find a variety of distinct landscape character types, although not all are New Forest landscape types, such as those on the floodplain, but all demonstrate good to outstanding landscape quality. In particular, if it were not for its detached location the block of land covering Turmer and Kent Hills to Harbridge and Harbridge Farm would satisfy the natural beauty criterion for NFNP status.

5.285 However I find all the aforementioned areas are isolated from the Forest by the mediocre landscape quality of the intervening River Terrace Farmlands, as in the Lower Avon valley. With regard to the part played by various physical and cultural linkages identified by the Agency in CD237, I do not find that these are sufficiently significant to further justify the inclusion of areas of land not otherwise qualifying for inclusion on natural beauty grounds. The various linking elements identified in CD237 are covered in more detail in my general report in Appendix 1.

5.286 As in the Lower Avon Valley, the result is that with the degree of unevenness in landscape quality it is difficult to connect the high quality patches to the Forest core, due to the extent of the poorer landscape quality of the farmed landscape of the river terraces between the A338 and Gorley Lane. This land poses a consistent barrier to the flow of landscape quality found east and west of the river and in itself shows limited connections to the Forest either in landscape character or in current land uses. It is with reluctance that I conclude that the areas of high quality landscape on the west side of the Avon do not form part of the extensive tract of countryside that can be considered for inclusion within the NFNP.

5.287 I also conclude that it is difficult to see how the land west of the NFHA boundary across to the Designation Order can be justified for inclusion considering the inconsistency of landscape character and landscape quality present, to the extent that overall the land concerned is not outstanding and does not fulfil the criterion for inclusion within the NFNP on natural beauty grounds.
In my view the inclusion of land within the Designation Order beyond that verified for the NFHA is not possible for the reasons stated above. However, it has to be clearly recognised that defining a firm and robust boundary on the ground in this particular area poses some of the most difficult practical problems found at any point around the perimeter of the NFNP.

The present NFHA boundary takes a snaking line west of Gorley Road, including small areas of land just beyond the edge of the perambulation, because the 2nd Local Plan Inspector considered it appropriate to include a “tract of small fields with hedgerows and trees…generally consistent in character with adjacent areas east of Gorley Road” (CD 236 para 5.1.55). I support this general approach because although Gorley Road would be a firm boundary it would exclude small areas of traditional common grazing within the perambulation as well as some other New Forest features such as traditional buildings, farmsteads and smallholdings fronting Gorley Road and forming part of the communities of North and South Gorley.

However, the current boundary of the NFHA is not entirely appropriate for the NFNP because it follows a series of features such as ditches, fences, hedges, some of which may no longer exist, within an area west of the road where the landscape character is quickly changing to one not typical of the New Forest (River Terrace Farmlands) and deteriorating in quality.

This problem is least acute north of the Hungerford T-junction and in this area I recommend that the NFHA boundary should be adopted northwards to Criddlestyle since it forms a pragmatic line more or less following the foot of the New Forest slope and marked reasonably clearly by field boundaries, footpaths and Stuckton Road.

The greater difficulties occur in the area south to Cross Lanes at Mockbeggar. My recommended boundary here is drawn with the intention of including only that land west of Gorley Road which (a) is within the perambulation, (b) is immediately associated with frontage properties and features or (c) forms the immediate visual setting of the linear settlements along the road. However, I have had difficulty in achieving these objectives clearly, given the scale and age of the Designation Order map. This is another situation where an Inset Map at a more appropriate scale would make the limits of the designated area clearer for those who have to use the Order and it may be that some minor departures from the line I have indicated would be justified in order to achieve the objectives I have set.

Fordingbridge to Searchfield Farm

North of the B3078 I find that the landscape of the river corridor and floodplain has a direct relationship with the adjacent steeply wooded slopes of the New Forest which consist of the Ancient Forest Farmland and Heathland landscape types. Here the wide meanders of the river flow close to the base of the slopes on three occasions at Sandy Balls, Godshill and Hale. In between these meanders the water meadow pastures and old floodplain water management systems persist, the degree of intactness increasing northwards, except in fields closer to the A338. I also find that the Heath Associated Smallholdings and Dwellings landscape type found around Woodgreen penetrates well into the New Forest heathland plateau at Millersford and Cunningger Bottom also has a particularly integrated landscape relationship with the floodplain below the village.

In contrast I find the land within the meander to the east of Fordingbridge is the exception, as here the intensity of agricultural change from meadowland to arable agriculture is
most evident. Around South and North Charford Farms north of Breamore, which run dairy herds that graze the watermeadows, the landscape again becomes transitional towards downland character which begins to filter in from the north and west together with an increasing element of arable cropping closer to the road.

5.295 In assessing this area I conclude that this part of the River Avon and floodplain, except for the aforementioned area, has a distinct landscape character which is of outstanding landscape quality. The area also demonstrates a strong landscape relationship with the New Forest core area, the diverse landscapes of the river corridor and wooded slopes collectively forming an outstanding landscape suite. This can be considered part of the extensive tract of countryside that fully meets the natural beauty criterion necessary for National Park status.

2. EXCLUSION OF RINGWOOD

5.296 In terms of landscape character I find that the sizeable urban area of Ringwood lies between the Gravel Extraction landscape type of Blashford Lakes and the Agency’s River Terrace Farmlands type to the south of the town. The town abuts the Ancient Forest Farmlands type to the east and the Floodplain type to the west, but is separated from the latter by the A31 road corridor. The older part of the town lies mainly to the western side of the urban area and close to the A31 where there are many fine vernacular buildings of interest together with the strong focal point of the church, all delimited in their extent by the town’s Conservation Area. Beyond this there are extensive areas of more modern housing development, particularly to the north and east of the town centre, and a limited distribution of mixed development to the south of the town centre, terminating at the sewage works.

5.297 In considering whether the town and its setting possess landscape quality of merit sufficiently intrinsic to the New Forest landscape to meet the statutory criterion of natural beauty, I find that the town centre does have elements that link it visually and historically to the New Forest. This is achieved through the architectural styles and building materials of the Conservation Area and features such as the church spire landmark, seen while travelling from the Forest, and through evidence of the past Forest-related functions within the Conservation Area. However in my view these links are spatially and functionally limited and the points from the public consultation exercise (as relied upon by the Agency), do not provide convincing reasons for including Ringwood on natural beauty grounds.

5.298 I also find that the sheer scale of the town contributes markedly to its separation from the surrounding landscape. This is assisted by the physical and audible presence of the A31 on the west side, albeit in cutting, plus the predominance of extensive areas of quite ordinary late 20th century housing development to the east and the restored but artificial post mineral extraction landscapes of the Blashford Lakes to the north. To the south the town has a more direct relationship with the rural landscape with less imposition on the surrounding countryside. However, there is some development of light industrial character with little to commend it for inclusion within a nationally recognised landscape designation.

5.299 Even though the town is situated close to the high quality landscapes of the Avon valley and the backdrop of the Ancient Forest Farmlands landscape type found on the slopes above Poulner, overall I consider that the town is insufficiently integrated with the surrounding rural landscape to form part of a broad sweep of countryside that can be considered for inclusion. It therefore does not meet the natural beauty criterion necessary to qualify for National Park status. In the previous section I have already indicated while I recognise the high quality landscape of
parts of the River Avon corridor and floodplain, they are not always part of the mosaic of landscapes that qualify for NFNP status, so that the town’s physically close relationship with the Avon River does not necessarily lend any greater weight for its inclusion in the NFNP.

5.300 I consider that overall the urban area of Ringwood does not satisfy the criterion of natural beauty or form part of an extensive tract of countryside that does so. I therefore recommend that Ringwood should not be included in the NFNP.

3. EXCLUSION OF LAND AT BREAMORE

5.301 I find that the land included within the Designation order west of the A338 at Breamore is of undoubted high landscape quality. It also has a distinct character containing an outstanding collection of vernacular buildings throughout the main village and North and Upper Street, including the main estate buildings of Breamore Park. However I am not convinced that this landscape is of typical New Forest character. Even though the countryside is classified as being partly within a typical agricultural landscape of the Forest edge, namely the Agency’s River Terrace Farmlands type, and partly within the Enclosed Farmlands and Woodlands type of the Sandleheath area, I find that both these categories cover a broad and varied spectrum of landscape character. In my assessment the landscape character at Breamore in this northerly part of the Avon Valley is beginning to show signs of the downland character of the West Wiltshire Downs AONB, from the village architecture to the field pattern and emerging soil types in fields west of the village, increasing westwards. I find that this differentiation from the New Forest is also substantiated by the lack of any accepted historical relationship for at least the past 720 years.

5.302 In considering these factors I find that the boundary chosen by the Agency divides what is a distinct landscape character unit that includes all of Upper Street and Breamore Park. Although the Agency’s approach is to make landscape quality the key consideration in boundary determination rather than landscape character, I find it difficult to understand why some land on the west side of Upper Street and part of the historic landscape of Breamore Park has been excluded. The result is that the boundary in the Designation Order follows an indistinct route without clear physical features around the main village but divides both Upper Street and North Street.

5.303 My own view of this boundary anomaly is that it is clear that the NFNP was taken right up to the AONB to avoid a situation where a narrow band of high quality landscape was excluded from both designations. However given Breamore’s uncertain connections to the New Forest physically and historically and the desirability of avoiding splitting any part of the settlement, I conclude that the boundary should be drawn back to the raised dismantled railway embankment to the east of the A338, excluding Breamore in its entirety together with the nondescript fields between the embankment and the A338.

4. EXCLUSION OF LAND AT ST CATHERINE’S HILL/TOWN COMMON/BLACKWATER HILL

5.304 These heathy areas on the west side of the Avon including Town Common, St Catherines and Blackwater Hill are in my opinion isolated, even though they afford some superb distant views into the Forest from their elevated positions and possess many characteristics similar to more extensive areas within the New Forest. However, in detail these areas are more ecologically akin to the suite of Dorset lowland heaths, have a different land management
history, and are distanced by the width of both the Avon floodplain and the River Terrace Farmlands from Burton to Bransgore. In addition I find that the Town Common area, despite its ecological and archaeological importance, is a heavily used local resource with a certain urban fringe atmosphere. I therefore find these areas too disconnected from the Forest to be considered as part of the extensive tract of countryside that can qualify for inclusion as part of the NFNP.

PROPOSALS FOR EXTENDED BOUNDARIES

1. LAND WEST TO THE MOORS RIVER

5.305 While I accept that in some ways this area contains characteristics and qualities similar to the timber inclosures within the NFNP, I do not find that the landscape quality is outstanding or worthy of national recognition. While I recognise the wealth of available recreational experiences within this landscape, I do not consider that this area forms part of the extensive tract of country that defines the NFNP, nor does it offer any visual access into the Forest. The area is much more closely related to other afforested areas of lowland heath in Dorset rather than to the New Forest which is a considerable distance to the east and beyond Ringwood, which in itself does meet the natural beauty criterion. I therefore find no reason on natural beauty grounds to extend the boundary of the NFNP across Ashley Heath to the Moors River and cannot recommend inclusion of this area.

2. LAND TO THE WEST OF THE AVON BETWEEN TOWN COMMON AND FORDINGBRIDGE

2a Sub-area between Town Common and Leybrook Common

5.306 Located on the higher ground on the west side of the Avon Valley, overall I find this area somewhat isolated from the Forest although it shares some common landscape characteristics. I can see the merits of including parts of this area within the NFNP, such as Ramsdown Plantation which has a distinct wooded and heathy character with good landscape quality and some impressive views towards the New Forest across the Avon floodplain, but it is nevertheless limited in area and dislocated from the valley by the impact of the busy A338. I find that this area, together with Week and Avon Commons which have poorer landscape quality, has stronger biological and physical commonality with the system of Dorset lowland heaths and therefore does not form part of the qualifying extensive tract of countryside.

5.307 The scattering of built development throughout the area, albeit predominantly recreational, in places further reduces landscape quality, mainly through site selection, materials and in places design standards. In addition the area also contains an identified preferred site for mineral extraction identified south of Week Common and experiences the growing nearby impact of an expanding regional airport with increasing traffic levels.

