

31ST March 2009

Dear Sir/Madam

PROPOSED SOUTH DOWNS NATIONAL PARK

Introduction

1. The Secretary of State has now considered with care the proposed South Downs National Park (“SDNP”) and the Orders that have been made to date in relation to it. Those Orders are the South Downs National Park (Designation) Order 2002; the South Downs National Park (Variation) Order 2004; the East Hampshire Area of Outstanding Natural Beauty (Revocation) Order 2002; the Sussex Downs Area of Outstanding Natural Beauty (Revocation) Order 2002.

2. The Secretary of State has considered in particular the reports of the Inspector, Mr Robert Parry BA DIPTP MRTPI (“the Inspector”). The Inspector held a public local inquiry under Part I of the First Schedule to the National Parks and Access to the Countryside Act 1949 (“NPAC 1949”), paragraph 2(2)(a). The inquiry was extended to hear the separate but related issue under section 63 of the Environment Act 1995 of the establishment of a South Downs National Park Authority.

3. This letter sets out the decisions reached by the Secretary of State including the process for resolving the remaining issues.

Background to the Inquiry and the Inspector’s Reports

4. The first phase of the Inquiry ran from 10 November 2003 to 18 March 2005. The Terms of Reference for that Inquiry were as follows:

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

(ii) Should the boundary be altered to include or exclude any areas specifically referred to by objectors to the Order (and the Arundel Variation Order), bearing in mind the criteria and purposes of designation?

(iii) Is it justified to revoke all of the land in the East Hampshire AONB and the Sussex Downs AONB.

(iv) Is a National Park Authority (NPA) appropriate to the South Downs and, if so, how might it best be established and operate?

5. The Inspector submitted the report of his first Inquiry on 31 March 2006 (referred to in this letter as "IR1"). The first report is available at <http://www.defra.gov.uk/wildlife-countryside/protected-areas/national-parks/south-downs/index.htm>.

6. However, the designation process was put on hold in February 2006 following a High Court judgment on a challenge to the New Forest National Park designation (known as the *Meyrick* judgment). This judgment changed the way in which the criteria for National Park status had been previously understood. Whilst the appeal from the judgment was outstanding, it was not possible for the Secretary of State to reach any decisions on the SDNP. Consequently the designation process was halted. The *Meyrick* judgment was confirmed by the Court of Appeal in February 2007.

7. As a result of this legal challenge, the Secretary of State decided to clarify the National Parks legislation. This led to the enactment of a number of provisions in the Natural Environment and Rural Communities (NERC) Act 2006 (see further below). The relevant legislative changes came into effect on 30 May 2006.

8. There was a further period of public consultation between August and September 2007. The public inquiry was then re-opened and ran from 12 February 2008 to 28 May 2008. The Terms of Reference for the re-opened Inquiry were as follows:

i. To consider any implications for the South Downs National Park Designation Order (as varied by the South Downs Variation Order 2004) arising directly as a result of the revised National Parks legislation – namely the amendments to the National Parks and Access to the Countryside Act 1949 made by the Natural Environment and Rural Communities (NERC) Act 2006 [sections 59 and 99];

ii. To consider any implications for the same Designation Order (as varied by the Variation Order) arising directly as a result of the High Court and Court of Appeal Judgments on the challenge by *Meyrick Estate Management Ltd* relating to the New Forest National Park;

iii. To consider the possible alternative boundary line running north and east of Petersfield produced by Natural England at Defra's request, based on a recommendation in the South Downs Inquiry Report, Volume 1, Part 2 (para. 2.71); and

iv. To consider any objections to the additional areas of land recommended in the South Downs Inquiry Report for inclusion within the proposed South Downs National Park.

The Inspector was also asked to indicate if any other points raised during the further public consultation caused him to change any of the recommendations set out in the previous report.

9. IR1 was made public and became one of the important documents for use in the re-opened Inquiry.

10. The Inspector submitted the report of his re-opened Inquiry to the Secretary of State on 28 November 2008 (IR2). That report is being made public alongside this letter and is available on the National Parks pages at www.defra.gov.uk. The Inspector has also produced some answers to a number of requests for clarification which were made by the

Secretary of State dated 11 March 2009 together with a short Addendum/Corrigendum Report dated 21 March 2009 which corrects a number of errors in IR2 and also provides some helpful matters of additional clarification. Those documents are also being made public alongside this letter and are available at the website link above.

11. The Inspector has made the following key recommendations:

- a. In principle, the SDNP should be created.
- b. The new South Downs National Park should broadly encompass the land shown in the 2002 Designation Order, subject to (1) the South Downs Variation Order 2004 (itself subject to a recommendation to vary the order see paragraph 7.855 of IR1) and (2) the recommendations set out in IR1 and IR2 in respect of the detailed alignment of the boundary.
- c. The two AONB Revocation Orders (the East Hampshire Area of Outstanding Natural Beauty (Revocation) Order 2002 and the Sussex Downs Area of Outstanding Natural Beauty (Revocation) Order 2002) both be confirmed.
- d. That the SDNP should be managed by a National Park Authority (NPA) which should have 30 members to reflect the size of the proposed new national park and the number of constituent local authorities.

12. In IR2 the Inspector recommends (contrary to his initial view in IR1) that the area commonly known as the Western Weald (incorporating the Lower Rother Valley) should be included in either an AONB or a new National Park. In addition the Inspector recommends that the A3 corridor should remain a protected landscape, whether as part of a residual AONB or National Park. The Inspector makes a number of further recommendations which would have effect if, contrary to his primary recommendation, the Secretary of State were to conclude that either the Western Weald and/or the A3 corridor should be excluded from the new National Park (see IR2 7.102-7.105).

13. Accordingly, the Secretary of State's decisions are to be made against a background of the most extensive and inclusive examination of the issues. All those who are interested in the proposals have had the opportunity to make their views known over a prolonged period. The issues and those views have been examined in considerable detail in two public inquiries by an expert and experienced Inspector. The Secretary of State has placed very considerable weight on his conclusions.

Summary of the Secretary of State's conclusions

14. The Secretary of State has a discretion, after considering the Inspector's reports, to confirm the Orders with or without modifications: see paragraph 2(2) of Schedule 1 to NPAC 1949.

15. Following that consideration and for the reasons set out in more detail at Parts I-IV of this letter, the Secretary of State has reached the following main conclusions:

- a. The SDNP should be created (see **Part I** below);

b. The boundary for the SDNP should be that recommended by the Inspector, subject only to a small number of changes (see **Part II** below). In particular it is to be noted that the Secretary of State has concluded – in line with the Inspector’s primary recommendation in IR2 - that the area known as the Western Weald and the area known as the A3 corridor should form part of the SDNP (see **Part II** below).

c. The two AONB Revocation Orders should be confirmed (see **Part III** below).

d. The SDNP should be managed by a National Park Authority (NPA) (see **Part IV** below).

16. In IR2 the Inspector proposes the inclusion of certain new additional areas of land within the SDNP boundary. The Secretary of State is minded to accept the Inspector’s proposals in this respect also. In addition the Secretary of State is minded to include one further new additional area (i.e. Alice Holt Forest, see paragraph 37 below). However, these proposed new additions, which are listed at paragraph 83 in Part II below, have not so far been through the consultation process required by paragraph 2(3) of Schedule 1 to the NPAC 1949. Accordingly, the Secretary of State will shortly give notice in accordance with paragraph 2(3) of Schedule 1 of his proposal to modify the 2002 Order (as amended by the 2004 Order) to include those additional areas, see paragraph 84 below. Any representations or objections in respect of those new additions will then be addressed in accordance with the procedure specified in paragraph 2(3) of Schedule 1.

Part I Principle of a National Park

17. The Inquiry addressed whether there was an area within the boundary of the National Park, as defined in the 2002 Designation Order (and as varied by the 2004 Variation Order) which meets the statutory criteria and purposes of designation as a National Park set out in NPAC 1949.

18. Section 5 of NPAC 1949 provides, so far as material, as follows:

‘5 National Parks

(1) The provisions of this Part of this Act shall have effect for the purpose—

(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and

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

(2) The said areas are those extensive tracts of country in England . . . as to which it appears to Natural England that by reason of—

(a) their natural beauty and

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

it is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection.

