

**Minutes of the Meeting of Selborne Parish Council held in  
Selborne Village Hall on Wednesday 12<sup>th</sup> September 2007 at 8:00pm**

Present:	Mrs. H Carter	Chair
	Mrs. M Palmer	
	Mr. P Dixon	
	Mr. N James	
	Mrs. A Boase	
	Mrs. A Luty	
	Mr. S Goater	
	Mr. T McMeekan	
	Mr. S Cabrol	
	Mrs. L Coney	Clerk

Also present were 11 members of the public and District Councillor Mrs. Comber

**Item 1 - Apologies for absence.** Received from Cllr Ravenscroft and Cllr Mrs. Barnfield

**Item 2 – Co-option to the Parish Council. To fill any vacancies left by reason of resignation (Selborne).** There were no candidates.

**Item 3 – To receive declarations of acceptance of office.** There were none to receive.

**On completion of item 3 the meeting recessed to allow members of the public to speak on any matter prior to the re-commencement of the meeting.**

*Ted Yates wished to let the council know how badly the yellow lines down Gracious Street are needed, and also to request a disabled parking space for Gillian Hartz to enable her to park nearer to her house.*

*He also wished to express his serious concern over the South Downs National Park Public Inquiry Inspector's proposed alternative boundary, which he commented would split many villages in half around the A272.*

*Dr Yates also wished to thank the council for agreeing to sign his letter to the Times (Cllr Mrs. Carter had agreed to sign the letter although it had been agreed that she was not to sign it on behalf of the council as a whole but as an individual councillor)*

*Finally Dr Yates wished to inform the council that the bridge on the footpath at Dorton, had, (prior to the closure because of the damage to the bridge), been the most popular footpath in the village. He said it was much used by the more senior residents and visitors who wanted a short route along which to exercise.*

*Mrs. Aston wished to comment that with regard to the prohibition of waiting in Gracious Street, the village does need more parking in general.*

*Tina Brown wished to ask whether the council would consider allocating off road parking on the Plestor, and also improve the signage noting the location of available public parking. Generally, people who used to work in Selborne also lived in Selborne. Now though, there are organisations within the village employing people from outside the village and they come into the village and take up all the parking. .*

*Mr. Houston-Davies wished to comment that it is all well and good doing the traffic measures, but the police should come and enforce the speed limit or have cameras to do it instead. Cllr Mrs. Carter explained that the council will be looking at Community Speed Watch and indeed already has volunteers but currently awaits the results of the trials in other villages before proceeding.*

*Mrs. Aston also wished to add that speed camera rules have been relaxed so could the council revisit the possibility. Also, she asked if the minutes from meetings could be made available to people who do not have internet access. The clerk said she would get copies put in the shop and the pub.*

**Item 4 – Approval of the Minutes of the Meeting of the Parish Council held on 8<sup>th</sup> August 2007.**

With there being no amendments it was **AGREED** that these were accepted as a true record and signed accordingly.

**Item 5 - Disclosure of Pecuniary and other interests.**

The Chair reminded members who had an interest to disclose, in relation to any item included in the agenda for this meeting, that it was their duty to do so at the appropriate agenda item. (As required to be disclosed by Section 94(1) of the Local Government Act 1972; and in accordance with the Parish Councils Order 2001)

**Item 6 - Chinooks over Selborne.** Deferred to next meeting as a representative from RAF Odiham was unable to attend. Cllr Mrs. Palmer recommended that councillors and residents read the Council for National Parks' report: "Wild but not Free" on Military Flying in National Parks, which can be found by keying "Wild but not Free" on Google.

#### **Item 7– Reports of Sub Committees.**

i) **Traffic.** - Cllr Dixon circulated the second draft of the traffic questionnaire. Councillors suggested the following amendments. Q6, split into three questions and ask if people use the pinch points. Q10 to include the words "Designated National Park". Q11, it was suggested to remove "white lines" as it is not an option. In Q13, add "reinforcement of pinch points" On the final question it was suggested to add the words "use a continuation sheet if required." Cllr Dixon said the objectives of the questionnaire are to fulfill HCCs requirement and also to give structure to the future work of the traffic subcommittee. It was agreed that the final draft would be circulated to councillors for approval via e-mail and then distributed to residents prior to the next meeting. Councillors were also asked to consider the proposed prohibition of waiting in Gracious Street. Councillors were in favour of the proposal but asked the clerk to ascertain from the county why the south side of the road has a 50m yellow line. The traffic subcommittee will consider this and it will be on the agenda for the next full council in October once a reply has been received.