5.308 I agree that the western edge of the floodplain presents an unsatisfactory and possibly fluctuating boundary here and the A338 might offer a more easily recognised physical boundary for the NFNP, but I do not find that the proposed additional land demonstrates adequate New Forest landscape character or quality to meet the natural beauty criterion to qualify for NFNP status. Also as stated for the Lower Avon in the previous section, due to the degree of isolation of this area, I consider that the land between Town and Leybrook Commons (and hence any land
west of here) does not form part of the extensive tract of country meeting the criterion. It therefore cannot be considered for inclusion in the NFNP.

2b Sub-area at Ashley, east of the A338

5.309 The low density suburban housing south of the A31 at Ashley as far as Leybrook Common, is of high quality, well treed residential environment. While it is located on the higher ground that is often present north and south along the western side of the Avon above the floodplain and is within the visual envelope of the valley, it bears little relation to the landscapes of the valley or the core Forest area further east, other than a topographic commonality. I therefore find that the area does not possess the landscape character and natural beauty that is necessary for inclusion within a National Park and does not share the characteristics of other New Forest settlements. It is therefore not recommended for inclusion within the NFNP.

2c Sub-area between Ringwood and Fordingbridge

5.310 I find the area north of Ringwood between the Designation Order boundary and The Belt up to Turmer Brook, containing Somerley Park and the adjacent woods and plantations of Baker’s Hanging, to be of mixed landscape character and quality. The area is composed of the River Terrace Farmland landscape type which contains few Forest related landscape elements and on closer examination I find the woodland component has stronger connections to land further west at Ashley Heath.

5.311 This land forms part of the chain of elevated bluffs with evidence of former lowland heath ecology which was once part of the network of Dorset Heaths. These sites are found intermittently along the west side of the Avon valley but here have undergone a marked change in land management resulting, over time, in a change in landscape character with the introduction of plantation forestry, a practice commonly found west and north of here on similar soils.

5.312 I appreciate that the Baker’s Hanging woods are an attractive vegetation mix, with some deciduous woodland rather than exclusively coniferous plantation blocks, and with a mixed age structure allowing the limited persistence of some former ground cover of the lowland heath habitat. Nevertheless the landscape character is more related to areas further west and the landscape quality is poor to medium with limited connection to the New Forest. The intervening floodplain and Blashford Lakes complex adds to the physical separation of this area from the core NFNP area.

5.313 Turning north to Somerley Park itself I find a distinct but not outstanding, historic designed landscape in a prime location on the edge of the floodplain but little New Forest landscape character evident and mainly screened by woodland from the valley. Again, the grounds are within the River Terrace Farmlands type, but very different in character to the area described above, indicating the wide spectrum of landscape that this type covers. As far as one can tell, with the limited visual and physical access, the only views available are a relatively distant one from within the New Forest at Mockbeggar Hill, which is across the lakes and gravel workings south of Ibsley, and only a partial glimpsed view from Ellingham churchyard. The parkland is also limited in its physical connectivity to the Forest for the same reasons as before, that is by the interception of the floodplain and the post mineral extraction landscape at Blashford.
5.314 With the inconsistent and intermittent landscape quality and the overall lack of physical and ecological connectivity, I find this area does not possess sufficient natural beauty to satisfy the criterion and does not form part of the extensive tract of countryside that can be considered for inclusion within the NFNP boundary.

5.315 Looking north to the area between Lower Turmer and north to the edge of Fordingbridge, initially I find a much more intact landscape both in character and quality as far as Kent Lane and Harbridge village. Here a sense of tranquillity is evident with landscape characteristics such as heathy deciduous woods with open areas and individual veteran trees, together with a scattering of thatched cottages and other vernacular village and farm architecture, all of which is connected visually and physically across the river through Harbridge village and Ibsley Bridge to the New Forest at South Gorley and Mockbeggar. Going north again, beyond Kent Lane the landscape grades into ordinary arable farmland with copses leading to Midgeham Farm and beyond to Fordingbridge Lane.

5.316 Looking west from Harbridge Drove, I find that the essentially afforested landscape west of Ringwood Forest across to Verwood is increasingly separated from the New Forest by actual distance, topography and land use, with little or no relationship with land across the Avon corridor. There are some areas of lowland heaths such as at Cranborne and Alderholt Commons but again, as in the Lower Avon, these are more closely connected with the network of lowland heath sites across Dorset and not with those of the New Forest.

5.317 In conclusion, although there are limited areas of high landscape quality west of the Avon, some with a New Forest related character, most particularly as described between Turmer and Kent Hills across to Harbridge, overall it is not possible to recommend their inclusion. This is due to isolation from the core Forest area by the extent of the river floodplain, albeit a high quality landscape in its own right, and the questionable landscape quality of the river terrace farmlands beyond.

5.318 Therefore I conclude that areas west of the Avon in this section do not form part of the extensive tract of countryside meeting the natural beauty criterion and cannot be included within the NFNP.

3. LAND IN AND AROUND FORDINGBRIDGE TOWN

5.319 Looking at the character of Fordingbridge and its countryside setting, this urban area lies within the Agency’s River Terrace Farmlands landscape type lying close to and west of the River Avon, but also meets the edge of the Enclosed Farmland and Woodland type of the Sandleheath area which extends further west into true downland landscape. I recognise the high quality of the town’s historic core which extends across to the east side of the Avon at Horseport, all of which is befittingly covered by its Conservation Area status, but away from this core considerable modern housing development has occurred, especially to the north. While I accept that there are undoubted historical connections to the countryside both east and west of the town the influences are unavoidably multifarious, which adds diversity in built character and orientation but results in a less specific connection to the New Forest today.
4. LAND BETWEEN FORDINGBRIDGE AND DOWNTON

5.320 On the west side of the Avon Valley between Fordingbridge and Breamore the River Terraces landscape type is prevalent but I find the landscape quality is unremarkable rather than outstanding and anyway fades as one moves west. In addition the area is physically and culturally distanced from the New Forest, a fact which is exacerbated by the A338 which offers a robust boundary here. Even though the area possesses characteristics common to the landscape type it fails to meet the natural beauty criterion, so does not qualify for inclusion in the NFNP.

5.321 North of Breamore the landscape character commences a major transition towards downland from South Charford Farm northwards and is not distinctly of New Forest character. While I appreciate that the landscape quality here is high, it is not of the appropriate type for inclusion without weakening the rigour with which the boundary is selected for what is recognised as the New Forest, rather than any other nationally recognised landscape fulfilling the natural beauty criterion.

5. LAND EAST OF BURTON

5.322 The land east of Burton outside the area covered by the Designation order falls within the River Terrace Farmlands landscape type which suffers from the impact of agricultural practices and incongruous development previously covered in the section above on the Lower Avon Valley. I therefore find that this area does not demonstrate sufficient landscape quality to meet the natural beauty criterion and cannot be included within the NFNP.

6. CHRISTCHURCH HARBOUR TO HENGISTBURY HEAD

5.323 While the land from Hengitsbury Head to the A35 does possess some areas of high landscape quality, overall it is insufficiently connected to the landscapes of the New Forest and in addition is compromised by influences of the surrounding urban areas. It therefore fails to meet the natural beauty criterion that is necessary to qualify for inclusion within the NFNP.

LANDSCAPE ASSESSOR’S RECOMMENDED BOUNDARY FOR SECTIONS 13-15

5.324 In section 13 the recommended boundary follows the NFHA from the railway at section 12 northwards along the base of the slope below Burton Common as far as Waterditch. It then turns west along the minor road as far as the small watercourse that is also the administrative boundary between Hampshire and Dorset and follows this line up to Waterhouse Farm. From here it follows the minor road west then northeast to Bockhampton Corner. It then circumnavigates the whole of Bransgore as defined in the local plan, also excluding existing and proposed public open spaces on the north and south edges of the village. The NFNP boundary then picks up the existing NFHA boundary again on the north side of the village on Derritt Lane at New Merryfield Farm and follows the NFHA northwards as far as Ripley Wood.

5.325 At the far western edge of Ripley Wood, which is nearest to the parkland at Bisterne Manor, the NFNP boundary departs from the NFHA line to follow the line of woods leading to Lower Bisterne Farm, joining the B3347 south of the farm following the small watercourse running from the woods towards the Avon. The boundary then follows the southern edge of the woods lying west of the B3347 leading to Lower Side Copse and then turns north along the west side of the wood before picking up the field boundary and drainage channel at the northwest
corner of the wood which leads to Alder Bed Copse. From here the boundary meets an east-west channel and footbridge on the edge of the wood and then follows the west side of wood to Wattons Ford track and bridleway. Then the boundary turns east following the bridleway and Avon Valley Path to Dean’s Farm and back to the B3347 via a minor road. On meeting the B3347, the NFNP boundary follows it for a short distance to the Dragon Lane turn-off from where it follows the eastern edge of the wood north of Bisterne Church. Half way along the wood edge the boundary then follows field boundaries that enclose the main parkland of Bisterne Manor across to the edge of Three Corner Copse to rejoin the existing NFHA boundary. The NFNP then follows the same line as the NFHA to Ringwood.

5.326 In section 14, in the vicinity of Ringwood, I recommend that the boundary for the NFNP should be the same as for the existing NFHA boundary, excluding and following the built edge of the town as shown in the local plan. From North Poulner onwards the recommended boundary for the NFNP continues to follow the NFHA to Cross Lanes.

5.327 From Cross Lanes to the Hungerford T-junction the NFNP boundary requires a detailed line to be carefully defined around the linear settlements at a larger scale than the Designation Order maps, following the principles set out under 1b Upper Avon Valley subsection Ibsley to Fordingbridge. North of the Hungerford T-junction the recommended boundary again follows the NFHA boundary as far as Criddlestyle on the B3078.

5.328 In section 15, the recommended boundary again follows the NFHA from Criddlestyle long the east bank of the River Avon to Lower Burgate on the A338 where it joins the Designation Order boundary for a short distance to Burgate Cross. The recommended NFNP boundary then departs from the Designation Order to follow the line of the raised embankment of the disused railway line, rejoining the Order boundary to the south of South Charford Farm. From here to Searchfield Farm no revisions to the Designation Order are recommended.

INSPECTOR'S OVERALL CONCLUSIONS ON THE TWO DESIGNATION CRITERIA

THE LOWER AVON VALLEY FROM RINGWOOD TO THE COAST (between the NFHA boundary in the east and Moors River in the west)

5.329 I agree with the Landscape Assessor’s conclusions on the extent of the land meeting the natural beauty criterion for inclusion in the NFNP. The wide flat river terrace farmlands (mainly used for extensive arable cultivation and dairying) do not have sufficient scenic and landscape quality to merit designation.

5.330 As for the ‘links’ between the New Forest core to the east and the adjacent terraces and floodplain to the west, CD 237 represents the Agency’s response to my invitation to give a full account of what it saw as the factors binding these landscapes together and justifying the inclusion within the NFNP of landscape types not previously considered to be an integral part of the New Forest mosaic.

5.331 The paper sets out the links in terms of various topographical, ecological, historical and socio-economic factors discussed in the ‘Links Paper’ (CD237). The paper undoubtedly
establishes some links in terms of aspects of the historic dispersed pastoral system, occasional fragments of former commons, fords, and possible drove roads but from my extensive visits to this area I find them to be overwhelmed by the current reality of large-scale farming within a flat landscape which is not of outstanding natural beauty. Map 2 in CD237, showing the geographical distribution of the “landscape and socio-economic/cultural links”, serves only to demonstrate the lack of impact of these features within the present day landscape.

5.332 In my view the Agency also overplays the ‘landscape archaeological’ significance of the parliamentary enclosure fields found on the river terraces, since any remaining traces of connections with former more heath-related landscapes are so infrequent and patchy, and this is a common national field type.

5.333 Turning to areas west of the terraces, there are some areas of considerable natural beauty within the floodplain and on some of the surviving Dorset Heaths and plantations, but these areas also fail to merit inclusion individually or collectively as part of any coherently definable “extensive tract” of qualifying landscape. This is because of the varying effects of intrusion by urban influences and other detractors, the existence of noisy features such as the A338 and Bournemouth Airport, fragmentation, distance from the New Forest core, and lack of sufficient connection in terms of history and/or land management. Consequently, there is little point in my assessing in any detail whether or not the very extensive areas both within and beyond the Designation Order meet the second criterion.