(2A) Natural England may—

(a) when applying subsection (2)(a) in relation to an area, take into account its wildlife and cultural heritage; and

(b) when applying subsection (2)(b) in relation to that area, take into account the extent to which it is possible to promote opportunities for the understanding and enjoyment of its special qualities by the public.’

19. As regards the definition of “natural beauty” in section 5(2)(a) of NPAC 1949, section 99 of NERC 2006 provides as follows:

‘99 Natural beauty in the countryside

The fact that an area in England or Wales consists of or includes—

(a) land used for agriculture or woodlands,

(b) land used as a park, or

(c) any other area whose flora, fauna or physiographical features are partly the product of human intervention in the landscape,

does not prevent it from being treated, for the purposes of any enactment (whenever passed), as being an area of natural beauty (or of outstanding natural beauty).’

20. The Secretary of State is satisfied that the statutory requirements set out in section 5 of NPAC 1949 are satisfied and that the SDNP should be created. The Secretary of State agrees with the reasons given by the Inspector in Part 1 of IR1. As stated by the Inspector in the covering letter to his second report (IR2) dated 28th November 2008 none of the written or oral evidence submitted as part of the re-opened Inquiry sought to undermine his conclusion that, in principle, the SDNP should be created.

21. On the question of whether it is “especially desirable” that the necessary measures are taken for the purposes mentioned in sub-section (1) of section 5 (see sub-section 5(2)) the Secretary of State agrees with the reasons given by the Inspector at paragraphs 3.58-3.81 of IR1. In essence, the Inspector regarded this element of section 5(2) as being fulfilled principally because of the beneficial impact of an NPA: see in particular his conclusions at 3.65 and 3.87 of IR1. The Secretary of State considers that the establishment of an NPA is relevant when considering whether the “especially desirable” test is met. That is particularly so given that NE is expressly permitted to “*to take into account the extent to which it is possible to promote opportunities for the understanding and enjoyment of [an area’s] special qualities by the public*” (section 2(2A)(b) of NPAC). Since an NPA is expressly empowered to do anything calculated to accomplish the purposes set out in section 5(1) of NPAC (see section 65(5) of the Environment Act 1995 (EA 1995)), the NPA is the body most likely to promote such opportunities. As set out below in Part IV, the Secretary of State has decided to exercise his power to establish an NPA “in connection with the designation of any area as a new Park” (s. 63(1)(b) of the EA 1995).

22. The Secretary of State considers that the ‘especially desirable’ test is satisfied for the additional and freestanding reason that the new National Park is in relatively close proximity to London and other major population centres in the South East

thereby promoting opportunities to large numbers of people for the understanding and enjoyment of the special qualities of the area, in particular opportunities to engage with the natural beauty of the landscape (including its wildlife and cultural heritage) and in open-air recreation activities.

Part II The National Park Boundary

The Inspector's Recommendations

23. The Inquiry addressed in some detail whether the boundary as defined in the Designation Order (as varied by the 2004 Order) should be altered to include or exclude any areas specifically referred to by objectors to the Order, bearing in mind the criteria for designation. The Inspector recommended a number of modifications, both to bring in some additional areas of land that are outside the Designation Order boundary and to exclude certain areas that are within the Designation Order boundary.

24. At **Annex 1** to this letter the Secretary of State has set out a list of those additions to the Designation Order boundary (as varied by the 2004 Order) recommended by the Inspector.

25. At **Annex 2** to this letter the Secretary of State has set out a list of those exclusions to the Designation Order boundary (as varied by the 2004 Order) recommended by the Inspector.

26. Save as set out at paragraphs 35-82 below, the Secretary of State agrees with those recommended exclusions and additions.

The Secretary of State's detailed consideration of the boundary

27. Where the Secretary of State agrees with the boundary decisions made by the Inspector and the Inspector's reasons for so recommending, the Secretary of State has indicated that this is the case in the section below, giving the appropriate paragraph references as to where the Inspector's reasons can be found in his reports. In certain instances the Secretary of State has provided additional reasons for agreeing with the Inspector's recommendations. In certain instances the Secretary of State has decided to depart from the recommendations of the Inspector. Where that has occurred the Secretary of State has provided reasons for so doing in this letter.

28. As is apparent from a detailed consideration of report IR2 (together with the further clarifications document and the short Addendum/Corrigendum report), in certain instances the Inspector departed from his earlier conclusions in IR1. Where that has occurred, and unless expressly stated otherwise below, the Secretary of State is content to accept the Inspector's final recommendation as set out in IR2 (subject to any relevant clarifications). References to the relevant passages of both reports have been set out below.

29. The Secretary of State's final boundary, together with those new additional areas which the Secretary of State is provisionally inclined to include in the boundary (see paragraph 16 above) will be shown on a map on the National Parks pages at www.defra.gov.uk.

30. The proposed new additions and the required additional process in relation to them, has been dealt with above. The proposed new additions are highlighted in paragraphs 35-82 below and a composite list is set out at paragraph 83 below. For the avoidance of doubt there is no statutory requirement for further public consultation on land that was within the Designation Order boundary but is excluded from the final boundary, or where the Secretary of State decides to retain land the Inspector had recommended for exclusion.

The Western Weald

31. As part of the re-opened Inquiry the Inspector considered carefully and in detail whether the area known as the "Western Weald" (as defined at paragraph 7.1 of IR2) should form part of the SDNP. In IR1 the Inspector had previously concluded that the SDNP should have been more closely focussed on the core Chalk hills and that therefore this area should be excluded. At paragraphs 7.6-7.98 of IR2 the Inspector concludes that the Western Weald meets the statutory requirements set out in section 5(2) (a) and (b) of NPAC (see in particular his conclusions at 7.21, 7.28 and 7.30). In addition the Inspector concludes that, if the Secretary of State decides to include the Western Weald in the SNDP, it would be reasonable also to include the Lower Rother Valley (IR2 7.41 and 7.44), the A3 corridor (IR2 7.52 and 7.56) and the MoD Training Estate (IR2 7.63 and 7.67). Further the Inspector concludes that the "especially desirable" test is met in respect of these areas (see paragraphs 7.73-7.87 and his conclusions at 7.88-7.90).

32. In that regard the Secretary of State accepts the Inspector's primary recommendation to include the wider Western Weald in the SDNP (including the Lower Rother Valley, the A3 Corridor, and the MoD Training Estate) and agrees with the reasons given by the Inspector in IR2 as to why those areas satisfy the statutory test under section 5(2) of NPAC 1949. On the question of the "especially desirable" test the Secretary of State repeats paragraphs 21-22 above, i.e. in addition to the beneficial impact of a NPA, the Secretary of State considers that the 'especially desirable' test is satisfied for the additional and freestanding reason that the Western Weald is in relatively close proximity to London and other major population centres in the South East.

Lewes

33. In the Inspector's first report he recommended that Lewes should not be included within the SDNP (see IR1 7.361-7.378). The Inspector accepted that it was not possible to rule out a settlement the size of Lewes simply because it exceeded a certain population threshold and he accepted that Lewes had an extensive high quality historic core that remained largely intact notwithstanding some more modern development. He also accepted that it had strong visual and historic links with the Downs. However he was not convinced that certain areas (including the floodplain

and the land south of Hamsey) met the designation criteria (7.373). As part of the re-opened Inquiry the Inspector received extensive evidence from those supporting its inclusion within the SDNP and he reconsidered the issue in his second report. The Inspector accepted that Lewes had a more intimate relationship with the adjoining chalk hills than any of the other settlements at the edge of the designated area. In addition he changed his view on the quality of the valley landscape to the north of the town. As a result he concluded that the town could be said to sit within a landscape of National Park quality and that the River Ouse and the rights of way network offered markedly superior recreational experiences within the area. On that basis he recommended that Lewes should be included (see IR2 7.140- 7.147).

34. The Secretary of State agrees with the Inspector's conclusions on the inclusion of Lewes for the reasons he gives in his second report and on that basis the Secretary of State has decided to include it in the SDNP (see Section L below).

Secretary of State's Detailed Consideration of the Boundary (Sections A-W)

35. In respect of the following sections of the boundary, the Secretary of State agrees with the Inspector's conclusions and reasoning as set out in the identified paragraphs of his reports and has nothing further to add.