ii) **The Plestor** - The council awaits the results of the final grant applications. Work is due to start during autumn. The issue of parking on the Plestor to be on the next meeting agenda.

iii) **Recreation Ground.** No report.

iv) **Oaklands Farm – Jalsa Salana.** Report from the liaison meeting on 10<sup>th</sup> September. 25,000 people attended this year with 8,000 from Europe and 4,000 long haul (beyond Europe) attending. The organisers said they had chosen Oaklands Farm primarily because of budget, as the site was large enough to enable people to camp on site if necessary to save the cost of a hotel. The site at Tilford was 35 acres and had only one site access. The Oaklands Farm site is over 200 acres with three site accesses, but Tilford is on sand whereas Oaklands is on clay, which had not been taken into account when the wet weather came shortly before the event. The organisers felt that renting a site such as showground would drain resources whereas investing in property was a more sound investment. The main problem on site was caused by the inability to obtain lots of tracking to put down on the mud at short notice. Policing was ineffective with only 2 officers allocated – this was attributed to a change of personnel at Alton and a subsequent lack of communication. The organisers themselves were exceedingly helpful and very well organised. They were asked to consider a number of points including that they were unaware of the impact of the increased traffic to site during the build up and break down of the event. The organisers do not currently have a policy of using local companies as contractors, which they will now look at putting into their forward plan, which covers the next 20 years and finally they were asked to consider the income that they bring to the area. i.e how many B & B beds are used. They have said they will research the final point and come back to the committee. The clerk asked that Cllrs McMeekan and Cabrol look at the e-mail from Cllr Cowper and see if they can help the district with their questions about the event.

#### **Item 8 – Matters arising from these and previous minutes.**

- i) **Footpath 29.** The clerk had been to a rights of way meeting this morning and spoke to Rob Thompson regarding footpath 29. He is awaiting the results of a survey on the bridge to determine whether it will need replacing or whether it can just be repaired. In any event the work will be done as soon as possible.
- ii) **Dortons Bridge repairs. Proposal that the parish council donates £2,500 towards this project (total cost £10,000)** This had been discussed at the last meeting. It has been ascertained since that the money Cllr Kemp Gee has obtained for the project is not transferable to any other footpath. Mr. Oliver reminded councillors that the county has an obligation to repair bridges and it should not be the responsibility of parish councils to pay for repairs. Cllr Carter also reminded councillors that it had been confirmed that this bridge as deemed low priority by the county although felt to be of higher priority to a number of residents, and as such was unlikely to be repaired in the foreseeable future if the parish council decided not to give any money towards it. The council was asked to vote on the allocation of £2,500 to enable the bridge to be repaired and the path reopened. 8 councillors voted in favour of granting £2,500 toward the project and 1 councillor ( Cllr Goater) voted against.
- iii) **Selborne Allotments.** The clerk reported that there would be public meeting / drop in evening in November which is still to be confirmed. The clerk asked that a couple of councillors join the clerk and Melody King to help organise this and move the project forward. Cllr James and Cllr Dixon agreed to help. The clerk said there had also been concerns raised as to whether there would be an increase in traffic as a result of having allotments at Goslings and so the council may have to consider having more allotments at the Recreation ground which has parking and reducing the number of plots at Goslings so that most of the allotments at that end of the village can be given to people who will walk to their plot so there are no vehicle implications. The clerk will arrange to have a number of signs erected in the village and at the allotment sites so that people are aware of what is happening.

- iv) **Selborne Play Area.** Cllr James will meet with the youth club next week to get their suggestions for the bike track at the Recreation Ground. Most of the grant forms have been completed, the clerk has handed over the Awards for All grant which needs completing to Cllr James who will fill in and return. Work is still scheduled to start early next year.

**Item 9- DEFRA. – South Downs National Park Consultation.** Cllr Mrs. Palmer presented a talk on the background and implications of this consultation. (See appendix A) She had also sent councillors a draft response to the questions asked in the consultation papers in advance of the meeting. Councillors all agreed to submit the response suggested by Cllr Mrs. Palmer together with the appendices, which she had prepared. The bundle was given to the clerk to complete and submit to DEFRA before the deadline. Cllr Cabrol thanked Cllr Mrs. Palmer for her enormous effort and time she had spent preparing the parish council's response.