5.334 However, considering the matter briefly (and moving successively from east to west away from the Assessor’s recommended NFNP boundary line), the extensive river terraces contain a network of minor roads, byways, bridleways and footpaths, including the Avon Valley Path. These collectively provide plenty of (often very quiet) links between the Forest core, some attractive Avon Valley villages and the coastal towns but for most of the time these routes pass through a generally rather featureless farming landscape with sometimes only very distant views of the New Forest slopes or the heathy land on the west bank of the river. The recreational experience here can sometimes be very pleasant but on the whole it is unremarkable and far from ‘markedly superior’ on any national scale.

5.335 Referring briefly to Ringwood, I do not consider that this substantial town qualifies for inclusion under either of the criteria, both on the grounds referred to above by the Assessor and for the reasons I have already set out in relation to the similarly-sized town of Lymington at paragraphs 4.173 and 4.176.

5.336 Turning to Bransgore, according to the Local Plan this village has a population of about 4,300, making it the 10th largest settlement in New Forest District. As it is a substantial village situated right on the edge of the qualifying tract and cannot really be said to meet the designation criteria in its own right I consider that it should be excluded from the NFNP, with the boundary drawn around the built-up edge defined in the Local Plan. As in the cases of the larger towns of Lymington and Ringwood, this would allow the District Council to continue to address the planning issues arising here, most of which have little relationship with National Park purposes. Brockenhurst (3,400), Sway (3,400) and Lyndhurst (3,000) would then be the largest villages in the National Park. All of these are more truly embedded within the centre of the NFNP, fulfil more obvious visitor functions related to National Park purposes, and more properly warrant planning control exercised by the NPA.
5.337 The next major landscape element within this overall area is the water meadows, which are at their widest in the section below Ringwood. I saw from my accompanied visits that they have considerable attraction but very little access in the area south of Bisterne. While this corridor would never be suitable for large-scale access in my view the difficulties of providing at least some carefully-managed, time-limited access were probably over-stated by some objectors. Such access could potentially be markedly superior but (as discussed above) the floodplain corridor here does not fall within a sufficiently coherent extensive tract of New Forest countryside.

5.338 Across the River Avon there are some attractive landscapes with good open-air recreation opportunities at Town Common, Ramsdown Plantation, Sopley Common, Week Common, Matchams View, Avon Country Park and Hurn Forest. However, as described above, I have agreed with the Assessor that these do not represent a coherent extensive tract of sufficiently outstanding natural beauty and the same is true of their potential for open-air recreation. Some areas afford opportunities for quiet recreation within a reasonably extensive ‘natural’ environment with some sense of remoteness and tranquillity, but these are usually at the more extreme western edges of the areas in contention. Nearer to the Avon the quality of the experience on the heathlands and commons between Town Common and Leybrook Common is notably diminished by the very noisy corridor of the A338 dual carriageway. Here, the sound of traffic is a constant detraction to enjoyment of the areas open to public access to the west of the river and also reaches far into the flood meadows at those points where sound-eroding features are less present.

5.339 To sum up, I support the Assessor’s view that departures from the NFHA boundary are only justified in very limited cases in the lower section of the valley. The first is a minor amendment west of Godwinscroft and Neacroft where the stream at the foot of the slope beyond Waterditch represents a clearer boundary on the ground. The second is the exclusion of Bransgore for the reasons already described. The third is an extension of the NFHA boundary west of Ripley Wood to include the manor, parklands and church at Bisterne and a small area west of the B3347 where the Avon Valley Path runs through an arable field to reach an interesting area of mixed wooded and heathy character leading down to the ancient Wattons Ford. Although I do not recommend inclusion in the NFNP of the meadowland immediately adjoining the ford, this area is the only one of its type near the floodplain in the lower valley that retains sufficient connectivity with land of New Forest character and quality to justify designation. Inclusion could bring some criticism that this is a somewhat narrow westward projection of the designated area. However, in my view incorporation of the land into the National Park provides an opportunity to demonstrate and explain ancient connections between the Forest and the limits of its ‘Large Bounds’ that are elsewhere hard to appreciate in any meaningful way on the ground.

THE AVON VALLEY BETWEEN RINGWOOD AND DOWNTON (between the NFHA boundary to the east and Boveridge Heath, Cranborne Common, Fordingbridge and Breamore to the west)

5.340 As in the case of the valley below Ringwood, I concur with the Landscape Assessor’s conclusions on the geographical extent of land which both meets the natural beauty criterion and displays a firmly established ‘New Forest’ character. Although there are some highly attractive areas west of the floodplain with landscape characteristics similar to those found in some areas of the Forest, these are not sufficiently extensive or continuous to justify stretching the
boundaries of the NFNP across non-qualifying areas such as Blashford Lakes and the river terraces.

5.341 Referring briefly to Fordingbridge, I recognise that the town has long historic and cultural links with the Forest which in some senses are still retained and valued today. The attractive centre of the town (around the High Street, the bridge, and the riverside gardens) also acts as something of a focus for visitors to the general area of the New Forest, although the quality of the open-air recreational experience of visiting Fordingbridge (if it can be truly described as such) is pleasant, rather than ‘markedly superior’ on a national scale.

5.342 I agree with the Assessor that the town does not immediately abut land with qualifying outstanding natural beauty. In addition, the elevated A338 forms a substantial firm barrier that would be difficult to cross merely for the purpose of including the town. Even if Fordingbridge did lie next to qualifying rural land, I would not support the inclusion (and still less the partial inclusion) of this settlement of 6,100 within the designated “extensive tract”. For reasons similar to those already set out in relation to Lymington, Ringwood and Bransgore I do not consider that inclusion of Fordingbridge within the NFNP would lend greatly to the statutory National Park purposes. Rather, it would result in further deflection of the NPA’s efforts away from those purposes. Exclusion of all these urban areas would leave the NPA freer to concentrate its activities and resources on the issues of smaller centres like Lyndhurst, Sway and Brockenhurst (all with populations of 3,400 – 3,000) which are truly embedded within and permeated by land meriting designation against both of the statutory criteria.

5.343 In view of the above conclusions (and as in the case of the Lower Avon Valley), there is little point in my assessing how far the second statutory designation criterion is met on other land outside that with the requisite natural beauty.

5.344 Briefly however, the Blashford Lakes complex offers good opportunities for angling, sailing and other quiet water sports, and bird watching on those lakes retained for conservation. Nonetheless, similar complexes of water-filled gravel pits used for these purposes are found in many areas of lowland England and so the recreational experience is not unusual or markedly superior on a national scale. Although some lakes have close views of the lower New Forest slopes, the recreation experience here is not particularly New Forest-related.

5.345 Turning to the river terraces, there are relatively few paths here and those north of Ibsley pass through countryside that is adversely affected by current mineral extraction and the presence of many low-grade scattered buildings used in connection with horticulture. There are better paths in the Stuckton area but even here some are affected by field amalgamation through hedgerow removal, and most pass across pleasant but unremarkable countryside.

5.346 Moving further west I saw that there are some excellent recreational experiences available on and near the Avon Valley path in the Ibsley Bridge, Turmer, Harbridge, Kent Hill, and Bickton areas. However, the ‘high points’ of these experiences can be sometimes be disconnected from one another when the routes pass through pockets of lower quality land, thus reducing the overall recreational experience. Moreover, they do not link well with land within the Forest core. There are also some long quiet walks available in areas progressively further west in parts of Ringwood Forest and Cranborne Common. However, as explained by the Landscape Assessor, none of the areas mentioned here can be justified for inclusion in a qualifying part of the NFNP extensive tract. Thus, overall, the landscape does not provide the basic resource required to provide a markedly superior recreational experience.
5.347 Within the areas of the valley in contention here (Ringwood to Downton) the Assessor and myself have found that the natural beauty criterion is only met within the Avon floodplain west of the Godshill slopes, Woodgreen and Hale Park. Although this area was included in the NFHA only on grounds of the back-up grazing criterion applied to that exercise, I consider that both the slopes and the floodplain are high quality landscapes meeting the designation criterion. Moreover, the immediate juxtaposition of the floodplain (which here has both width and a relatively wild atmosphere) with the high quality characteristic New Forest landscape types creates an ability to appreciate the former close interrelationships between these two elements that has been lost or seriously reduced elsewhere.

5.348 I have no hesitation in concluding that this area also amply fulfils the open-air recreation criterion. There are excellent opportunities to experience the tranquillity of the floodplain (and its changing seasonal character) via the Avon Valley Path between Burgate Manor Farm and Folds Farm, the Woodgreen to Breamore road, and the footpath from Hale House to South Charford Farm. The two paths in particular offer good links with rights of way through fine scenery at Castle Hill and Hale Park and there are opportunities for circular walks through these diverse but interrelated landscapes which could potentially be greatly enhanced by the provision of access along the disused railway, which forms the recommended NFNP boundary here. The footpath leading south from Folds Farm below Frankenbury also takes a route which offers the opportunity to experience both the fringing woodlands and the edge of the quiet pastoral floodplain.

OVERALL RECOMMENDATION (Boundary sections 13-15)

5.349 I recommend that the NFNP boundary for these sections be modified as shown on the attached maps and described in the summary of recommendations at pages 5-6.
PART 6. BOUNDARY SECTIONS 16-17

INTRODUCTION

6.1 The objections here can be most conveniently reported under the following headings:

- Land north of Hale
- Redlych, Bohemia and Lover
- Land at The Earldoms
- Land near Whiteparish Village
- Area of contention between the A36 and A27

LAND NORTH OF HALE

Case for the objectors

6.2 J Woolley (104) and Mrs K Wormington (137) propose that the boundary should follow the bridle way north of Hale House and then the minor road to Hatchet Green and North Charford. In Mr Woolley’s view these areas have scenic value but are not New Forest areas and do not need to be within the NFNP to be protected.

6.3 Mr P Newman (234) objects to the exclusion of a smaller part of the above area north of the Hale to North Charford road. He owns former agricultural land and buildings on the Hampshire/Wiltshire boundary at Woodfalls Cross and is concerned that inclusion of the site in the NFNP could introduce an additional bureaucratic dimension into future consideration of any development proposals, possibly for affordable housing. In his view the NFNP would lose none of its integrity if it followed his suggested line because the boundary follows an obscure twisting route at this point.

6.4 On the other hand, a number of organisations seek extensions of the boundary in this area. The New Forest Commoners’ Defence Committee (106) and the Ramblers’ Association (226) request an extension of the boundary in this area to include the land as far north as Lode Hill between Downton and Morgan’s Vale (as described under section 15). In the latter’s view this would provide a more easily identifiable boundary. The New Forest Committee (378) seeks a smaller extension of the boundary as far as the bridle way south of Church Close Copse.

Case for the Agency

6.5 The boundary in this area has been drawn to include high quality landscapes of the ancient forest farmland type, with its extensive areas of deciduous woods and remnant wood pastures and exclude land of the chalk river valley landscape type. The
proposed line approximates closely to the point at which the change in geology occurs and is easily distinguishable on the ground. The chalkland landscapes around Ryehill Copse have an open rolling character that contrasts strongly with the intimate wooded character of the land to the south. The boundary also includes traditional New Forest settlements like Hatchet Green and North Charford but excludes the larger mainly modern and suburban settlements of Woodfalls and Morgan’s Vale which make no significant contribution to the special qualities or rural economy of the Park. The proposal by Messrs Woolley and Newman and Ms Wormington would split North Charford, leaving it part in and part outside the NFNP.

6.6 The areas here included within the NFNP contain a number of footpaths and bridleways, including a section of the Avon Valley Path which crosses a wooded valley. These offer opportunities for users to enjoy the special landscape character and qualities of the New Forest.

REDLYNCH, BOHEMIA AND LOVER

Case for the objectors

6.7 J Woolley (104) and Mrs K Wormington (137) suggest the omission of land north of the minor road running through these villages from North Charford in the west to Timbury Land in the east.

Case for the Agency

6.8 This area is part of the ancient forest farmland landscape type stretching up to the edge of the Wiltshire chalk downs and accessed by a variety of rights of way offering opportunities for open-air recreation and enjoyment of the special qualities of the New Forest.