Section A

Land at Edge of Winchester	IR1 7.2-7.9	IR2 7.108-7.109
Land West and South of Winchester	IR1 7.10-7.15	IR2 7.110-7.111
St Cross Hospital/Winchester College	IR1 7.16-7.20	
Bar End	IR1 7.21-7.24	
Durngate/Hyde sites	IR1 7.25-7.30	

Section B

Land at Ladycroft	IR1 7.31-7.35	
Itchen Valley East of M3 Motorway	IR1 7.36-7.41	

Section C

Land at West Tisted	IR1 7.43-7.48	IR2 4.8-4.9
Alton	IR1 7.49-7.55	
Land at Alton South of A31 Bypass	IR1 7.56-7.59	
Farringdon	IR1 7.60-7.64	

Section F

North of Haslemere		IR1 7.147-7.150
Sturt Farm Haslemere	IR1 7.150-7.153	
Land at Camelsdale/Hammer	IR1 7.154-7.161	IR2 4.10-4.11

Section G

Kirdford and Playhurst Manor	IR1 7.162-7.190	
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Section J

Clay Lane	IR1 7.217-7.220	IR2 4.12
West Chiltington/Storrington	IR1 7.221-7.227	
Land off Chantry Lane	IR1 7.228-7.231	
Sullington Warren/Sandgate Park/Washington Common/Warren Hill	IR1 7.232-7.246	IR2 4.16-4.17, 7.124

Section L

Lewes	IR1 7.361-7.378	IR27.140-.147
Ouse Valley North	IR1 7.379-7.386	IR2 7.148-7.150

Section N

Pevensey Levels	IR1 7.428-7.431	
Edge of Eastbourne	IR1 7.432-7.425	
Wannock Coppice, Polegate (inc Stud Farm Stables)	IR1 7.427-7.430	IR2 4.50-4.51

Section R

Arundel and the land south east and west of it		
	IR1 7.821-7.855	IR2 7.172-7.174
Binsted Village and surrounding land	IR1 7.856-7.863	

Section S

Slindon Common	IR1 7.865-7.870	
Edge of Slindon Wood	IR1 7.871-7.874	
Boxgrove Common	IR1 7.875-7.885	IR2 7.175-7.176
Strettington	IR1 7.886-7.890	

Section T

Lavant Valley South	IR1 7.892-7.908	IR2 7.177-7.179
Land west of Chichester	IR1 7.909-7.929	IR2 7.180-7.184
Chichester Harbour	IR1 7.930-7.933	
West Ashling Area	IR1 7.934-7.937	

Section U

Rowlands Castle and surrounding land	IR1 7.939-7.952	IR2 4.110-4.114
Catherington Village	IR1 7.953-7.958	
Catherington Down	IR1 7.959-7.965	
Forest of Bere/Meon Valley	IR1 7.966-7.971	

Section V

There was no discussion of this section in either IR1 or IR2, no objections were received and there were no recommended additions or deletions.

36. In respect of the following sections of the boundary, the Secretary of State has a number of additional points to make in respect of the Inspector's recommendations. In a small number of cases the Secretary of State has decided to depart from the Inspector's recommendations and where this is the case, the Secretary of State has indicated that this is so, providing his reasons for so doing. Those areas are:

Section D	Alice Holt Forest,
Section I	Coldwaltham
Section K	Ditchling and Land to the North
Sections O and P	Marine Boundary

Section D

37. **Alice Holt Forest.** In IR1 the inspector recommended that this be excluded along with the northern portion of the Binstead peninsula (see paragraphs 7.78–7.81 and in particular 7.80). However in IR2 the Inspector recommends that the Binstead peninsula should be included see paragraphs 7.114-7.120. In his Addendum Report dated 21 March 2009 the Inspector states that, despite his change of position as regards the Binstead peninsula, he remains of the view that Alice Holt Forest should not form part of the SDNP (paragraph 3). This is primarily because he is not satisfied that all of Alice Holt Forest satisfies the natural beauty criterion due to the adverse impact of roads and other built development. In the light of the Inspector's change of position as regards the Binstead peninsula, the Secretary of State has given careful consideration to the related issue of Alice Holt Forest. The Secretary of State has visited the area and considers that it is worthy of inclusion in the SDNP on the basis that it is an area of natural beauty which meets the statutory tests in section 5 NPAC. On that basis the Secretary of State is minded to include this as a new addition to the SDNP (see further paragraph 84 below). This area has not so far been through the consultation process required by paragraph 2(3) of Schedule 1 to the NPAC 1949 and therefore notice in accordance with those provisions will shortly be given.

38. As to the remainder of Section D the Secretary of State agrees with the Inspector's conclusions and reasoning as set out below in the identified paragraphs of his reports and has nothing further to add.

Land west/north west of East Worldham	IR1 7.66-7.73
Land west of Blackmoor	IR1 7.74-7.77
Selbourne Outlier	IR1 7.82-7.88 IR2 7.114-7.120
Lode Farm	IR1 7.89-7.97 IR2 7.114-7.120

Section E

39. **Hollywater.** In IR1 the Inspector recommended excluding Hollywater to ensure consistency with Woolmer Forest (see paragraph 7.123). However in IR2 the Inspector revisits his conclusion and recommends the inclusion of Woolmer Forest (see paragraph 7.63). At paragraph 4 of his Addendum report dated 21 March 2009 the Inspector states that, despite now recommending that Woolmer Forest should be included, he is not convinced that the SDNP should include the Hollywater area. Whilst it contains some high quality land, overall he concludes that it is not of outstanding quality, it being fragmented by built development. Against that background the Secretary of State has given careful consideration to whether Hollywater should continue to be excluded. The Secretary of State agrees with the Inspector that this area does not satisfy the statutory criteria and that, in particular, for the reasons given in IR1 at paragraph 7.122 and paragraph 9 of the Addendum Report it does not meet the natural beauty test in section 5(2)(a) of NPAC.

40. As regards **Petersfield, Liss and the A3 Corridor** (see IR1 7.99-7.107 and IR2 7.45-7.56, 7.121) and the **MOD land at Woolmer Forest and Longmoor Training Estate** (see IR1 7.107-7.120 and IR2 7.57-7.67, 7.122), the Secretary of State repeats paragraph 32 above. Whilst the Secretary of State recognises that the decision to include this land is finely balanced, he agrees with the Inspector's

conclusion that this land is “washed over” by a higher quality landscape and that the other statutory requirements are met.

41. As to the remainder of Section E the Secretary of State agrees with the Inspector’s conclusions and reasoning as set out below in the identified paragraphs of his reports and has nothing further to add.

Bramshott and Ludshott Area	IR1 7.125-7.130
Land west of Liphook	IR1 7.131-7.141
Bordon Area	IR1 7.142-7.145

Section H

42. **Idehurst Manor.** In IR2 the Inspector recommends a change to the boundary at Idehurst Manor (see paragraph 7.195). Instead of cutting across a residential garden the Inspector recommends that a more appropriate boundary would be the line of the Ha-Ha. In his clarifications document dated 11 March 2009 the Inspector confirmed that this results in a new deletion to the boundary in order to follow the line of the Ha-Ha. The Secretary of State agrees and has concluded that this new deletion should be adopted for the reasons given by the Inspector.

43. As to the remainder of Section H the Secretary of State agrees with the Inspector’s conclusions and reasoning as set out below in the identified paragraphs of his reports and has nothing further to add.

Wisborough Green to Ringmer	IR1 7.191-7.194
Wisborough Green Parish	IR1 7.195-7.199
Land South of Wisborough Green	IR1 7.200-7.203
Toat Monument	IR1 7.203-7.208

Section I

44. **Coldwaltham** (known as deletion 4 in IR1). In IR1 the Inspector recommended excluding Coldwaltham (see paragraphs 7.209-7.215). In that report the Inspector considered that the presence of certain landscape detractors (for example a modern housing development and a water treatment works - see paragraph 7.212) meant that the area failed to meet the designation criteria. The Inspector did however recognise that the exclusion of that area “*would leave the Coldwaltham tract almost entirely encircled by land which satisfies the designation criteria*”. In IR2 the Inspector does not change his recommendation to exclude Coldwaltham (see paragraph 7.123). However he does state that it is an area which could be included on the basis of the ‘washed over’ principle (i.e. when identifying an extensive tract of land there will be areas which are such a small part of the overall tract compared to the surrounding land that, even though they may not, of themselves, satisfy the statutory criteria, they are included as part and parcel of the whole tract of land which does possess those qualities).