**Item 10 - Council Policy a) Adoption of the 2007 Code of Conduct, including section 12.2. b) Adoption of Complaints Procedure.** A) Councillors had read both the code of conduct and Cllr Mrs. Carters e-mail regarding the reasoning behind paragraph 12:2. Councillors all agreed to adopt the code and include the adoption of section 12:2. Clerk to send an advert to the Herald advertising this. B) Councillors had all read the draft complaints procedure distributed by the clerk via e-mail. It was agreed by all councillors to approve the complaints procedure.

**Item 11- District councillors Report.** No report.

#### **Item 12 – Finance**

a) The Clerk confirmed that the Parish Councils current financial position as of Monday 10<sup>th</sup> September 2007 was

i) Lloyds Account	£9,114.33cr
ii) Alliance & Leicester Account	£31,441.55cr

b) It was agreed that the following payments which had been requested since the last meeting be **APPROVED**:

i)	£ Xxx.xx Mrs. L Coney (Clerks wages Aug)
ii)	£180.00 A J Ward (Grasscutting)
iii)	£38.61 Reclaim-it (Ink Cartridges)
iv)	£85.54 Mrs. L Coney (clerks expenses)
v)	£5.99 Chairman's Allowance (Mrs. Effenberg)
vi)	£88.73 Alton Herald (Code of conduct Advert)
vii)	£5.00 Selborne Village Hall (traffic sub committee)
viii)	£35.00 Information Commissioner (Data Registry)

c) Grant requests. Bordon CAB. £500.00. After discussion it was agreed to grant Bordon CAB £335 to match the funding given to Alton CAB. It was noted that Cllr Goater felt this was still too much and would prefer to give a lesser amount.

**Item 13 – Correspondence.** The Clerk listed in the agenda all items of correspondence received since the last meeting. Cllr Cabrol agreed to attend the HAPTC AGM – clerk to send him a reminder.

**Item 14 – Any other Business.** In accordance with Local Council Administration there will be no resolution made on matters arising from this item. If action is required the matter will be placed upon a future agenda.

*Cllr Mrs. Boase wished to note the vandalism at Blackmoor at the phone box and bus shelter. Clerk to report and alert PCSO.*

*It was noted that the bus stop in Oakhanger is also in a state of disrepair.*

*It was asked that the proposed crossing point outside Selborne Village Hall be placed on the next meeting agenda.*

*It was noted that the hedges alongside the road from Bakers Corner to Oakhanger village are overgrown and in need of cutting.*

*It was noted that Gillian Hartz had requested help in obtaining a disabled parking space outside her property in Gracious Street. The Parish Council agreed to help. Clerk to research*

**Item 15– Date and Place of next meeting.** The next meeting will be held on Wednesday October 10<sup>th</sup> at Oakhanger Village Hall at 7:30pm

The meeting closed at pm

Date.....

Chairman.....

## Appendix A Talk by Cllr Mrs. Palmer on the South Downs National Park

"It occurred to me that some people might not know what a national park actually is – but forgive me if I'm 'teaching my grandmother how to suck eggs'. A national park is a landscape designation. It is designated under the National Parks & Access to the Countryside Act 1949 and it has two purposes: (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and (ii) to provide opportunities for the quiet enjoyment of those things by the public. In pursuing those two purposes, a National Park has a duty to have regard to the social and economic well-being of the people who live there.

For the last ten years, since 1 April 1997, the National Parks in England and Wales have been run by National Park Authorities. These were created, for the first time in the history of national parks, by legislation in the Environment Act 1995. The new authorities were established as free-standing local authorities, also having the responsibility for planning within National Parks. Prior to the 1995 Environment Act coming into operation, National Parks had, since 1949, been managed by committees of the County Councils. However, a review in 1991 showed that this arrangement was not working because national park purposes were not being delivered.

### Background

A South Downs National Park isn't a new idea. It was first proposed in 1931, then more seriously by Sir Arthur Hobhouse in 1947. For the sake of brevity I will move on .....

In 1999 John Prescott announced his intention to designate two National Parks fit for the 21<sup>st</sup> century – in the New Forest and the South Downs. The New Forest National Park is now confirmed.