LAND AT THE EARLDOMS

Case for the objector

6.9 Mrs K Wormington (137) is concerned with land centred on The Earldoms and Bagfield Copse and, in this boundary section, seeks the exclusion of land north of these features between Moors Land and the A27. The objector is the owner of Earldoms Estate, extending to about 80ha, half of which is grassland supporting beef cattle and half woodland which has been planted and managed by the owner and her father over 84 years. It has never been part of the New Forest or the New Forest economy and it is better for the future of its habitats that it continues to be managed privately rather than as part of a public National Park. The prospect of public access for ‘recreation’ would be at odds with this conservation objective.
Case for the Agency

6.10 The NFNP has been drawn to include the sequence of ancient semi-natural woodlands (Landford Wood, The Earldoms and Langley Wood), remnant wood pasture commons (Whitechapel Common and Cowesfield Green) and a medieval deer park (Loosehangar Park). These stretch in an almost unbroken chain from Hale Purlieu to the A27 and form an important series of habitats and ancient landscapes on the claylands to the north of the main heathland zone of the Forest. Many of these woodlands are SSSIs and form part of the New Forest cSAC. These are high quality landscapes in excellent condition with little fragmentation, distinctive forest character and few incongruous features.

6.11 There is a good network of footpaths and lanes offering access to this area and the opportunity to understand the special qualities and characteristics of this part of the New Forest in an exceptionally high quality landscape.

LAND NEAR WHITEPARISH VILLAGE

Cases for the objectors

6.12 There are suggestions for both extension and retraction of the boundary in this area.

6.13 Ms C Thackray (96), Mr & Mrs Newton (100), the New Forest Commoners’ Defence Association (106), the New Forest Association (111), Ms A Bowry (123), Mr B Wilson (125), Ms A Wilson (126), Brockenhurst Parish Council (224), the Ramblers Association (226), T Radford (320), J Thackray (322) and the New Forest Committee (378), suggest that the boundary should be extended northwards. Some advocate a precise boundary following Moor Lane to Newton and then Newton Lane and the A27 (although omitting properties in the village on the south side of this road) rejoining the Agency’s boundary at Cowesfield Green. The Ramblers Association refers to this as an area laced with footpaths and small fields which it would be illogical to exclude. The New Forest Committee considers that Moor Lane is an attractive feature in its own right with high hedge banks and wooded views to the south. In their view it provides a clear northern boundary and a gateway into the NFNP.

6.14 On the other hand Whitechapel Parish Council (143) suggests that the NFNP should exclude all land within the parish boundary which runs from the A36 to the A27 crossing Whiteparish Common and skirting to the north of Woodfalls Farm and Temple Park. Salisbury District Council (172) makes no comment on this issue but supports the right of the parish to raise it.

6.15 In the Parish Council’s view Whitechapel is a chalkland village. It has no historical or economic connection with the New Forest or sense of common identity with it. Its inclusion would be artificial and unwarranted. There is no evidence that the included parts of the parish need to be managed with the New Forest. The designation order boundary has little logic, meandering through fields and around
boundary fences, and should be retracted to the parish boundary south of Park Water Road.

Case for the Agency

6.16 That part of the parish included in the NFNP is part of the ancient forest farmland landscape type, characterised by strong sense of enclosure, ancient woodlands, winding leafy lanes and scattered farmsteads. The boundary here follows the NFHA perimeter, including the remnant wood pasture commons at Cowesfield Green and Whiteparish Common which are part of the sequence of ancient landscapes described above (in relation to 'Land at the Earldoms’). The landscape has evolved in a similar way to the New Forest and demonstrates visual and historical continuity with it. Whiteparish Common and Cowesfield Green are good quality landscapes without incongruous elements and in good repair. The former is an SSSI and part of the New Forest eSAC. The included areas are part of the extensive tract of ancient forest farmlands stretching from Redlynch to Wellow and Landford and can be clearly distinguished from the chalk downlands landscape to the north. The good network of footpaths and lanes in this area offers access to the woodlands and commons within it giving the public the opportunity to understand the special qualities of this part of the New Forest.

6.17 The quality of the landscape in the areas suggested by the Ramblers Association is too variable to merit inclusion. Near Whiteparish the land is mainly large scale open arable fields in contrast to the more enclosed wooded landscape within the National Park and its quality undergoes a gradual change as the chalk is approached. The village itself does not have New Forest vernacular character and the suburban extension to the south makes the Ramblers’ Association’s boundary impractical. Near Newton a small stream forms a suitable boundary and there are no grounds for moving the boundary further north.

Land at Herrington House, Whiteparish

6.18 Mr G Downes (53) points out that the NFNP boundary goes through his house. The Agency has accepted this fact and has proposed an appropriate change to the Designation Order that would be agreeable to both parties.

AREA OF CONTENTION BETWEEN THE A36 and the A27

Introduction

6.19 Many objectors seek the extension of the NFNP to include all the land within an area of contention bounded by the line of the A3090, Gardeners Lane and the A27, rejoining the designation order boundary west of Sherfield English. In their view the A27 forms the natural divide between the New Forest landscapes to the south and the chalk downs to the north and provides a clearer and more defensible boundary.
6.20 These objectors are: Col P Sweet (1); New Forest Consultative Panel (89); C Thackray (96); J Newton (100); New Forest Commoners’ Defence Association (110); Mrs E M Newman (113); Ms A Bowry (123); B Wilson (125); Ms A Wilson (126); S J Hunt (169); Test Valley Borough Council (175); A Hunt (180); Brockenhurst PC (224); the National Trust (228); S J Hunt (232); L Hunt (238); T Radford (320); J Thackray (332); the Association of National Parks (356); New Forest Committee (378).

6.21 Three other objectors generally agree with the above approach but seek an extension to the area of contention to include land east of Gardeners Lane as far as the A27/A3090 junction: the New Forest Association (111); Mr & Mrs Sutton (185); and the Ramblers’ Association (226). The latter also suggests a further extension east of the A3090 to Wade Bridge via Ridge Lane.

6.22 Other objectors seek more limited extensions north of the A36 in the Wellow parish and Embley Wood & Embley Park areas: Wellow PC (81); Ms J Eddlestone (164); S Field (332); and Roy Perry MEP (374).

6.23 On the other hand, a number of objectors suggest retraction of the boundary in this area, usually pointing to the A36 as the most appropriate boundary. These objectors are: A Dunning (71); K Cromar (73); J Woolley (104); Mrs K Wormington (137); P & S Newby (242).

6.24 Romsey Extra Parish Council (245) also supports this view with certain reservations as reported beneath.

**Objections seeking extension to include the main area of contention**

**Cases for the objectors**

6.25 [Test Valley Borough Council put the fullest case for extension to the A27. The report therefore summarises their case, adding supplementary points made by other objectors.]

**Natural beauty**

6.26 The area of contention is wholly within the New Forest Countryside Character Area. All was classified by LUC as within New Forest landscape types, mainly ancient forest farmland with heathland estates at the eastern end. However, the local landscape types may be subdivided into 4 local landscape types as described below and defined at 175/1/1/A fig 16.

6.27 ‘Historic parkland’ landscape is centred around the extensive grounds of Embley Park School within an area designated on the English Heritage Register of Historic Parks and Gardens. Historic maps and records and existing vegetation indicate the heathy characteristics of this area. Today it is dominated by mixed woodland and parkland as well as the former C19 gardens, a pond and stream and the grade II listed school buildings which were once the home of Florence Nightingale. There are good views over the Blackwater valley towards the New Forest. There are
no significant intrusive elements although there has been some landscape neglect and invasion by alien vegetation. However, the school has engaged consultants to prepare a historic landscape appraisal and management proposals (175/0/1-3 & 6). Overall this is an attractive landscape with the potential for restoration and management to regain some of its former glory.

6.28 ‘Heath associated estates’ occupy much of the eastern part of the area of contention (and the historic parkland referred to above is really a sub-set of this). The area is mainly former commonland and woodland, as shown by historic maps and records, and retains heathy characteristics. Today the area is dominated by mixed woodland (primarily Embley Wood) and open grassland with some vineyards in the north and a number of scattered lakes and ponds, some used for private fishing. Embley Park Golf Course lies south of the school.

6.29 The key characteristics of this area include an undulating estate landscape; extensive mixed heathy woodland; remnant features of former common land; lack of settlements and roads; strong sense of enclosure; views to the south-west towards the forest; strong evidence of a designed landscape including woodland rides; part of the New Forest pastoral system.

6.30 The landscape is in generally good condition and well-managed, although there are pockets of industry and neglect. Embley Park golf course occupies a historically more open area, is not intrusive and has been sympathetically developed according to an agreement and management plan (175/0/5 & 7). There is a strong sense of tranquillity and rural isolation. The small industrial estates have very local impact and the transmission line is often lost from view. Landscape quality is mainly good. Views are varied but generally enclosed by woodland. Remnants of former historic landscape features can be seen, eg the boundary planting to Woodington Common, parkland features such as Kentford Lake, the lodges on the A3090, Embley Manor and Romsey Common Farm. There is considerable local ecological interest with typical New Forest habitats and ancient woodland.

6.31 Embley Wood contains a range of habitats that have largely developed from the former Romsey Common and have clear ecological and historical links with the New Forest. It currently includes 4 SINC s but its scientific importance has only very recently been recognised at national level by English Nature (175/3/2) who have determined that it qualifies for selection as an SSSI for its assemblage of dragonflies, 23 species of which have been recorded. In addition 57 species of birds have been recorded there including 17 amber and red list bird species, 14 of which are thought to breed on site. Many of these are species for which the New Forest SPA has been classified. Likewise, the wood contains habitats among those for which the New Forest eSAC has been identified, ie ‘North Atlantic wet heath’ and ‘dry heath’. This is likely to be a key site for objective 3 of the New Forest Natural Area Profile (CD230), ie “to maintain or enhance the nature conservation value of the wider New Forest and to restore ecological links and corridors between semi-natural habitats.”

6.32 The scientific importance of Embley Wood is summarised in a statement of evidence presented at a recent planning inquiry (175/3/1) concerning the extraction of sand and gravel from land between Gardeners Lane and the A3090 to the east of Embley Wood. The appeal was dismissed by the First Secretary of State (185/1/6) on
the grounds that although there was a need for local sand and gravel to maintain a 7 year land bank and this was a preferred area for extraction in the minerals and waste local plan, too much harm would occur to the nature conservation value of Embley Wood and the mitigation measures in relation to the potential hydrological and hydrogeological effects would be inadequate.

6.33 The site has been added to the programme for new SSSI notifications to be implemented in early 2005 although further surveys of invertebrates are needed to determine a boundary. The wood repeats the combination of woodland, heath, valley mires and seepages which make the New Forest unique, leaving little doubt that it once formed part of that landscape. The New Forest supports the same species of dragonflies as recorded in Embley Wood but the latter is exceptional in supporting so many species within such a small area.

6.34 ‘Ancient forest famlands’ are found south of Sherfield English and The Frenchies. The key characteristics of this area are a farmed wooded landscape; small scale irregular pasture and woodland; scattered farmsteads and attractive hamlets; nature conservation value; commoning links with the New Forest; extensive views to the forest; grazing; undulating south-facing topography; and a network of winding leafy lanes.

6.35 The area is generally in a very good condition and well maintained. Hedgerows have been diminished immediately around Birchwood House Farm, allowing open the views to the south, but that impact is localised. The Agency has over emphasised the effect of development along the A27 and the need not to split the very small and scattered settlements of Sherfield English and Sootash which have no obvious cores. In any case, the former is already split to some extent by the designation order boundary and the latter is mainly to the north of the road. The A27 retains a strong rural character dominated by woodland and tree belts. Isolated commercial premises occur in some places but they do not undermine the dominant characteristics of the area. Once away from the road, the landscape quickly returns to quiet rural seclusion. The area south of Sherfield English and at The Frenchies is particularly intimate and tranquil. The landfill site near Birchwood House Farm closed in June 2002 and is being restored and landscaped to a form and use (agriculture) that will be sympathetic with National Park purposes (175/0/4).

6.36 ‘Ancient Forest Arable Farmlands’ occupy the centre of this area, north of East Wellow. Key characteristics include blocks of woodlands; large wavy arable fields (assarts of medieval or post medieval origin); remnant hedgerows; intervisiblility with adjacent areas of the New Forest; strong sense of enclosure on a larger scale; scattered large farmsteads on the periphery; a transmission line; and relative openness.