45. The Secretary of State considers that, for the reasons set out in the latter part of paragraph 7.212 in IR1, the area is of some scenic quality and that, on balance, despite the various landscape detractors, it does satisfy the statutory criteria. Further and in the alternative, the Secretary of State is of the view that the ‘washed over’

principle should apply here and that the land at Coldwaltham should be included on that basis. If excluded the area would be almost entirely encircled by land which satisfies the designation criteria. In those circumstances the Secretary of State does not accept the Inspector's recommendation to exclude Coldwaltham.

Section K

46. **Plumpton.** In IR1 the Inspector recommended including land at the eastern edge of the area identified by the Parish Council (see paragraph 7.340). Save in respect of that small change, the Inspector recommended no change to the boundary at this point. The Secretary of State has however sought clarification from the Inspector due to the fact that the maps attached to both IR1 and IR2 show this as a proposed deletion and not an addition. The Inspector has confirmed, in paragraph 8 of his Addendum/Corrigendum Report of 21 March 2009, that the maps were in error in this regard and should have shown an addition rather than a deletion. On that basis the Secretary of State agrees with the proposed addition and the reasons for it as stated in IR1. The Secretary of State proposes to include this as a new addition to the SDNP (see further paragraph 83 below) since this area has not so far been through the consultation process required by paragraph 2(3) of Schedule 1 to the NPAC 1949.

47. **Ditchling and Land to the North** (proposed deletion 7). At paragraphs 7.307-7.325 of IR1 and 7.133-7.139 of IR2 the Inspector considered the settlement of Ditchling and the land to the north. The Inspector concluded that whilst Ditchling was a special place (not least because of its importance to the Arts and Crafts movement) it only warranted inclusion, in accordance with the statutory criteria and established policies, if it was set within a tract of landscape which satisfied the statutory criteria (see IR1 7.318) i.e. if the significant area to the north of it also warranted inclusion. However the Inspector did not consider the sweep of Low Weald landscape to the north of Ditchling of high scenic quality. He considered that, in addition to certain detractors close to the northern edge of the settlement, there were a number of other features of the land to the north of that (for example ribbon development, building complexes associated with poultry farming, horticulture, garden centres and the like) which meant that it "was hardly of national quality" and lacked "any sense of wildness" (IR1 7.319). Whilst he accepted that the historic elements of the landscape were all relevant to a consideration of natural beauty, overall he was not convinced that these were of sufficient weight to justify the inclusion of the land to the north of Ditchling (see IR1 7.321).

48. In his latest report the Inspector reiterates his view that the land to the north of Ditchling fails the natural beauty test and that Ditchling was not therefore set within a tract of land which met the statutory criteria (see IR2 paragraphs 7.134-7.139). He took the view that if Ditchling was included it would mean that the boundary would run around the northern flank of the built-up area rather than the southern edge. This would bring the historic core into the national park but would also mean bringing in sizeable areas of relatively modern suburban development (IR2 7.135). The Inspector was also of the view that including the land would be at odds with the stance that he had taken elsewhere where a settlement is located at the margin of the area which he considers satisfies the statutory criteria (for example Steyning and Arundel). The Inspector did however accept that land at Lodge Hill should be

included. He considered it to be largely unspoilt farmland offering striking views of the escarpment to the south. It was also readily accessible via the rights of way network and a significant area at the crest of the hill is open to the public.

49. The Secretary of State has given detailed and careful consideration to the conclusions of the Inspector. He has also carried out a visit to Ditchling and its surrounding area to the north. For the reasons set out in detail below the Secretary of State has concluded, contrary to the recommendation of the Inspector, that this area does in fact satisfy the statutory criteria and should be included in the SDNP.

50. The Secretary of State considers that the significant area of land to the north of Ditchling does satisfy the test of natural beauty and that Ditchling is set within a tract of land which meets the statutory criteria. Having visited both Ditchling itself and, more importantly, the area to the north of it, the Secretary of State has concluded that the land to the north is a tract of intact land which meets the natural beauty criterion for the following reasons:

- a. Scenic quality and unspoilt character – the landscape to the north is of high quality with close visual and historic links to the core chalk landscape. The spring lying villages, valley floor, pasture, arable, woodland and scarp components all contribute towards the quality of the area.
- b. Landscape setting – the landscape forms a setting for the chalk scarp and foreground of views from the ridge.
- c. Historic character – The southern part of the Low Weald in this area is an important historic landscape with linear parishes running north-south. As noted by the Inspector (at paragraph 7.321 of IR1) the historic landscape in Ditchling Parish is more intact than in other Saxon strip parishes that extend from the chalk hills into the Low Weald. The landscape retains the north-south routes through the parish (including the long distance Sussex Border Path) as well as evidence of medieval field enclosure. Those physiographical features, significantly contribute towards the sense of natural beauty in the area.
- d. Sense of place - The land has a strong sense of place through visual links with the South Downs and the historic connections of land management associated with both the weald and the Downs.

51. The Secretary of State has given careful consideration to all of the factors identified by the Inspector which are said to weigh against the conclusion that the area is of natural beauty. When making his visit to the area the Secretary of State had in mind those particular factors referred to by the Inspector. The Secretary of State recognises that the area immediately to the north of the settlement does include sizeable areas of relatively modern suburban development. However the Secretary of State disagrees with the Inspector on the quality of the land beyond that, to the north of the settlement. He also notes that 'a sense of relative wildness' is not required by the statutory criteria or by Natural England's guidelines. Whilst, in part, this comprises some ribbon development, with associated agricultural and horticultural complexes, the Secretary of State nevertheless takes the view that the land is of high quality with strong visual links to the core chalk landscape. If the historic character of the landscape is also weighed into the balance the Secretary of State considers that the area can properly be described as one of natural beauty.

52. As to the opportunities for open-air recreation, within the area there are a number of footpaths including the Sussex Border Path which provide people with the opportunity to enjoy the immediate landscape context and the associated South Downs. In addition the area to the north of Ditchling is characterised by a strong Low Weald character landscape providing opportunities for quiet enjoyment of the countryside. The recreational experience not only arises from the characteristics of the Low Weald but those associations with the chalk landscape of the South Downs. The recreational experience in this area is remarkably quiet and intimate as a result of the landscape. On that basis the Secretary of State considers that the statutory criteria in section 5(2)(b) of NPAC is satisfied.

53. As to the suggestion by the Inspector that the inclusion of Ditchling might be inconsistent with the approach to other similar settlements located at the margin of the boundary (in particular Syeyning/Bramber and Arundel) which have been excluded from the SDNP, the Secretary of State can confirm that separate consideration has been given to that issue. The Secretary of State and/or senior officials also carried out visits to these areas in order to decide whether to accept the Inspector's recommendation to exclude them from the SDNP. Following the visits to Steyning/Bramber and Arundel, the Secretary of State is satisfied that, for the reasons given by the Inspector, the quality of the outlying land at Steyning/Bramber and at Arundel does not satisfy the natural beauty test (see IR1 7.261-7.273 & IR2 7.125-7.139 and IR1 7.821-7.855 & IR2 7.172-7.174 respectively). The Secretary of State is satisfied that there is a material difference between the outlying land for those areas and that to the north of Ditchling in terms of satisfaction of the natural beauty test in section 5(2)(a) of NPAC 1949 (as set out at paragraphs 18 and 19 above). On that basis the Secretary of State is content that the decision in respect of Ditchling is not inconsistent with the approach which has been taken in relation to other similar settlements.

54. The Secretary of State agrees with the statement by the Agency at the inquiry, that the case for the inclusion of Ditchling is finely balanced. However, having balanced all the relevant factors, the Secretary of State is persuaded that the statutory test under section 5(2) of NPAC 1949 is satisfied and does not accept the Inspector's recommendation to exclude Ditchling and the land to the north from the boundary and proposes to include that area in the boundary.

55. As to the remainder of Section K the Secretary of State agrees with the Inspector's conclusions and reasoning as set out below in the identified paragraphs of his reports and has nothing further to add.