In 2001, the Countryside Agency commissioned expert landscape consultants, to assess an area of search for the South Downs National Park. Between 2001 - 2002, a proposed boundary went out to consultation with the public and with all the Local Authorities, including Parish Councils. This (Selborne) Parish Council submitted a detailed response with regard to Oakhanger, an argument we lost insofar as the village was not included in the draft boundary; with regard to the land at Southlands Industrial Park (which we argued should be excluded and, as a result, it was); with regard to land west of Blackmoor, another argument we won; and with regard to Woolmer Forest, an argument we also won. These areas were included in the Designation Order that was signed at the end of 2002.

The Order was 'put on deposit' for 6 weeks during which time people could object or comment on it; a public inquiry was held between 2003 and 2005. There was then a hiccup while the legal challenge to the New Forest National Park boundary (known as the Meyrick case) was sorted out, and eventually the South Downs Inquiry Inspector published his report on 2 July this year recommending to the Secretary of State that the South Downs National Park Designation Order 2002 should be confirmed but that the boundary should possibly be significantly altered. The public inquiry may be re-opened later in the Autumn. (Post Minutes note: The latest timetable from Defra is that there may be a pre-inquiry meeting in November and the re-opened Public Inquiry may start in early January 2008. Whether they are able to stick to this timetable remains to be seen.)

So - now it's no longer a question of should there or shouldn't there be a South Downs National Park? There will be a National Park, and the only question is the final boundary. The new revised boundary has many inconsistencies: it excludes the land west of Blackmoor, yet the Inspector's report actually recommends it should be included. He says

*"the Agency is now satisfied that the tract of land west of Blackmoor should be included in the PSDNP. To my mind the ability of this non-AONB land to satisfy the statutory criteria is far from certain. However, given the Agency's acceptance that it is of the necessary standard and the lack of a specific objection to its inclusion, I have resisted the temptation to recommend otherwise."*

And he recommends no change to the Designation Order boundary.

Any exclusion of that land has real dangers for it and I'll come to that in a minute...

Now - Defra is consulting us on four specific issues, including the boundary. They're asking:

- (i) if we think there are any implications for the Designation Order arising from the amended National Parks legislation – that's the Natural Environment and Rural Communities (NERC) Act 2006;
- (ii) they're asking if we think there are any implications for the Designation Order from the High Court and Court Of Appeal Judgments on a legal challenge in the New Forest National Park, known as the Meyrick case;
- (iii) they're asking what we think of the possible alternative boundary from north of Petersfield running east across to Pulborough - which excludes Woolmer Forest and the Western Weald, as well as the land west of Blackmoor;
- (iv) and they're consulting on possible additional areas recommended for inclusion within the proposed South Downs National Park. (I'll deal with these now and just say please SUPPORT these! – especially West Tisted)

Objections and representations have to relate only to any of these four issues and state the grounds on which they are made.

Regarding i) – The NERC Act 2006 does have implications for the Designation Order:

Section 59 of the Act confirms that Natural England has the discretion to take wildlife, cultural heritage and the extent to which it is possible to promote opportunities for recreation into account when considering an area for national park status. As Lord Bach said in the House of Lords at the time, the Act restored the law to what everyone believed it to be prior to the Meyrick judgment but gave it greater clarity.

Section 99 gives Natural England the power to treat an area which consists of or includes land used for agriculture or woodlands, land used as a park or any area whose flora, fauna or physiographical features are partly the product of human intervention, as being an area of natural beauty or outstanding natural beauty.

However, the Public Inquiry into the South Downs National Park took place before the NERC Act 2006 was enacted. The Inspector therefore could not take it into account when considering the Designation Order land or when recommending a possible alternative boundary.

Since the Public Inquiry, new and better evidence has also become available. Both the earlier landscape character assessment documents have been superseded by a more in-depth, joint assessment of the area, the South Downs Integrated Landscape Character Assessment that was published in 2006.

This document shows amongst other things that the designated area at Blackmoor is enriched by several Sites of Importance for Nature Conservation (SINCs). The exclusion of Woolmer Forest, on which Selborne Parish Council helped provide the evidence that led to its inclusion in the Designation Order, means excluding a Special Area for Conservation (SAC) and a Special Protection Area (SPA) - an international designation). You could reasonably draw the conclusion that these designations might lead towards a decision in favour of National Park status.

So, the South Downs Integrated Landscape Character Assessment 2006 was not available to the Inspector at the Public Inquiry, but it is now available to the Secretary of State. He doesn't have to accept the Inspector's recommendation and he may wish to make his decision on the basis of the most recent, up-to-date and informed evidence available as well as in the light of the current legislation, the National Parks and Access to the Countryside Act 1949 as amended by the NERC Act 2006.