6.37 With the exception of the hedgerows the landscape is well maintained and in good condition but due to the openness of the area the transmission line and pylons are more conspicuous. Apart from some polytunnels the only other non-traditional structures are typical modern farm buildings located unobtrusively near farmsteads. This is a tranquil and very rural landscape and merits inclusion in the Park as part of the extensive tract including the ancient forest farmlands to the north, west and south and the heath associated estates to the east.
6.38 Commoning issues: as indicated at 175/1/1A Fig 19, rights to graze adjacent commons exist within two parts of the area of contention (centred on Embley Park and Plaitford Green). In addition, some 9 members of the New Forest Commons Defence Association have addresses within or adjacent to the area of contention. The Cox and Reeves Report (CD219) showed the whole of the area to the A27 as being within the area of summer straying prior to gridding and recommends that the NFNP be extended to include the whole of it. As indicated by Col Sweet (1), before 1964 there were pounds for collecting straying stock at Birchwood and Bryces Farms in Sherfield English, Plaitford, Pinns Farm, Embley Manor Farm and Ryedown Farm as well as others further north at Awbridge and Romsey.

Opportunities for open-air recreation

6.39 The area contains a particularly attractive network of winding lanes penetrating the quiet rural landscape, with subtle changes in character and views of wide panoramas (as at Sootash) and intimate river glimpses where roads cross the Blackwater and its tributaries. These routes, together with the A27, form a gateway role into the forest from the north.

6.40 There is also a number of footpaths, especially at the western end, linking into Melchett Park and the existing NFHA. The area around Embley is less well served due to its estate history. However existing private rides, tracks and informal paths present enormous potential for very good walks if access could be negotiated. The draft CROW map includes an area of open country south of Withybed Copse and west of the golf course.

6.41 The lightly used attractive lanes are enjoyed by cyclists and horse riders in some peace and the area is very well used for paddocking and grazing.

6.42 Other opportunities in the area are private angling lakes, the golf course, and Wellow Vineyard.

6.43 At present provision for the general public is low but it has the potential to provide for additional quiet recreation and access including alternative camp sites and picnic sites.

Additional points made by Mr & Mrs Sutton

6.44 Mr and Mrs Sutton are opposed to NFNP designation in principle for similar reasons to those expressed by Romsey Extra Parish Council (see below). They fear concentration of development pressures into areas outside the Park, especially if the large urban area of Wellow is included. It is utterly illogical for that area to be included and Embley Wood and land to the east of it to be excluded. As a pragmatic fall-back position (if designation occurs) support is therefore given to the inclusion of additional land in the Sherfield English and Embley areas, including land to the east of Gardeners Lane. Ideally the Wellow area should be excluded. Alternatively support would be given to the Test Valley Borough Council case with the addition of land east of Gardeners Lane.
6.45 As owners of a substantial part of Embley Wood Mr & Mrs Sutton have made prolonged and sustained efforts over more than 20 years to maintain and enhance the ecological interest of the wood through rhododendron clearance, tree planting, creation and management of scrapes and water bodies and other measures. As a result it has achieved candidate SSSI status (see the Test Valley BC case above) and been awarded a commendation in the CLA’s Wildlife Sites Awards 2002. One of the reasons why the wood has achieved such interest has been the lack of public access, allowing wildlife to flourish without disturbance, although special arrangements are made from time to time for scientific and other purposes. In future it is envisaged that the wood may be passed to an appropriate trust to safeguard its on-going management.

6.46 Embley Wood has a special timeless and tranquil sense of place supporting many notable species of flora and fauna and with an exciting and diverse range of habitats as detailed in the Test Valley BC case and the documents referred to. In addition to the ecological case the Wood is strongly associated with Embley Park since the two were part of the same Embley Estate into which Romsey Common was enclosed at an early date. Before that Romsey Common belonged to Testwood Estate near Totton, emphasising its New Forest connections. At one time Embley Estate stretched down into Forest areas at Wellow and Paultons Park. It was not finally broken up until 1946 and surviving remnants from the unified estate (lodges, rides and other features) can still be seen in the landscape today. Forest stock strayed into this area until 1964.

6.47 The NFNP should also include the triangle of land to the east of the wood bounded by the A3090, A27 and Gardeners Lane. This is a summit plateau, falling away quite steeply on both flanks. If it is omitted there is a danger that development could proceed here free of National Park constraints but with the potential for catastrophic impact upon (and visual intrusion into) the Park.

Case for the Agency

Natural beauty

6.48 LUC found that the northern part of the Forest posed some of the greatest difficulties in defining a boundary for the NFHA. The Agency has been faced with similar difficult judgements in defining the NFNP. An indication of this is the late inclusion of land (after the local authority consultation stage) beyond the former NFHA at Melchet Park & Cowesfield Green and at Moor Lane south of Newton. Melchet Park was included for its landscape quality and historic links and the Cowesfield Green area as an extension to Whiteparish Common (although it is not part of the SSSI). In comparison, there is good quality landscape of a type to be found in many parts of Hampshire in the tributary valley at Dandy’s Ford but the landscape contains no features of outstanding national importance and the links to the New Forest are not particularly prominent.

6.49 The area of contention is one where the transition in terms of New Forest character and historical links is so gradual that “even more emphasis” has to be placed on quality.
6.50 The area of contention is within the New Forest Countryside Character Area and was within the area of search for the National Park. However, the landscape connections with the New Forest are not clear cut. For example there are landscape continuity issues between the objection area and the landscapes to the north of the A27, both of which are placed in the ‘South Hampshire Lowland and Heath’ landscape character area in ‘The Hampshire Landscape’ (CD220). The main landscape types in the objection area (the wooded farmland mosaic around Embley and the lowland small scale mixed farmland around Sherfield English) extend well to the north beyond the A27. Thus there is a very gradual transition form New Forest to non New Forest landscapes north of the Blackwater.

6.51 This is particularly so in the east where a similar surface geology to that of the forest (Bracklesham Beds and plateau gravels) continues northwards along the ridgeline above the Test. Similar landscape characteristics extend up to the well-wooded area of Awbridge around 4km north of the designation order boundary.

6.52 Further west, around Sherfield English and Wellow, topography and land cover again offer very few clues as to the extent of the Forest. However, in the area further west, beyond Plaitford Green (within the designation order boundary) obvious changes in topography and land cover do occur. Here the land on the north side of the Blackwater is generally higher and more wooded. For example Langley Wood and Whitepaprish Common are part of the New Forest cSAC and hence clearly belong to the Forest.

6.53 Therefore the upper reaches of the Blackwater show noticeably greater continuity of character with the New Forest than land to the east within the objection area. Moreover, in the north-eastern part of the area there is little or no logic in landscape character terms for extending the boundary to the A27 because very similar landscapes continue northwards for some distance.

6.54 In terms of landscape quality (which is a function of distinctive character; the presence of key characteristics and absence of atypical characteristics and incongruous features; the state of repair of the landscape; and its intactness) the area of contention is not uniformly of sufficiently high standard as to merit inclusion in the NFNP. Around Woodington landscape condition and quality are particularly poor being affected by arable intensification, large-scale agricultural buildings, and intrusive electricity transmission lines. The suggested ‘ancient forest arable farmlands’ landscape type is not accepted as a subset of ancient forest farmlands. The area said to be covered by this subset has no strong sense of enclosure and none of the ancient features characterising such forest farmlands within the New Forest. While assarts are indeed New Forest historic landscape types, they are also characteristic of many landscapes throughout Hampshire particularly the South Hampshire Lowland and Heath county landscape character area to the north of the New Forest.

6.55 Moving east towards Embley Park and Embley Wood the landscape becomes a larger scale mosaic of arable land, parkland and woodland, while Ryedown Farm is affected by golf course development. This area was never within the Large Bounds and was historically associated with Romsey Common.
6.56 In the north and west of the area of contention along the A27 east of Sherfield English, the large scale agricultural landscape contains detractors such as mineral extraction and landfill, scattered linear residential development and commercial development. These areas of more open countryside do not compare with the much higher quality arable landscapes of the coastal plain within the South Hants AONB. There are pockets of better quality landscape within this part of the area of contention, for example around Pilgrim’s Farm and Lower Sootash Farm but these are isolated by the poorer quality landscapes.

6.57 Generally there are few views towards the main New Forest plateau from within this undulating tract of countryside. The occasional obtainable glimpses are not comparable with those from the western side of the Avon Valley.

6.58 Turning to ecology, the area of contention lies within the New Forest Natural Area but its importance for nature conservation is very limited compared with most other areas around the New Forest margins. There are no confirmed sites of national importance for nature conservation, which is in marked contrast to land further west beyond Melchet Park which includes extensive ancient woodland and wood pasture that is part of the New Forest cSAC. Although there are a number of SINCs these may contribute to landscape quality at a local level but do not alter the conclusion that the area of contention is not of outstanding landscape quality.

6.59 With regard to Embley Wood, the boundary study would have taken account of the SSSI-standard nature conservation interest of this area if more information had been available at that time. However, this factor would not affect the landscape quality judgement. It cannot be said whether the boundary would have been extended to include an outlier north of the Blackwater at that point since to do so may have undermined the rationale for the rest of the boundary in that area. Embley Wood is remote from the Forest core and part of a swathe of countryside to the north of the Park where landscape quality is not sufficient to merit designation.

6.60 In terms of history, the area of contention has some links with the Forest but there are also significant differences. Most of the land was within the Forest of Melchet, one of a group of Royal Forests that lay north of the New Forest (384/3/4/175/a/app1). The exception is the Romsey Common/Embley Wood area which belonged to neither. It is recognised that the New Forest and the Forest of Melchet were managed as one in medieval times and considerable parts of Melchet are included in the NFNP. However, research shows that the later history of the area of contention differs from that of the New Forest, the Forest of Melchet having been enclosed and put to agricultural use from 1577 onwards. At this time tenants of the manors of Plaitford, Whiteparish, Sherfield English and Landford surrendered their rights of common and by 1614 the land was no longer owned by the Crown.

6.61 This different history weakens the area’s historical connections with the New Forest. More importantly the objection area contains very few of the outstanding historical features that might support its inclusion. Although Embley Park is listed Grade II on the English Heritage Register its condition is poor and the description of its historic merit and characteristics makes no mention of the New Forest. Moreover, it is some way to the north of the main landscape transition away from the Forest.
6.62 Turning to commoning, these historical differences have resulted in different patterns of activity here. Land with common rights is generally more fragmented than elsewhere around the perimeter of the Forest and in most cases does not extend as far north-east as Gardeners Lane or the A27. Such rights only apply to the adjacent commons, a relict of the Forest of Melchet (although vicinage applies).

6.63 The parishes in this area have very low numbers of practising commoners and little land within the area is used as back-up grazing.

6.64 Overall, the area of contention does not constitute an extensive tract meeting the outstanding natural beauty test. Although much consideration has been given to possible intermediate boundaries there is no suitable alternative that would include only areas of land meeting the test. The rationale for the present NFNP boundary is that it follows the Blackwater at the eastern end (as the limit of the Large Bounds). At Wellow Mill it takes to higher ground to include the Florence Nightingale Grave and a tributary valley with attractive woodland, although the landscape is becoming larger scale and more arable at this point. The boundary then follows a minor ridge beyond which the countryside tends to face northwards towards the chalk downs rather than south over the wooded ridges of the New Forest. At Plaitford Green the boundary extends north to include Melchet Park and Cowesfield Green. This boundary is not as obviously identifiable on the ground as the A27 but it mainly follows the river, roads or paths (and occasionally field edges). It is “not obvious, but legible”.

**Opportunities for open-air recreation**

6.65 The rights of way network within the area of contention is very limited. There are short sections of footpath in the western part of the area but the longest crosses open arable fields near Woodington and walkers here do not enjoy a markedly superior recreational experience. Further east, in the Embley area, public access is very limited with no rights away at all in Embley Park and Embley Wood.

6.66 There are remarkably few views of the New Forest from within the area of contention. Where such views exist they gave a clear impression of viewing the Forest from outside because it is seen as rising, wooded ground in the distance. This visual relationship makes no strong contribution to visitors’ enjoyment.

**Boundary setting considerations**

6.67 The national park boundary in this section follows the River Blackwater as far west as Wellow Mill. It then turns northward onto higher ground above the river to include the village of East Wellow (the site of Florence Nightingale’s grave). West of Cross Oak Farm it follows the crest of a low ridge above the river, and then turns north to the A27, thereby including the higher ground around Melchet Park.