Steyning, Bramber and Upper Beeding	IR1 7.261-7.273	IR2 7.125-7.139
Rock Common	IR1 7.248-7.252	
Washington Triangle	IR1 7.253-7.256	
Wiston	IR1 7.257-7.260	
Land North of Edburton Road	IR1 7.274-7.278	
Wood Mills Area	IR1 7.279-7.285	IR2 4.20-4.24
Hurstpierpoint	IR1 7.286-7.297	
Hassocks/Keymer	IR1 7.298-7.306	IR2 7.131-7.132
Westmeston	IR1 7.326-7.330	
East Chiltington	IR1 7.344-7.354	

Section M

56. **Wilmington.** In his first report the Inspector recommended an addition to the boundary in this location to include Wilmington in its entirety (previously known as addition 11), see IR1 7.414-7.426 and in particular 7.425. However the Inspector reconsidered that issue in IR2 and, particularly in the light of new material submitted during the re-opened Inquiry, recommended that the boundary should remain unchanged. His reasons for so recommending are set out at 4.38-4.49 of IR2. The Secretary of State agrees with the Inspector's conclusions and reasoning as expressed in IR2 and therefore does not propose to include Wilmington (previously addition 11) within the boundary.

57. **Upper Cuckmere Valley.** In IR1 the Inspector concluded that, aside from Wilmington Village (see above), the Upper Cuckmere Valley should not be included in the boundary because it was too far away from the core chalk landscape to "borrow character" from it, despite the fact that it contained sites of ecological and historical importance (see IR1 at 7.423-7.424). In IR2 the Inspector placed less emphasis generally on the core chalk landscape due to the changes introduced by NERC. In those circumstances the Secretary of State sought clarification from the Inspector as to whether he maintained his view expressed in IR1 that the boundary should not be extended to include the Upper Cuckmere Valley. The Inspector has confirmed in his Addendum Report (see paragraph 5) that, in addition to the "borrowed character" point, there are other important factors which weigh against the inclusion of this area in the SDNP including the fact that many important sites in the Upper Cuckmere Valley are separated from the core chalk hills to the south by (1) the fragmented landscape at Wooton Manor, (2) the A27 and (3) parts of Wilmington Village (i.e. area 11 land which is no longer recommended for inclusion). The Secretary of State agrees with the Inspector and his reasoning and therefore it is not proposed to extend the boundary to include the Upper Cuckmere Valley.

58. As to the remainder of Section M the Secretary of State agrees with the Inspector's conclusions and reasoning as set out below in the identified paragraphs of his reports and has nothing further to add.

Ryngmer Park	IR1 7.388-7.392	IR2 4.25-4.32
Land East of Ringmer/Gote Farm	IR1 7.393-7.399	IR2 4.33-4.35
East of Glynde	IR1 7.400-7.405	IR2 4.36-4.37
Land North of A27	IR1 7.406-7.413	

Section O

59. **Marine boundary.** At paragraphs 4.0-4.10 of IR1 the Inspector considers the issue of the marine boundary. This issue was the subject of legal submissions on the part of NE and a number of objectors as to whether a national park can lawfully include marine areas beyond the mean low water mark (MLWM). At paragraphs 4.2 and 4.3 the Inspector explains the reasons why he accepted NE's submissions (as recorded in paragraph 4.0 of IR1) that legally a national park cannot extend beyond MLWM. The Secretary of State agrees with the Inspector's reasoning and

conclusions on that issue. However at paragraphs 4.5-4.10 of IR1 the Inspector went on to suggest that consideration should be given to leaving open the boundary of the national park to the sea for those lengths of coast and foreshore that satisfy the statutory criteria. The Secretary of State has given careful consideration to that suggestion, however he has decided to reject it. As the Inspector concluded, the statutory powers and functions of the NPA would extend only to the MLWM. Whilst the marine areas might, in principle, satisfy the statutory natural beauty and recreational opportunities criteria, the conservation and management of the marine environment below the MLWM is being addressed as part of the Marine Bill. Such an approach is also consistent with the recent approach adopted for the New Forest National Park. In those circumstances the Inspector's recommendation to leave the boundary to the sea "open" where the adjoining cliffs and foreshore satisfy the statutory criteria is rejected and the Secretary of State proposes to adopt the MLWM as the boundary in these areas.

Section P

60. **Marine Boundary.** For the reasons set out at paragraph 59 above, the Secretary of State proposes to adopt the MLWM boundary where the adjoining cliffs and foreshore satisfy the statutory criteria (save in respect of the Telscombe Cliffs area which is addressed separately by the Inspector at IR1 7.536-7.551 and where the Secretary of State agrees with the Inspector's recommendation, see below).

61. **Hollingbury Hill** (addition 21). In IR1 the Inspector recommended adding a stretch of land on the southern flanks of Hollingbury Hill, known as Dead Man's Wood (see paragraphs 7.657-7.667 and in particular 7.663). However, in IR2 the Inspector revisits that issue and recommends the omission of part of that addition in respect of the site of a special school (paragraph 4.84). The Inspector's reasons for excluding the school are set out at paragraphs 4.83 of IR2. The Secretary of State accepts that recommendation and agrees with the reasons provided by the Inspector for adding the land, subject to the exclusion of the school.

62. **Ovingdean** (deletion 14). In IR1 the Inspector recommended that Ovingdean Village (east of Brighton) should not be included in the SDNP (IR1 7.588-7.594). The Inspector also recommended that in this location there should be an exclusion to the boundary to take out Longhill School land (see paragraph 7.593). For the reasons given by the Inspector at paragraph 7.593 the Secretary of State accepts the Inspector's recommendation to exclude the school.

63. **Beacon Hill** (Addition 15). As highlighted at paragraph 7.573 of IR1 Beacon Hill is one of the few areas in the SDNP that extends to the sea. The Inspector considered that this location offered spectacular views out to sea together with a markedly superior recreational experience (IR1 7.584-7.585).

64. At this location, the Inspector recommends adding in a **miniature golf course** to the boundary (see IR1 7.584). Whilst the Inspector considered this decision to be "*far from clear-cut*", the Secretary of State nevertheless accepts and adopts the Inspector's recommendation and reasoning at paragraph 7.584. In particular the Secretary of State considers the fact that the golf course (with its spectacular coastal views) is open to the public for other open-air recreational activities, to be an

important factor, when assessing whether the statutory criteria under section 5 (and in particular section 5(2)(b)) of NPAC is met.

65. In addition the Inspector recommends in IR1 that the **St Dunstan's Hospital** should be included in the boundary at this location (see paragraph 7.583). This recommendation was maintained in IR2, see 4.66-4.67. The reasons for the Inspector's conclusions are to be found in IR1 at 7.583. The Secretary of State adopts and agrees with the Inspector's recommendation and reasons in this regard. The fact that the hospital grounds are largely open and that they form part of a prominent downland hillside strongly supports the case for inclusion in the SDNP. In addition the Secretary of State agrees with the Inspector that the sea is particularly rare and valuable scenery. Even those areas which do not have public access are likely to be visually appreciated and enjoyed by those engaged in open-air recreation elsewhere inside the national park. In addition and in any event, having accepted the Inspector's recommendation to include the miniature golf course (see paragraph 64 above), the hospital will have national park land on either side of it and would therefore qualify for inclusion in accordance with the 'washed-over' principle. For those reasons, in addition to those given by the Inspector, the Secretary of State accepts that the hospital should be included.

66. For the avoidance of doubt the Secretary of State also agrees with the Inspector's recommendation that **Rottingdean (South) recreation ground** should remain within the boundary (see the final part of paragraph 7.584 in IR1). This does not form part of addition 15 but is included separately within the boundary.