Regarding (ii) There is an implication on the second question about the Meyrick case – insofar as the Court of Appeal Judgment clearly highlights the importance of the NERC Act 2006 in any future consideration of a NP Designation Order and whether or not it should be confirmed.

Now the boundary:iii) Natural England is standing by the Designation Order boundary because they believe it meets the statutory criteria – they only drew up the alternative boundary maps in the first place because Defra asked them to do so.

Confirmation of the Designation Order boundary would give the land the best planning protection - and it would bring central government funding for conservation and enhancement of the natural beauty, wildlife and cultural heritage of the area, and opportunities for quiet recreation – i.e. for the achievement of national park purposes.

EHDC has strongly backed the inclusion of the land west of Blackmoor, and responded to Defra accordingly. The District Council really needs the support of the Parishes.

The land to the west of Blackmoor wasn't in the draft boundary but it was included in the Designation Order after Selborne Parish Council – and others - sent in evidence that it does meet the statutory criteria. And the Inspector now recommends it should be included in the National Park. But the revised boundary map excludes it.

Now, I believe we need to be consistent here – or our public credibility will become somewhat strained – and I hope you will share this view, especially as the evidence now available supports the case for inclusion to an even greater extent than it did in 2002. I think we should send Defra some of the evidence we sent to the Countryside Agency then, including a copy of '*Blackmoor and its People*'. We have to convince them that the revised boundary is the wrong one – and that the Inspector's indicative line is the wrong one also.

The land between Temple Hanger on one side and Blackmoor on the other is an integral part of a coherent landscape where natural beauty, wildlife habitats, and the history and cultural heritage of Blackmoor are inextricably intertwined. There is a strong connection between the landscape and the local community. And we should not be seen to be separating a community from its landscape.

Two footpaths cross the land...  
The views are magnificent, the spire of the Victorian Church a landmark in the distance

Blackmoor with its fine Waterhouse buildings is described by EHDC as "*a textbook example of a Victorian estate village*".

Excluding this land flies in the face of the concept of National Parks as cultural landscapes. The NERC Act confirms that the Secretary of State may consider the historical and economic significance of the area when reaching his decision.

Excluded, the land will have less protection and so will the land to the south west, which is currently AONB.

Now - If the Secretary of State accepts and confirms the revised boundary, keeping the western Weald as AONB, as he says he would like to, won't be simple:

A new, single, AONB would have to be created from the remaining parts of the two AONBs - and areas in the Western Weald that are currently not AONB but are within the Designation Order would have to be considered too. It means a long, complex, very expensive process that involves:

A new AONB draft boundary being drawn up – followed by

- Local authority consultation
- Public consultation
- A new Designation Order being put on deposit for objections
- A Public Inquiry
- And finally, several years down the line, Ministerial confirmation of the new AONB Designation Order

All this could take another 4 - 6 years.

Then there's the question of its management....

A Conservation Board could be created - under the provisions of the CRoW Act 2000 – but that would have:

- A restricted remit
- Limited funds
- No powers or funds to protect wildlife or cultural heritage – (bad luck, Blackmoor)
- No recreational remit – no funds or powers to close areas off if they need regeneration

and

- Funding that has to be negotiated year on year with Natural England - and with the local authorities... who have to cough up.

So - there's no continuity of funding.

The western Weald area meets the criteria for National Park status – the fact that the landscape type differs is not relevant. So why not confirm the National Park designation in the first place?

- It would simplify the whole thing;
- It would give the area the best protection and funding arrangements; and
- It would provide for the needs of an expanding population over the next couple of hundred years, the mobility of which is likely to be more restricted in the future.
- It would provide for the recreation and spiritual well-being of a growing regional population,
- It would add interest and value to the South Downs National Park and
- It would foster the economy of the area

The only thing that counts is this: Does the landscape meet the statutory criteria for National Park status or not?

The Countryside Agency, and now its successor, Natural England, both believed that the Designation Order boundary does meet the criteria – Natural England are now looking to protect one of our most beautiful landscapes in the national interest as well as for the benefit of the people who live and work in the area. This has widespread support from the public, as is evidenced from all the recent consultation results and online newspaper polls (most recently 99% of respondents replied in support of the Designation Order boundary).