6.68 The boundary meets boundary criterion 2e by following the river and then a series of minor roads, all of which are easily distinguishable. Referring to 2g, the boundary does not divide any settlements, whereas the A27 would split the villages of Sherfield English and Sootash. As for 2j, the historic feature of Embley Park might have been significant had it lain closer to the river. On criterion 4, the key transition
in landscape quality and recreational experience occurs north of Wellow Mill which is why the boundary has been drawn at this point.

**Objections seeking inclusion of the whole of Wellow Parish**

**Cases for the objectors**

6.69  [Inspector’s note: Wellow Parish lies partly within and partly without the designation order but entirely within the area of contention. These objections therefore constitute a variation of the main case and many of the same principles apply in the arguments for and against. A few additional points were also made.]

6.70  The Parish Council considers the entire parish to be a Forest parish. The names of well known Forest families can be found in the parish records and their descendants still live here today. Gypsy communities, so typical of the Forest, can be found in West and East Wellow. The Blackwater is a Forest river and the Blackwater electoral ward includes Sherfield English, Awbridge, and Melchet Park & Plaitford. Wellow and Canada Commons (within the perambulation) are owned by the Parish Council. Sadly, views on these commons are degraded by transmission lines. Recovery of such degraded landscapes would be assisted by inclusion of the whole parish in the NFNP.

6.71  It is incorrect to say that the landscape changes subtly beyond the first Blackwater ridge. There are large fields to the south of the A36 as well as to the north of the village and views of chalk downland can be experienced from well within the Forest, not just north of the ridge.

6.72  It is inconvenient in administrative and social terms to include one part of the parish and not another.

**Case for the Agency**

6.73  The general case within the area of contention applies here. It is only justifiable to include those parts of the parish meeting the designation criteria. The statutory role of Parish Councils will not be changed.

**Objections seeking retraction of the boundary**

**Cases for the objectors**

6.74  A number of objectors suggest the A36 as the most appropriate boundary. These are A Dunning (71); K Cromar (73); J Woolley (104); Mrs K Wormington (137); Mr & Mrs Sutton (185); P & S Newby (242). All these objectors question the existence or sufficiency of any connection between the New Forest and any area north of the road.

6.75  P & S Newby (242) would prefer the line of the perambulation to be used as the boundary for the NFNP. Failing that, the south side of the A36 is the logical
boundary. This would avoid the inclusion of East and West Wellow. These are pleasant pieces of modern suburbia superimposed on an ancient small settlement bordered to the north east by relatively low grade countryside blighted by several power lines. Together, all these features represent incongruous features in the landscape. The rights of way in this area are not particularly good and pass through not very remarkable countryside. They would add nothing to (and gain nothing from) the designation of the National Park and are adequately protected already.

6.76 Any extension of the Park beyond the A36 should not go beyond the line of the ‘yellow route A’ bypass proposal for Wellow put forward in 1993. Although bypass proposals were dropped at that time after the consultations caused much controversy, traffic problems continue on this important trunk route and the bypass proposals could be revived especially if Wellow is included in the NFNP. The Agency’s route appears to assume that the bypass will never be built, or alternatively seeks to sabotage the only sensible alignment generated by the earlier consultations.

6.77 **A Dunning (71)** shares the view that use of the A36 preserves the possibility of a route for a bypass.

6.78 **Romsey Extra Parish Council (245)** is opposed to the principle of the NFNP. It is concerned that the small town of Romsey (together with Romsey Extra Parish) could become squeezed between the heavily protected areas of the New Forest and South Downs National Parks and thus be subjected to the full force of the strong growth pressures generated by the Southampton area. Ideally, if the NFNP designation is confirmed the whole parish should be included. Drawing a line along the Blackwater includes the less valuable western side, including the Wellow area and excludes the more valuable eastern side (Embley Wood). In all these circumstances the A36 may form an appropriate boundary.

**Case for the Agency**

6.79 Wellow is part of an extensive belt of typical New Forest ‘ancient forest farmlands’ and ‘heath associated estates’ landscapes stretching south to Landford, west almost to Redlynch and east to Wellow. The boundary here includes high quality typical forest landscapes, including a superb ancient wood pasture, a wood pasture common, a historic designed parkland landscape which originated as a medieval deer park, an exceptionally secluded and attractive small river valley (the upper Blackwater), sunken lanes and satellite commons which could be brought back into use for grazing. This whole area has a good network of paths and lanes and offers outstanding opportunities to experience the diversity of the mosaic of New Forest landscapes. Consequently it makes an essential contribution to the markedly superior recreational experience offered by the New Forest as a whole. It would make no sense to sever this extensive tract of land by using the A36 as the National Park boundary.

6.80 Wellow village itself is a typical example of the linear roadside developments common to the heath associated estates landscape type. It is one of the more accessible settlements in the New Forest and provides recreational facilities for visitors and residents alike. Although it is suburbanised and to some extent
6.81 As for the possible future bypass, no such proposal is contained with the development plan so there is no basis for exclusion of the area on grounds related to boundary-setting criterion 2i.

6.82 As for the views of Romsey Extra Parish Council, fears about increased pressure for development around a National Park do not form part of the statutory designation criteria and the future views of the NPA or any other local planning authorities cannot be predicted. The Council’s views do not coincide with those of neighbouring Wellow Parish Council.

**LANDSCAPE ASSESSOR’S CONCLUSIONS & RECOMMENDATIONS ON NATURAL BEAUTY**

**LAND NORTH OF HALE**

6.83 The River Avon at this point flows close to the main break of slope that runs north-south on the east side of the valley and here lies west of the designed landscape of Hale House which includes substantial areas of woodland on the steeper ground. I find the landscape character in this north west part of the NFNP as defined in the Designation Order quite diverse with River Floodplain, Ancient Forest Farmlands, Historic Parkland and Heath Associated Smallholdings and Dwellings landscape types all present in a relatively small area and closely associated with the Heathland type to the east which also comes right down to meet the river floodplain at Godshill Inclosure. At the same time the landscape rapidly moves towards true downland landscape character as one travels north and west. This is evident by observing the rolling convex slopes of the farmland to the north of Hale towards Downton and in the chalky soil widely evident in fields especially north of Searchfield Farm.

6.84 While recognising the landscape character transition from the New Forest landscape mosaic to that of chalk downland, I find that the whole of this area is of high landscape quality with no incongruous features and amply meets the natural beauty criterion for National Park status. In deciphering a suitable boundary for the NFNP I appreciate that there may be several possibilities, but I find that the boundary as defined in the Designation Order is robust and legible by following the edge of woodland, footpaths or farm tracks from Searchfield Farm to North Charford.

6.85 However I would recommend one minor revision. This is the small area of woodland south of Searchfield Farm that is excluded from the boundary and which I recommend is included as it forms the northern extremity of the woodland associated with Hale House and is more decipherable on the ground than the small stream that runs through the wood at this point.
REDLYNCH, BOHEMIA AND LOVER

6.86 I find that the area north of the minor road between North Charford to Timbury Lane Farm contains villages with a typical New Forest settlement layout, set within a landscape that is intrinsically part of the wider tract of country that exemplifies the Ancient Forest Farmland landscape type. This is in good condition with high landscape quality and therefore qualifies for NFNP status under the natural beauty criterion. I therefore find no reason on natural beauty grounds to recommend any boundary revision in this area.

LAND AT THE EARLDOMS

6.87 This area lies well within the New Forest Countryside Character Area and is composed of Ancient Forest Farmlands which are very typical of this landscape type and found elsewhere in the NFNP. I am also of the view that the area of contention is in good condition with high landscape quality and forms part of an extensive sequence of New Forest habitats dominated by ancient semi-natural woodland from Loosehangar to Whiteparish Common. A considerable part is also recognised for its nature conservation value with SSSI and cSAC status. Consequently I have no hesitation in concluding that this area fully meets the natural beauty criterion and should be included within the NFNP.

REDLYNCH TO NEWTON CROSSROADS

6.88 From Redlynch the NFNP boundary follows Grove Lane and Moors Lane via Titchborne Farm which I find is a robust line which divides landscapes which have distinctly different character and orientation with downland to the north and New Forest character to the south. Due to the increasing downland character to the north of Grove and Moor Lanes I do not find it appropriate to recommend any extension to the Designation Order boundary in a northerly direction here. Even though there are two large scale nondescript arable fields south of Moor Lane to the south east of Moor Farm, overall they are dominated by the surrounding landscape New Forest quality and form part of the extensive tract of countryside that satisfies the natural beauty criterion.

6.89 The NFNP boundary departs from Moors Lane at Lowdens Copse to follow a line with which I concur as the land south of Newton Farm crossroads on the A36 displays less decisiveness in landscape character and the landscape quality is fairly poor. However, for completeness, I would recommend that the boundary should include the whole of the mire and woodland SSSI south of Newton Farm and follow the footpath south of the smallholding adjacent to the SSSI leading directly to the A36.

LAND NEAR WHITEPARISH VILLAGE

6.90 Looking to the area between Newton crossroads and the western edge of Whiteparish I find that the landscape character and quality changes from larger poorly defined fields nearer to Newton Lane, to an intricate field and hedgerow pattern which runs to the southern outskirts of Whiteparish village. This change is reflected in the NFNP boundary in the Designation Order which here follows a minor stream through
a sequence of the smaller enclosures in undulating terrain. I also find that the
countryside to the north of both Moors Lane and Newton Lane has a definite
downland quality seeping in from the north. Even though this area is classified by the
Agency as of the Ancient Forest Farmland landscape type, I am not convinced that the
landscape character is particularly distinct or that landscape quality is consistently
sufficient to meet the natural beauty criterion.

6.91 The meandering boundary leaving the A36 north eastwards to Whiteparish is
not well defined on the ground, following little more than a ditch in places and,
especially in the drier months, is not particularly easy to follow. While I accept that
the natural beauty criterion is met to the south, I would still recommend that this
boundary be re-aligned for legibility, to follow the footpath leaving the A36 in a
northwest direction from the camping ground across to the southern tip of
Whiteparish village where it rejoins the Designation Order around the south western
built edge of the village.

Whiteparish Village to Cowesfield Green

6.92 I find that the village of Whiteparish demonstrates more affinity with
downland villages than those within the New Forest to the south, especially in terms
of settlement pattern and, in the older village core, the use of local vernacular
architectural styles and building materials, so that I consider it wholly appropriate that
the village is excluded from the NFNP.

6.93 The countryside immediately to the south of Whiteparish across to
Whiteparish Common shows some elements of New Forest landscape character
through features such as small woods with smaller scale pasture fields and hedgerows.
However, predominantly it is farmland with larger scale arable fields without
substantial boundary definition with an element of chalkiness beginning to appear in
the soils of some fields closer to the village. In contrast the character and quality of
Whiteparish Common woods is totally in keeping with those of the New Forest
landscape of the core area, with a physical and historical connection to the Langley
Woods complex and offers an easily recognised and meaningful NFNP boundary in
this area.

6.94 Overall I find that between the southern edge of the village and the NFNP
boundary the landscape varies in character, degree of intactness and consistency of
landscape quality. Nevertheless all of these qualities do tend to strengthen from north
west to south east across the area, so that at Whiteparish Common and Cowesfield
Green the landscape is most affiliated to the NFNP landscape characteristics with
good landscape quality. However Cowesfield Manor shows a marked orientation to
farmland north of the A27, in a way similar to the older buildings in Whiteparish
village which greatly reduces any viability for inclusion of the Manor and grounds in
the NFNP.

6.95 With regard to the parish as a whole, while I agree that Whiteparish is a
downland village, I find no reason to exclude the whole of the parish area as I find
that New Forest landscape character and quality is present within its boundary, and is
especially evident at Whiteparish Common which satisfies the natural beauty criterion
for NFNP status.
6.96 I therefore recommend no major boundary revision in the area south of Whiteparish, except for the small deviation (agreed by the Agency) to exclude the Herrington House property which, although adjacent to Whiteparish Common, is essentially part of the farmland landscape surrounding the village.