67. **Roedean** (part of addition 16). This area is between Peacehaven and Brighton in the same area as the St Dunstan's Hospital. As well as including the Rodean School, this area also encompasses a stretch of cliffs and foreshore. In IR1 the Inspector recommended that the area, including the School should be brought within the SDNP (see paragraphs 7.602-7.605). Whilst the Inspector considered this to be a "finely balanced" decision, the fact that the School was part of a wider sweep of land that satisfied the designation criteria, led him to recommend its inclusion. In IR2 the Inspector reconsidered this issue, particularly in the light of representations from Rodean School to the effect that the statutory criteria for inclusion were not met. For the reasons set out in detail at paragraphs 4.69-4.71 of IR2 the Inspector maintained his recommendation that the School should be included. The Secretary of State has carefully considered the Inspector's reports and agrees with and adopts his reasoning as contained in IR1 and in particular paragraphs 4.69-4.71 of IR2. The Secretary of State agrees with the Inspector that the sea is rare and valuable scenery. In this instance the land is particularly special because it represents one of the relatively few locations where the open downland extends to the coast. Whilst the School does not have public access the area is likely to be visually appreciated and enjoyed by those engaged in open-air recreation elsewhere inside the national park. In addition and in any event, given that the proposed addition includes the cliffs and the foreshore the school will have national park land on either side of it and would therefore qualify for inclusion in accordance with the 'washing over' principle. For those reasons, in addition to those given by the Inspector, the Secretary of State accepts that the hospital should be included.

68. **MacIntyre's Field, Lancing.** In IR1 the Inspector concluded that this field should remain within the boundary (see 7.752-7.758). The Secretary of State agrees with and adopts the Inspector's recommendation and his reasoning. Despite the fact that this land does not have access to the public, the Secretary of State agrees with the Inspector that due to its long distance views of the wider downland and the right of way running along its northern edge (allowing movement to Lancing Ring and beyond) it is likely to be visually appreciated and enjoyed by those engaged in open-air recreation elsewhere inside the national park. In addition the Secretary of State agrees that this area forms part of a wider tract of high quality landscape which satisfies the natural beauty criterion. In those circumstances the Secretary of State agrees that the boundary should remain unchanged, thereby including MacIntyre's Field.

69. **Whitehawk Hill and Sheepcote Valley.** In IR1 the Inspector considered that certain parts of this area the Eastern flank of Sheepcote Valley should be brought within the SDNP (addition 18) whilst other parts should remain outside (see 7.613-7.635). The Secretary of State agrees and adopts the Inspector's reasoning in respect of addition 18. However the Inspector also recommended a freestanding addition (addition 19) which encompasses "some additional land at Warren Road" which is situated on Race Hill above Brighton (see IR1 paragraph 7.634). For the avoidance of doubt the Secretary of State agrees and adopts the recommendation and reasoning in respect of addition 19 as set out at paragraph 7.634 of IR1. That addition was not the subject of any specific objections during the re-opened Inquiry, save for a general concern that the SDNP might constrain future development (see 4.77-4.78 of IR2). In those circumstances the Secretary of State accepts that this addition should be included.

70. **Southwick Hill.** As recently clarified by the Inspector in his Addendum Report dated 21 March 2008, paragraph 9, the addition of this area in IR1 (see 7.730-7.740) was overtaken by his decision to exclude virtually all of the land at Southwick Hill to the north of the A27 in IR2, see paragraph 4.100 and the map on page 26 of Volume 2. Consequently the Inspector no longer recommends this as an addition. The Secretary of State agrees with and adopts the Inspector's final position as expressed in IR2.

71. **Green Ridge** (included as part of addition 23). This has also been the subject of clarification by the Inspector at paragraph 6 of his Addendum Report dated 21 March 2009. In his first report the Inspector stated that if the Toads Hole Valley was left out of the SDNP, there should be a consequential change to the boundary at Green Ridge (see paragraph 7.684). In IR2 the Inspector recommends that Toads Hole Valley is excluded from the SDNP, however he overlooked the need for a consequential change to the boundary at Green Ridge (see IR2 4.80-4.93). The map at Annex A to his Addendum Report addresses this discrepancy and confirms his recommendation that the Green Ridge should be excluded (save for the embankment adjacent to the A27). In the light of that clarification, the Secretary of State agrees with and adopts the Inspector's recommendation and reasoning in respect of the exclusion of Toads Hole Valley and the Green Ridge.

72. **Foredown Tower.** Foredown Tower, near Hove, is an educational and interpretive centre (containing, for example a camera obscura). In his first report the

Inspector recommended an addition to the boundary in order to incorporate more land (some land in the vicinity of the Tower was already included) so that the boundary comes closer to (but not right up to) the Tower (see IR1 7.712-7.718). In IR2 the Inspector recorded that no representations were submitted in respect of the area and therefore the Inspector maintained his recommendation in IR1. The Secretary of State agrees with the reasoning given by the Inspector, in particular that, despite the lack of public access in respect of this proposed additional area, nevertheless (1) the land forms part of a wider tract of downland that offers markedly superior recreational experiences and (2) the land forms the foreground in the outstanding views available from the long distance route that follows Foredown Road (the Monarchs Way). In those circumstances it is likely to be visually appreciated and enjoyed by those engaged in open-air recreation elsewhere inside the national park. The Secretary of State therefore agrees with the recommendation of the Inspector that this land should be included.

73. **Tide Mills** (additional area 13). In IR1 the Inspector recommended that the boundary be extended to include this area consisting of a stretch of undeveloped coastline (and in particular a shingle beach). However in IR2 the Inspector clarified that the proposed addition ought not to include the Eastside Business Park, since this would be contrary to agreed boundary setting guidelines (see IR2 4.54). In IR2 the Inspector also expanded upon his reasons for including other aspects of additional area 13 (paragraphs 4.55-4.57). The Secretary of State agrees with the Inspector and adopts his reasoning in respect of Tide Mills, as clarified in report IR2. On that basis area 13 is to be included in the SDNP, but varied to exclude land forming part of the Eastside Business Park.

74. **Patcham Recreation Ground** (known as addition (b) in IR2). At paragraph 7.191 of IR2 the Inspector suggests an addition to the boundary in this location in order to overcome a “technical deficiency”, namely that a more obvious and clearer boundary would be the A23 which runs along the eastern edge of the site. This amendment would have the effect of bringing the Patcham Recreation Ground into the SDNP. The Secretary of State’s provisional view is that he agrees with that recommendation. He considers that there is a need for a clearer boundary and that, in any event, the recreation ground does form an attractive foreground to the wooded hillside to the west of it. On that basis the Secretary of State proposes to include this as a new addition to the SDNP (see further paragraph 83 below) since this area has not so far been through the consultation process required by paragraph 2(3) of Schedule 1 to the NPAC 1949.

75. **Rodean Crescent** (known as addition (a) in IR2). In IR2 the Inspector recommends a new addition to include a sliver of land which runs along the rear garden boundaries of the dwellings in Rodean Crescent (see IR2 7.192-7.193). This recommendation was made following representations from Brighton City Council to the effect that the SDNP boundary to the rear of the Crescent was largely unrelated to any physical features on the ground. The Secretary of State’s provisional view is that he agrees with that recommendation for the reasons given by the Inspector. On that basis the Secretary of State proposes to include this as a new addition to the SDNP (see further paragraph 83 below) since this area has not so far been through the consultation process required by paragraph 2(3) of Schedule 1 to the NPAC 1949.

76. **A27 embankments.** In his first report the Inspector recommended that where land south of the A27 in Section P is excluded from the proposed South Downs National Park the boundary should follow the northern edge of the A27 carriageway (see IR1 7.453). The significance of that proposed addition is that (for certain applicable sections) it brings within the SDNP the verges/embankments along the northern edge of the A27; areas which NE had previously excluded from the proposed boundary. The Inspector makes that recommendation on the basis that, over the years, the verges/embankments have begun to blend into the wider downland landscape, a process that is likely to continue. In addition he states that some of these areas are now considered of ecological value in their own right. In those circumstances he recommends the adoption of a clearer and more obvious boundary (along the northern edge of the A27) rather than the more complicated proposed boundary. The Secretary of State can see the merit in the proposed addition for the reasons given by the Inspector. On that basis the Secretary of State proposes to include this as a new addition to the SDNP (see further paragraph 83 below) since this area has not so far been through the consultation process required by paragraph 2(3) of Schedule 1 to the NPAC 1949. Despite this suggested amendment having been made in IR1 it did not form part of the consultation process prior to the re-opened Inquiry and was not therefore addressed in IR2.

77. As to the remainder of Section P the Secretary of State agrees with the Inspector's conclusions and reasoning as set out below in the identified paragraphs of his reports and has nothing further to add.

