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/Bury Road, 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 Reclaim 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 opportunist 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 local stoniness. 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.
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.

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

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”.

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.

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.

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.

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

“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
The last EIP panel (in 1996) recommended a positive criteria-based policy for port development at Dibden Bay, resulting in policy EC6.

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.

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.

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.

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.

Regardless of what view is taken of the narrow ‘allocation’ issue, including the reclaim 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 reclaim, 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

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

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 reclaim 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 reclaim. 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 be 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 SINC s 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 SINC s 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.
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 skatepark 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 KING 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 CROW 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 estateland’ 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 (e.g. 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.”
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 brown field 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 view points 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.
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**

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.

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.

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.

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.

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 NFNP 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**

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 Reclain 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 tranquillity 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
value. 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 reclaim, 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 reclaim 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.