LAND BETWEEN A36 AND A27

6.97 Looking at the area as a whole it is evident that the landscape from the A36 northwards changes gradually from typical New Forest character towards chalk downland countryside, until north of the A27 where it becomes wholly downland in character. At times the band of transition is wide and occasionally contains incongruous areas and features which deplete the otherwise good landscape quality of this area.

6.98 As this is an extensive and intricate area of landscape it is more readily comprehensible to deal initially with the assessment of the landscape and its adherence to the natural beauty criterion in three blocks from east to west between the north and south confines of the A36 and A27 and then to return to look at the area as a whole for boundary recommendation purposes.

Between Whiteparish Common and Plaitford Green

6.99 I find Whiteparish Common to be the most northerly extension of the New Forest ancient woodland SSSI which has typical New Forest pastoral wood character with a sense of remoteness and considerable landscape quality, forming part of a complex of woods stretching south west into the Perambulation including Langley Wood and Loosehangar Copse. This area has consistently formed part of the NFHA with recognised natural beauty fulfilling the criterion.

6.100 This is contrasted with the adjacent Melchet Park which was not included in the NFHA or the pre-consultation draft boundary for the NFNP. This area was brought in after the NFNP consultation exercise mainly on the premise of further evidence on links with the New Forest through past use as a deer park and the presence of the historic parkland.

6.101 I appreciate that the A27 forms a well defined boundary in this area and that this land falls within the Ancient Forest Farmland landscape type identified by both LUC and the Agency, stretching from Redlynch to Wellow, and that the historic parkland landscape at Melchet Park is found on the Hampshire Register, with Melchet Court listed as a Grade II* building.

6.102 Whilst recognising that the previously extensive Forest of Melchet once had a close connection with the New Forest in both being Royal Forests used for hunting, which possibly merged in this area between the A36 and A27, today the situation is very different. I find that the limited extent of the parkland together with the surrounding agricultural land makes this area far from typical of the Ancient Forest Farmlands landscape type. I saw that the designed parkland landscape possesses a network of woodland and specimen trees nearer to the house, but individual fields
within the parkland are more often than not under arable production and completely contained within a swathe of larger arable fields which isolate the parkland from the more wooded land to south, east and west. The argument of strong historical connections to the New Forest as a former deer park does not in my opinion alter the fact that this fairly extensive area is in itself not a good example of the landscape type and has a distinctly different landscape pattern which is not well integrated with the landscape further south at Landford. The landscape character is compromised by the intensity and scale of agriculture and, apart from the historic parkland core, appears to be similar to other areas outside the NFNP boundary which have been excluded by reason of the dominating presence of arable agriculture.

6.103 Moving south of Melchet the NFHA boundary followed Park Water as far as Gunnsfield Piggeries and then found its way by various features such as a footpath, field boundaries, the western edge of Boulder Wood and a small stream to meet with the NFNP boundary, where this minor tributary of the Blackwater crosses the road north of Plaitford Green. My reason for describing this line is to demonstrate that I appreciate that the A27 north of Melchet Park offers, according to the Agency, “a more robust alternative boundary” for this northern area of the NFNP. I agree that there is no doubt that it is otherwise difficult to delineate a clear and tangible alternative in this complex and transitional area between the A36 and A27. However, it has to be queried how far land not meeting the natural beauty criterion can be included in the NFNP in order to establish a strong boundary.

6.104 In the southern section of this westerly block, from Barnsell Copse across to Bowles Farm on the minor road between Plaitford Green and Plaitford to the A36 I find an area of mixed landscape character with a variable degree of field amalgamation and non-agricultural enterprises and a consequent loss of “Forestness”, which is more frequent as one travels towards the A36. While the area closest to Whiteparish Common has the most intact landscape character and quality, this too fades as one moves south and east towards Plaitford.

6.105 In conclusion, although I can see that overall this area is part of the Ancient Forest Farmland landscape type, I find that apart from the section from Whiteparish Common to Landford Wood Farm, there is uneven intactness and distinctiveness of character, which affects the overall landscape quality of this tract. As a result I am not convinced that all the land in this subsection meets the natural beauty criterion consistently enough to merit NFNP status.

**Plaitford Green to Woodington**

6.106 Between Plaitford Green and Wellow Mill the NFNP boundary follows a series of small lanes, as did the NFHA. I find that the Heath Associated Small Holdings and Dwellings landscape close to the A36 changes abruptly into Ancient Forest Farmland just north of Wellow.

6.107 It is evident that across this area there is a variation in landscape quality resulting from such factors as the semi-suburban housing in parts of Wellow, intensive market gardening polytunnels, and subsidiary buildings associated with various farming practices such as poultry production units and vegetable cropping arrangements, as at Gardiners, Pinns and Gauntletts Farms. All of this contrasts with
the deeply rural landscape from Cross Oaks Farm to Sherfield English and at The Frenchies.

6.108 While I recognise the original core of West Wellow as a traditional Forest settlement with a linear arrangement of long narrow plots, I find that today the extended village has more of the feel of a commuter settlement spreading along the A36 with many larger scale individual dwellings with large gardens, demonstrating an altogether more low-density suburban housing pattern than a traditional Forest village. The same is true of Ham Down but to a lesser extent as here the original layout is more intact.

6.109 On the north side of West Wellow I find that a substantial amount of field improvement and amalgamation has taken place through to the River Blackwater, with less New Forest landscape character than other areas further north, beyond the Designation Order boundary, such as that south of Sherfield English. This contrasts with the south facing slopes north of the Blackwater, which here forms the boundary in the Order, where the pattern of field enclosure is predominantly small scale around Bower’s Farm, with rationalisation occurring as one moves eastwards. However, even where the old field pattern has been retained this is adversely affected by large areas of polytunnels and plastic sheeting on higher ground which appears to be increasing in area. Here local topography also imparts greater visibility of this incongruous feature over wide areas, thereby reducing the landscape quality of the surrounding countryside.

6.110 A substantial area of large arable fields also occurs around Woodington, covering an area from the fishery on the river Blackwater in the south to The Frenchies in the north. This shows little connectivity to New Forest landscapes and presents fairly ordinary countryside that can be found in many parts of southern England.

6.111 I conclude that overall this subsection has a loose affiliation with the landscape character types that they form part of, often lacking a sense of being in the New Forest. In addition several areas offer very inconsistent landscape quality with some of the best qualifying areas found beyond the NFNP boundary, such as south of Sherfield English. Consequently I find considerable parts of this subsection to be unexceptional and unable to satisfy the natural beauty criterion that is required to warrant National Park status.

**Woodington to the A3090**

6.112 The Designation Order boundary, and the NFHA before it, follows the course of the River Blackwater through the middle of this subsection suggesting that the area to the north does not satisfy the natural beauty criterion. I do find that the topographic orientation of the whole of this northern area is mainly to the east except for the Embley Wood section which is orientated southwest, and also the historical and cultural focus tends towards Romsey and the Test Valley.

6.113 However looking at the area beyond the NFNP boundary to the A27 and east to Gardeners Lane I find that, in terms of landscape character and quality, the southern part is a strong contender for inclusion as it shares many common
characteristics with other Forest landscapes and is in good condition with few incongruous features. In contrast the land east of Gardeners Lane shares none of these qualities. Even though there is a sizeable area of woodland at Burnt Grove, it has no particular affiliation with the New Forest.

6.114 I saw that the attractive historic landscape of Embley Park provides a long distance panoramic view into the New Forest core area from the terraces at Embley House, the Park having a Grade II listing on the English Heritage Register of Historic Parks and Gardens. However I do not find the parkland landscape sufficiently intact to be outstanding in natural beauty terms or warrant NFNP status. Parts of this historic parkland design have been altered to cater for the needs of the school, while a larger part of the grounds to the south of the main house have been redesigned as a golf course, which is very different from the original intended parkland landscape concept. Even though there are several sizeable woods and copses surrounding the parkland the aforementioned changes have affected the quality of the landscape which collectively means that the natural beauty criterion is not met as required for NFNP status.

6.115 Contrasted to this I find that Embley Wood and land associated with Kentford House, both once part of the wider Embley Estate, have stronger New Forest landscape character and a sense of remoteness and tranquillity. The unique assemblage of species and habitats in Embley Wood itself is closely related to the biodiversity of the New Forest and is now recognised as of national ecological importance with possible SSSI designation in preparation. The resulting high landscape quality does satisfy the natural beauty criterion albeit rather isolated from other areas of the New Forest. Despite this, the ecological connectivity of Embley Wood to other areas within the NFNP is inarguable and on grounds of natural beauty this area north to Ryedown Lane does warrant being given NFNP status.

6.116 Turning to the area south of the River Blackwater which is within the Designation Order boundary, I find the countryside from Ham Down to the roundabout at Ower to be of the Heath Associated Estates landscape type with a common geological base to areas further south. This area is in reasonable condition, but I find that there is a decline in quality towards Ower with detracting features such as pylons, a works yard, roadside service area, nursery and workshops. However, apart from the pylons, these are mostly well screened and do not unduly affect the attractiveness of the countryside.

6.117 I find the landscape here displays the expected features of small scale irregular field pattern, well structured by hedgerows and small woods and ponds, with remnant features of heaths and previous commons. It is also similar to areas of the same type south of the A36. This landscape is marginal in terms of meeting the natural beauty criterion but qualifies on the basis of being part of the extensive tract to the east and south which does meet the criterion very ably.

**Overall conclusion on the area between the A36 and the A27**

6.118 Having initially declared that this northern area of the NFNP forms a transition zone between New Forest and downland landscape character, it is also transitional in terms of landscape quality with pockets of high quality isolated from the extensive
tracts of country that do meet the natural beauty criterion. In conclusion I find that the landscape situation is extremely complex and diverse, with a mixed standard of landscape quality throughout and markedly varying degrees of intactness of New Forest character. Within the Designation Order boundary I find there are sizeable areas of farmland which do not meet the natural beauty criterion, posing the question of how an “extensive tract of countryside” is defined.

6.119 The challenge is to define a meaningful boundary that includes all the land meeting the natural beauty criterion well, with a robust, legible and coherent boundary without compromising National Park standards. The question that has to be answered is to what extent can areas that do not meet the criterion be absorbed into the areas that do, without reducing the overall landscape quality and still legitimately forming part of an outstanding landscape of national importance qualifying for NFNP status by reason of its overall natural beauty.

6.120 In the northern boundary zone, certain areas do qualify on natural beauty grounds but are not necessarily of sufficient New Forest landscape character, while other areas have strong Forest characteristics but lack the standard of landscape quality needed to satisfy the natural beauty criterion. After examining this area at length I conclude that between A36 and A27 there is an intricate patchwork of areas that do and do not qualify for NFNP status on natural beauty grounds. Due to this variability it is unavoidable that areas which would otherwise qualify will be excluded by reason of isolation or lack of physical connectivity to the New Forest in order to arrive at a legible and meaningful boundary for the NFNP.

**Recommended Boundary for Sections 16 and 17**

6.121 In order to achieve the above I recommend that the NFNP boundary should be as set out beneath.

6.122 **Section 16** From Searchfield Farm the boundary should follow the northern edge of the woodland including the currently excluded small area of woodland just to the south of the farm. It would then follow the Designation Order boundary to Moor Lane. Where it leaves Moor Lane the boundary should follow the whole of the northern edge of the woodland mire SSSI, meeting the A36 via the footpath that follows the southern edge of the smallholding.

6.123 After crossing the A36 the boundary then picks up the footpath from the camping ground that leads northeast towards Whiteparish village, rejoining the Designation Order boundary at the built edge of the southern end of the settlement and continuing as far as Park Water Cottage, except for a minor deviation to exclude the grounds of Herrington House as agreed by the Agency. I then recommend that the boundary should turn south following Park Water stream as far as the track that crosses it coming from Landfordwood village, thereby excluding Melchet Park and Landford Manor farmland, but including the whole of Whiteparish Common and Landfordwood village. From here I recommend that the boundary follows the track to the village, circumnavigating it by the southern built edge and then following Stock Lane to the A36 at The Beeches.
6.124 Section 17  I recommend that the boundary then follows the A36 to Plaitford and West Wellow, turning north at Palmer’s Bridge between West Wellow and Ham Down along the stream that separates the two as far as Romsey Road, then west to Wellow Mill to rejoin the Designation Order boundary at the River Blackwater. From here I recommend that the boundary continues southeast along the river until it meets a small tributary on the southeast side of Bellconey Copse, then turns north along this to meet, after a short distance, the footpath that leads to Ryedown Farm on Ryedown Lane. It should then turn east along Ryedown Lane to Gardeners Lane, turning south along this lane to meet the A3090, where the boundary turns south towards the Ower roundabout to meet the boundary recommended for section 1.