Seaford	IR1 7.454-7.458	
Chyngton Farm Seaford	IR1 7.459-7.464	IR2 7.151-7.155
Tarring Neville	IR1 7.475-7.480	
Beddingham Landfill Site	IR1 7.481-7.485	
Brookside Farm	IR1 7.486-7.490	
Newhaven Cliffs	IR1 7.491-7.503	
Land north east of Peacehaven	IR1 7.504-7.514	
Edge of Peacehaven	IR1 7.515-7.522	
Brighton to Peacehaven foreshore and cliffs	IR1 7.523-7.535	
Telscombe Cliffs	IR1 7.536-7.551	IR2 4.59-4.65
Combe Farm Saltdean	IR1 7.552-7.555	
Rottingdean	IR1 7.556-7.565	IR2 7.156-7.160
Land between Whitehawk and Woodingdean	IR1 7.566-7.572	
St Wulfans Church, Ovingdean	IR1 7.595-7.601	
Woodingdean	IR1 7.606-7.612	IR2 4.73-4.74
Village Way Falmer	IR1 7.636	
Westain Plantation	IR1 note at p235	
Falmer School	IR1 7.637-7.640	
University of Sussex	IR1 7.641-7.648	
Coldean Wood	IR1 7.649-7.656	IR2 4.79-4.81
West of Ditchling Road	IR1 7.668-7.674	IR2 4.85-4.87
Ladies Mile	IR1 7.675-7.679	
Benfield Valley	IR1 7.700-7.711	
Mile Oak	IR1 7.719-7.729	IR2 4.96-4.100
Mill Hill	IR1 7.741-7.745	
Lower Adur Valley	IR1 7.746-7.751	

Lyons Farm, Worthing	IR1 7.759-7.768
Land north of Beeches Avenue	IR1 7.769-7.782
Land at Woodingdean	IR2 7.194

Section Q

78. **Castle Goring and land east of Titnore Lane** (known as addition (c) in IR2). There are two parts to this area of land. The first part, the land immediately east of Titnore Lane, was inside the Designation Order boundary however some objectors sought to have it excluded. The second part is the adjoining land, at Castle Goring, which NE placed outside the boundary but other objectors sought to have included. In IR1 the Inspector concluded that both parts of the land in question should be treated as one and that both should be excluded from the park (which led to his proposed deletion 16) (see IR1 at 7.797-7.802). However in IR2 the Inspector reaches a different conclusion, recommending that both parts of the land should be included, see IR2 7.161-7.167 (which led to the abandonment of deletion 16 and new addition (c)). The Secretary of State has given careful consideration to the reasoning of the Inspector as expressed in IR2 and has concluded that there is a meritorious case for the inclusion of both areas in the SDNP. On that basis the Secretary of State proposes to include this as a new addition to the SDNP (see further paragraph 83 below) since this area has not so far been through the consultation process required by paragraph 2(3) of Schedule 1 to the NPAC 1949. For the avoidance of doubt, in the event that the Secretary of State decides not to go ahead with this addition after going through the consultation process, the Secretary of State will go ahead with deletion 16 as originally proposed in IR1 (which has previously been through the consultation process).

79. As to the remainder of Section Q the Secretary of State agrees with the Inspector's conclusions and reasoning as set out below in the identified paragraphs of his reports and has nothing further to add.

Land south of A27	IR1 7.784-7.790	
Highdown Hill	IR1 7.804-7.815	IR2 7.168-7.171
Ferring Rife	IR1 7.816-7.819	

Section W

80. **Owlesbury Parish.** In IR1 the Inspector declined to recommend that additional land in Owlesbury Parish should be included (see paragraphs 7.1009-7.1013). That was on the basis that the land in question i.e. north of Portsmouth Road had Coastal Lowlands rather than downland characteristics. Coastal Lowlands are not necessarily excluded from the SDNP, but they are generally of lower quality, as reflected in the fact that they are excluded from the East Hants AONB. The Inspector does not revisit those conclusions in IR2. In his Addendum Report the Inspector has clarified that, whilst his second report gives less weight generally to the presence or otherwise of downland character, he has not changed his views regarding the boundary at Owlesbury (see paragraph 7). In his view the additional land at Owlesbury Parish is not of especial quality and accordingly does not satisfy the natural beauty test. The Secretary of State agrees and adopts the Inspector's reasoning as set out in his first

report and the Addendum report. On that basis the additional land at Owlesbury Parish will not be included in the boundary.

81. **Upham Parish.** Similarly in IR1 the Inspector declined to recommend that additional land in Upham Parish should be included (see paragraphs 7.1004-7.1008). The Inspector does not revisit those conclusions in IR2. The Secretary of State accepts the Inspector's reasoning as set out in IR1 that this land should not be included. Further and in any event for the reasons advanced by NE the Secretary of State does not consider that this area satisfies the statutory criteria for inclusion. The land in question has Coastal Lowland characteristics and is therefore a transitional landscape. In those circumstances the Secretary of State agrees that the boundary should be drawn conservatively. In addition the Secretary of State agrees with the Inspector's conclusion at IR1 7.1007 (discussed earlier in section 4 of the report) that the splitting of Parishes is not, in itself, a reason to include land which does not otherwise satisfy the statutory criteria.

82. As to the remainder of Section W the Secretary of State agrees with the Inspector's conclusions and reasoning as set out below in the identified paragraphs of his reports and has nothing further to add.

Edge of Swanmore	IR1 7.973-7.979	
The Moors, Bishop Waltham	IR1 7.980-7.989	IR2 4.115-4.116
Compton and Shawford Parish	IR1 7.1014-7.1018	
Other land at edge of Bishop's Waltham	IR1 7.990-7.1003	IR2 4.117-4.118,7.185-7.189

“The new additions” – composite list

83. In the light of the detailed boundary analysis set out above, the following new additions will shortly be placed on public deposit for a minimum of 12 weeks. If any objections and representations are made, an inquiry or hearing will be called to hear them and a report will be provided to the Minister who will then consider whether or not to include the areas within the National Park.

Section D - Alice Holt Forest

Section K - Plumpton

Section P - Rodean Crescent (addition (a) in IR2)
Patcham Recreation Ground (addition (b) in IR2)
A27 embankments

Section Q - Castle Goring and land east of Titnore Lane (addition (c) in IR2)

Part III Revocation Orders for the Areas of Outstanding Natural Beauty

84. The Secretary of State has decided that, in agreeing to confirm the National Park Designation Order, he will confirm the Orders revoking the Sussex Downs and East Hampshire Areas of Outstanding Natural Beauty.

85. The boundary for the SDNP, which the Minister has decided upon (subject to the further processes set out above in relation to the proposed new additions), takes in most of the land currently within the Sussex Downs and East Hampshire AsONB. However, it excludes some eight square kilometres, in around 72 small parcels of land. Many of these parcels were excluded from the Park from the outset, in the original designation. Sometimes this was because the requisite quality was found to be lacking and sometimes it was in order to form a boundary which was clear and readily identifiable. Some of them were considered by the Inspector due to an objection to their exclusion, and others were excluded by the Inspector himself. In some instances the Inspector has concluded that the land is no longer of sufficient quality to merit AONB status. The Inspector's conclusions on the left over parcels of ANOB land can be found in Section 8 of IR1 and paragraphs 5.15-5.19 of IR2. Whatever the reasons for finding against their inclusion in the Park, the Secretary of State is satisfied that none of the parcels, whether taken individually or collectively, are of sufficient size and/or quality to warrant consideration as an appropriate free-standing residual AONB.

Part IV Appropriateness of a National Park Authority

86. Section 63 of the Environment Act 1995 ('EA 1995') allows the Secretary of State to establish a National Park Authority in connection with the designation of a new National Park. Consistent with the position in all the other National Parks, and with the Inspector's advice, the Secretary of State has decided that a National Park Authority should be established to manage the South Downs National Park.

87. National Park Authorities become the sole local planning authority for their area and, in consequence, are given a number of powers and duties under planning legislation. The Environment Act and other countryside legislation including NPAC 1949 is relevant in terms of the way they conduct their functions. The South Downs National Park Authority will enjoy all these powers and duties.

88. Given its exceptionally large population, and the number of local authorities having land within the Park, the Secretary of State takes the view that the South Downs National Park Authority should delegate its development control work so far as possible to its constituent local authorities. He recognises that this is a decision for the National Park Authority but will base his own decisions (for example on membership or funding) on the presumption that delegation will, so far as possible, occur, until such time as the National Park Authority may decide differently. He will review such arrangements after a period of time to see how they are working.

89. Sections 63(1) and 75(2) of the EA 1995 require National Park Authorities to be established by a Statutory Instrument subject to the negative resolution procedure, and paragraph 2 (3) of schedule 7 to that Act requires the Secretary of State to consult the local authorities with land in the Park before specifying the number of local authority members, the councils by whom they are to be appointed, or the number each can appoint.

90. The Secretary of State intends to begin that consultation shortly (and will voluntarily expand it to take in comments from interests other than the local

authorities and also to cover the number of parish and 'national' members as well as the number and distribution of local authority appointments). That consultation will run for at least twelve weeks.

91. He intends to consult shortly on options for an overall authority size of 29-37 members.

92. He anticipates laying the Statutory Instrument before Parliament in the Autumn of 2009 so that, if Parliament is content, the National Park Authority can be established and members appointed to it from April 2010. After a year of preparatory work he envisages the National Park Authority becoming operational, and so taking lead responsibility for delivering the statutory National Park purposes in the South Downs from 1 April 2011.

Challenges

93. Under Part III of the First Schedule to the NPAC 1949, any person wishing to question the validity of the Order may make an application to the High Court within six weeks after the date of publication of notice of the confirmation of the Order. However, anyone considering such a challenge should note that the Order will not be confirmed until the consultation on the further additions described at paragraph 16 above has been completed, any necessary hearing or inquiry into those additions has been held, and the Secretary of State has reached conclusions at the end of that process (which conclusions will be the subject of a further decision letter).

Copies of this letter

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

Yours sincerely



Kim Gunningham

Defra Helpline

Tel: 08459 33 55 77

Mon-Fri: 8am to 6pm

Email: helpline@defra.gsi.gov.uk

ANNEX 1
ADDITIONS TO DESIGNATION ORDER (AS VARIED) PROPOSED BY INSPECTOR

		IR1	IR2
Section A	Additional Area 1 East of Abbots Barton (Winchester) (Durngate/Hyde sites)	7.25-7.30	4.6-4.7 7.108-7.109
Section C	Additional Area 2 West Tisted	7.43 -7.48	4.8-4.9
Section F	Additional Area 3 Hammer	7.154-7.161	4.10-4.11
Section J	Additional Area 4 Storrington/Clay Lane	7.217-7.220	4.12-4.13
	Additional Area 5 Washington Common/Warren Hill	7.232-7.246	4.14-4.17
Section K	Additional Area 6 Washington	7.253-7.256	4.18-4.19
	Additional Area 7 Woods Mill	7.279-7.285	4.20-4.24
Section L	Additional Area 8 Ringmer Park/Gote Farm (actually in M)	7.388-7.392	4.25-4.32
Section M	Additional Area 9 Gote Farm	7.393-7.399	4.33-4.35
	Additional Area 10 East of Glynde	7.400-7.405	4.36-4.37
	Additional Area 11 Wilmington/Upper Cuckmere Valley	7.414-7.426	4.38-4.39 (This addition is dropped entirely in IR2)
Section N	Additional Area 12 Stud Farm Stables	7.427-430 note p168	4.50-4.51
Section P	Additional Area 13 Tide Mills, Newhaven	7.465-7.474	4.52-4.58
	Additional Area 14 Telscombe Cliffs	7.536-7.551	4.59-4.65
	Additional Area 15 St Dunstans Hospital and foreshore	7.573-7.587	4.66-4.67
	Additional Area 16 Roedean School and foreshore	7.602-7.605	4.68-4.72
	Additional Area 17 Woodingdean	7.606-7.612	4.73-4.74

	Additional Area 18 Whitehawk/Sheepcote Valley	7.613-7.635	4.75-4.76
	Additional Area 19 Whitehawk Hill/Race Hill/Warren Rd	7.626-7.635	4.77-4.78
	Additional Area 20 Coldean Wood	7.649-7.656	4.79-4.81
	Additional Area 21 Dead Man's Wood/Hollingbury	7.657-7.667	4.82-4.84, 7.657-667
	Additional Area 22 Hollingbury Hill/W of Ditchling Rd	7.668-7.674	4.85-4.87
	Additional Area 23 Toads Hole Valley/Green Ridge	7.690-7.699	4.80-4.93 (This addition is dropped entirely in IR2)
	Additional Area 24 Foredown Road	7.712-7.718	4.94-4.95
	Additional Area 25 Mile Oak	7.719-7.729	4.96-4.100
	Roedean Crescent (known as addition (a) in IR2)		7.192-7.193
	Patcham Recreation Ground (known as addition 31 or addition (b) IR2)		7.191 and 7.193
	A27 Embankments	7.453	
Section Q	Castle Goring/land east of Titnore Lane (known as addition (c) IR2 and previously deletion 16 in IR1)	7.791-7.803	7.161-7.167
Section R	Additional Area 26 Binstead	7.856-7.863	4.101-4.107
Section S	Additional Area 27 Slindon Common	7.865-7.870	4.108-4.109
Section U	Additional Area 28 Rowlands Castle	7.939-7.952	4.110-4.114
Section W	Additional Area 29 The Moors, Bishop's Waltham	7.980-7.989	4.115-4.116
	Additional Area 30 Bishop's Waltham	7.990-7.1003	4.117-4.118 7.185-7.189

Where NP reaches the coast (except at Telscombe, see IR1 7.536-551) boundary should be left open to the sea, IR1 4.1-4.10

ANNEX 2
EXCLUSIONS TO DESIGNATION ORDER (AS VARIED) PROPOSED BY INSPECTOR

			IR1	IR2
Section A	Deletion 24	Durngate/Hyde	7.2-7.9	7.108-7.109
Section D	Deletion 1	Land at East Worldham (Alice Holt Forest)	7.66-7.73	7.114-7.120
Section E	Deletion 2	Longmoor Training Estate	7.108-7.120	7.57-7.67 7.112 (Now included in IR2)
Section H	New Deletion	Idehurst Manor/Farm	7.195 and Inspector's clarification of 11/3/09	
Section H	Deletion 3	The Gallops	7.205-7.207 (and 7.208 per first Addendum Report)	
Section I	Deletion 4	Land at Coldwaltham	7.210-7.215	7.123
Section K	Deletion 5	Steyning and Bramber (inc. land north of A283)	7.261-7.273	7.125-7.130
	Deletion 6	Hurstpierpoint	7.286-7.297	
	Deletion 7	Ditchling	7.307-7.325	7.133-7.139
	Deletion 8	Brookhouse	7.351-7.354	(Has become addition at Plumpton)
Section L	Deletion 9	Lewes	7.361-7.378	7.140-7.147 (Now included in IR2)
		Conyboro Estate (part)	7.379-7.386	7.148-7.150
Section P	Deletion 10	Land South Chyngton Way at Seaford	7.459-7.464	7.151-7.155
	Deletion 11	Tarring Neville	7.475-7.480	
	Deletion 12	Land North East of Peacehaven	7.504-7.514	
	Deletion 13	Rottingdean	7.556-7.565	7.156-7.160
	Deletion 14	Land at Longhill School Ovinngdean	7.588-7.594	
	Deletion 15	Village Way Falmer and Westlain Plantation	7.636 and page 235 "note"	
Section Q	Deletion 16	Land East of Titnore Lane/Castle Goring	7.791-7.803	7.161-7.167
Section R	Deletion 17	Arundel and land S/SE/SW of it	7.821-7.855	7.172-7.174
Section S	Deletion 18	Beech Tree House and Lodge at Boxgrove	7.875-7.885	7.175-7.176

Section T	Deletion 19	Lavant Valley South and land E of Lye Lane	7.892-7.908	7.177-7.179
	Deletion 20	Land South of Trumley Land at Chichester	7.909-7.929	7.180-7.184
Section U	Deletion 21	Catherington Village	7.953-7.958	
	Deletion 22	Catherington Down	7.959-7.965	
Section W	Deletion 23	Bishop's Waltham (two parts)	7.980- 7.1003	7.185-7.189 and 4.117-8