INSPECTOR’S OVERALL CONCLUSIONS ON THE TWO DESIGNATION CRITERIA

LAND NORTH OF HALE

6.125 I agree with the Landscape Assessor’s conclusions and recommendations on the natural beauty criterion and find no reason to support either (a) an extension of the boundary as suggested by the Ramblers Association and the CNP or (b) retraction of the boundary as suggested by J Woolley, Mrs K Wormington and P Newman.

6.126 As was generally accepted, it is difficult to draw a really firm boundary related to strong features on the ground in this corner of the NFNP. However, in my view the boundary in the Order (with the minor amendment suggested by the Landscape Assessor) reasonably clearly defines the edge at which land of New Forest character and quality shades off into land having more relation to the chalk downs. Although there is attractive quiet countryside to the north of the Designation Order boundary I do not support the inclusion of further lengths of the Avon Valley Path. After dropping down into the Lodge Farm valley (where another path going west has strong downland character) the Avon Valley Path quickly rises to a point near Woodfalls Farm where the horizon opens out to clear downland countryside with extensive views over Downton, the Avon Valley and (beyond these) the Cranbourne Chase and West Wiltshire AONB. Nor is it appropriate to include the suburbanised villages of Woodfalls and Morgans Vale which have no relation to the second designation criterion.

6.127 Turning to the objections concerning land within the Designation Order boundary, the north-sloping land between the Hale Park, Home Farm and Hatchet Green forms part of the immediate and highly attractive setting to the Avon Valley Path and the other byway climbing from the valley to Home Farm. In my view this land contributes to the markedly superior recreational experience obtainable by users of these paths.

REDLYNCH, BOHEMIA AND LOVER

6.128 I agree with the Landscape Assessor’s conclusions on the natural beauty of the area surrounding these three almost interconnected small villages within heavily
wooded countryside forming part of the ‘heath associated smallholdings and dwellings’ landscape type on the edge of the Designation Order.

6.129 Recreational facilities in this relatively small area are limited to the path descending from Woodfalls, paths in and around Tinneys Firs with its new woodland car park, and the path descending from the cemetery. However, there is considerable variety of experience in this attractive undulating area. Walks along the lanes and paths present a constantly changing scene of mainly small fields and wooded valleys threaded with the linear villages containing many simple traditional Forest-style cottages. In addition, the recreational opportunities mesh well with others nearby at Hatchet Green, Hale Purlieu and the deeply wooded areas to the east of the villages. I therefore conclude that they merit inclusion in the NFNP against the second statutory criterion.

**REDLYNCH TO NEWTON CROSSROADS, INCLUDING THE EARLDOMS**

6.130 I agree with the Landscape Assessor’s conclusions and recommendations concerning the natural beauty of this area.

6.131 The NFNP boundary generally follows Moor Lane between these two points. The area south of Moor Lane, as far as the perambulation, mainly comprises plantations and ancient woodlands clothing undulating countryside feeding some of the tributaries of the Blackwater. I saw that this is a quiet area crossed by few roads and with a number of opportunities for lengthy walks offering a prolonged sense of contact with the natural world and ‘getting away from it all’. In my view there is no case to support the objection suggesting exclusion of The Earldoms and Bagfield Copse since these areas are an integral part of this area (and partly within the New Forest cSAC), albeit relatively near the edge of this tract. The apparent fears of the objector about take-over by ‘public recreation’ seem to be based on misunderstanding of National Park purposes and the role of an NPA.

6.132 South of Newton Farm the Designation Order boundary follows a footpath between the A36 and Moor Lane. This path follows a poorly defined (but interesting and mildly adventurous) line across a very boggy area forming an SSSI, including some parts of it and excluding others. In my view it would be more logical to include the small area of land within the mire to the north of the notional line of the path, creating a more logical and recognisable boundary. I also support the Landscape Assessor’s recommendation for a minor boundary change at the eastern end of the Moor Lane to A36 footpath.

6.133 I do not support the Ramblers Association’s suggestion of inclusion of the neglected triangle of fields and farm buildings north of the mire (except insofar as the boundary footpath runs along the edge of some of the fields).

**LAND BETWEEN THE A36 and A27 (NEWTON CROSSROADS TO OWER ROUNDABOUT)**

6.134 The submitted objections place into contention the whole of the area between the A36 and the A27/A3090 from Newton Crossroads in the west to Ower Roundabout in the east.
6.135 The Landscape Assessor has explained her view that most of this extensive area does not meet the natural beauty criterion consistently enough to merit inclusion on natural beauty grounds. She recommends only (a) the continued inclusion of land centred on Whiteparish Common at the northern end and (b) the extension of the boundary to include land at Embley Wood at the southern end.

**Central areas (Plaitford Green to West Wellow and Woodington)**

6.136 Leaving aside for the moment the two areas at the extreme western and eastern ends of boundary sections 16-17 (and therefore considering the areas recommended by the Landscape Assessor for exclusion from the Order on natural beauty grounds), I find that the extensive central areas between Plaitford Green and West Wellow/Woodington do not meet the second designation criterion any better than they do the first. West Wellow is a large low-density suburban area and does not provide open-air recreation opportunities relevant to National Park purposes. North of the village, there are some footpaths and quiet lanes but this part of the Blackwater Valley and the Woodington area are dominated by arable cultivation within a landscape of unexceptional quality and the open-air recreational opportunities are well below the level required to merit recognition as a markedly superior recreational experience of national importance. For example, while the footpath from Chapmans Lane to Kitts Merries Farm has a continuous length of nearly 4km it passes no points of really substantial interest or quality, other than the valley near East Wellow Church (with the Florence Nightingale Grave).

6.137 In the more northerly area, towards the A27 (near Sherfield English and The Frenchies), there are notably few footpaths other than short disconnected lengths. Some quiet lanes wend through undulating countryside with an attractive intimate quality (such as found at Dandys Ford) and there are many isolated (often traditional) farms and houses, but elements of strong New Forest character and associations are becoming weaker. Where south-facing views become available towards the main New Forest plateau this seems to be a considerable distance away. Overall, this area does not qualify against the second criterion.

**Western areas (Plaitford Green to Whiteparish)**

6.138 Returning to the western end of boundary sections 16-17, beyond the road running from Plaitford to Sherfield English, there is a large block of quiet countryside stretching as far as Whiteparish with relatively few roads and many footpaths. This is an area presenting a number of opportunities for walks through countryside of varied character. This includes a patchwork made up of Melchet Park and the extensive arable fields which surround it; some medium scale pastures and arable fields south of Park Water between Landfordwood and the Blackwater; former pasture woodlands at Whiteparish Common and Cowesfield Green; some more recent plantations; and an area of farmland between the A36 and Whiteparish. However, I agree with the Landscape Assessor that much of the landscape resource in this area is not of strong enough quality and/or New Forest character, which of course has an impact on the quality of the recreational experience. Within most of the landscape types in this area it is in varying degrees pleasant rather than markedly superior.
6.139 Focussing particularly on the area recommended by the Assessor as meeting the natural beauty criterion, this can be considered in two sections, firstly the agricultural land north of Whiteparish Common and secondly the common itself together with Barnsell Copse and other nearby woodland. Dealing with the former, I am not convinced that the agricultural land bounded by the A36 to the south-west and Whiteparish Common to the south-east has New Forest natural beauty to a sufficiently strong degree. This land is rising away from the New Forest and in my view the recreational experience for users of the two footpaths to Whiteparish from the camp site and Chadwell Farm respectively is neither ‘markedly superior’ nor particularly New Forest related. In addition, walks on these paths (particularly that from Chadwell Farm) are adversely affected by noise intrusion from busy traffic on the A36 at the foot of the slope.

6.140 Turning to Whiteparish Common and the other nearby wooded areas recommended for retention in the NFNP by the Landscape Assessor, the common itself is ancient wood pasture forming an outlying part of the New Forest cSAC. The paths branching out from the A36 to the common, Barnsell Copse and the other woodlands and the attractive countryside at Landfordwood can be seen as a further extension of the long routes available through The Earldoms, Langley Wood, the Hamptworth area and the woodlands south of that linking up with the perambulation. In short, I consider that an area bounded by the western and northern limits of the Whiteparish Common cSAC, Park Water, and the boundary recommended by the Assessor in the vicinity of Landfordwood can be considered to meet both of the criteria. However, on balance, I recommend that this area should not be included in the NFNP. This is because the busy A36 (which is in cutting along some of this length) forms such a robust and clearly identifiable boundary between the extensive tract of qualifying land to the south and the land to the north which (with the exception of the relatively small area described above) does not meet the designation criteria.

**Eastern areas (West Wellow to Gardeners Lane)**

6.141 I now turn to the extreme eastern end of the land between the A36 and the A27. This includes (a) the Embley Park area, north of Ryedown Lane, (b) the Gardeners Lane triangle and (c) the Ham Down/Shelley Common/Embley Wood area, the last being an area recommended by the Landscape Assessor for inclusion in the NFNP on natural beauty grounds.

6.142 I agree with the Landscape Assessor’s conclusion that the Embley Park area, north of Ryedown Lane, does not have the required degree of natural beauty even though the original designed parkland and associated structures can still be discerned in places and the school’s trustees are working to retain and enhance important aspects of these features where possible. However, there is no public access to this area other than to the raw landscape of the golf course and a very small area identified on the draft CROW map. As for the Gardeners Lane triangle, this mainly comprises a flat arable plateau without public access. Although the wood-topped hillside overlooking Romsey at Pauncefoot Hill is highly attractive this seems to have no connection with the New Forest and is also without public access.
6.143 Turning to the Ham Down/Shelley Common/Embley Wood area, Ham Down and the former Shelley Common lie within countryside of the Heath Associated Smallholdings landscape type but in my view are of unremarkable quality. Ham Down is bounded by ribbons of varyingly consolidated development on all sides and offers little in the way of recreation appropriate to National Park purposes. The Shelley Common area is affected by some intrusive detracting features, as identified by the Landscape Assessor. The only recreational resource here is the footpath running from a point south of Wellow Mill to the A36, emerging as Shelley Lane. From my visit I concluded that it ran through countryside of only moderate quality. Thus, overall, the Ham Down/Shelley Common area cannot be described as providing a markedly superior recreational experience.

6.144 I agree with the Assessor that Embley Wood provides a high quality landscape and a remarkable ecological stronghold of New Forest-related habitats and species although its historic connection with the New Forest-related historic dispersed pastoral system seems weak. There is no access to this area for the general public (and indeed this, and the careful management by its owners) is partly what has given it its immense interest and diversity. Nonetheless, it is possible to conclude that the area centred on Embley Wood has the potential to offer a markedly superior recreational experience at some stage in the future if it is managed under a regime that permits limited and carefully controlled access subservient to its nature conservation interest.

6.145 However, even under those circumstances, Embley Wood would still be separated from the more Forest-like areas south of the A36 by the Ham Down/Shelley Common area which in my view do not meet either of the designation criteria. Tempting as it may be to stretch the qualifying ‘extensive tract’ to embrace Embley Wood I do not consider that it would be appropriate to do so, particularly as it lies beyond the Blackwater which has traditionally been seen as the limit of the New Forest in this area, from the Large Bounds onward.

**Overall conclusion**

6.146 My overall conclusion is that, with the exception of the area between Whiteparish Common and Landfordwood, none of the land north of the A36 meets both of the designation criteria sufficiently consistently to reach a qualifying standard for inclusion in a National Park. However, even in the case of the Whitechapel Common-Landfordwood area, I do not recommend inclusion. The busy A36 trunk road forms such a strong potential boundary to the NFNP between Ower and the recommended boundary south of Newton that I consider it inappropriate to extend the NFNP beyond this very strong feature to include this limited extent of land located quite a distance from the core area of the New Forest.

**OVERALL RECOMMENDATION (Boundary sections 16-17)**

6.147 I recommend that the NFNP boundary for these sections be modified as shown on the attached maps and described in the summary of recommendations at pages 5-6.