## **APPENDIX B – Selborne Parish Council's response to the consultation.**

### **1. Any implications for the South Downs National Park (Designation) Order 2002 (as varied by the South Downs National Park Designation (Variation) Order 2004) arising directly as a result of the legislative changes at sections 59 and 99 of the Natural Environment and Rural Communities Act 2006;**

Selborne Parish Council wishes to draw Defra's attention to the fact that the Inspector's Report was written before the legislative changes at sections 59 and 99 of the NERC Act 2006 were enacted. The Act was not therefore available to him when he considered the boundary of the South Downs National Park Designation Order 2002.

The Secretary of State, however, will decide whether or not to accept the Inspector's recommendations against a different background, i.e. *in the light of* the NERC Act 2006.

The NERC Act is explicit regarding the matters to be taken into account when considering natural beauty. Selborne Parish Council therefore submits that if the landscapes of the South Downs National Park Designation Order 2002 are assessed in the light of sections

59 and 99, then the conclusion must be reached that the Designation Order land is the correct boundary and that the proposed revised boundary is not.

Selborne Parish Council supports the statement made by Natural England. We make further comments on the implications of sections 59 and 99 of the NERC Act 2006 under Issue 3, regarding the possible alternative boundary.

## **2. Any implications for the South Downs National Park (Designation) Order 2002 (as varied by the South Downs National Park Designation (Variation) Order 2004) arising directly as a result of the *Meyrick High Court & Court of Appeal Judgments*.**

Selborne Parish Council submits that the Court of Appeal Judgment in the Meyrick case both confirms and highlights the significance and the importance of the legislative amendments in sections 59 and 99 of the Natural Environment and Rural Communities Act 2002.

### **3. Possible alternative boundary from north of Petersfield, east across to Pulborough**

#### **Selborne Parish Council makes the following observations:**

- a) The Parish Council believes that the proposed revised boundary is not appropriate in the light of the NERC Act 2006. The Inspector gave little weight to wildlife and cultural heritage in his consideration of whether or not an area has natural beauty. The provisions of **s.59** now make it clear that these matters may be taken into account in the assessment of natural beauty.
- b) Furthermore, the Inspector did not have the opportunity to take into account newly available evidence, including the *South Downs Integrated Landscape Assessment*, published in 2006 (see [Attachment 1](#)), and CPRE's tranquillity map for Hampshire, also published in 2006, which shows the **A3 corridor** to be a tranquil area, although not "most tranquil" (See [Attachment 2](#)).
- c) The re-opened public inquiry should have the opportunity to examine such matters because the Secretary of State is likely to make his decision on the basis of current legislation and up-to-date evidence.

#### **Land west of Blackmoor**

The amended legislation has positive implications for the boundary of the National Park at land west of Blackmoor and also for the land south west and east of Blackmoor.

The Inspector recommends that the land west of Blackmoor should be included in the South Downs National Park, but the revised boundary drawn up on behalf of Natural England has excluded this land. Selborne Parish Council submits that the recommended revised boundary fails to take s.59 into account in the consideration of this landscape; that it should be taken into account; and that it should be included in the national park.

The revised map and possible alternative boundary does not take into account that:

The area of land west and southwest of Blackmoor is enriched by several Sites of Importance for Nature Conservation (SINCs), numbered 17, 55, 36, 39, 44, 63, 43 and 34 on the Hampshire Biodiversity Information Centre (Hbic) maps, (see [Attachment 3](#));

Blackmoor's widely varying landscapes, its wildlife habitats, its history and cultural heritage are inextricably intertwined;

The land west of Blackmoor is an integral part of a coherent landscape between Temple Hanger and the Blackmoor Conservation Area (see [Attachment 4: photograph showing view of Temple Hanger taken from Blackmoor Conservation Area](#));

The intrinsic, idyllic, unspoilt and quintessentially English beauty of this land can be appreciated by looking:

towards Blackmoor from the footpath below Temple Hanger;

at both Temple Hanger and Blackmoor from the middle of this piece of land where there is a choice of two footpaths across it; from Honey Lane over this land and towards Sotherington Lane (see [Attachment 5: photograph](#));

and

from Sotherington Lane across this land and towards Honey Lane (see [Attachment 6: photograph](#));

From the footpath close to the late 15<sup>th</sup> century farmhouse, Oakwoods Farm House in Honey Lane, the recreational experience is of a remarkable sense of peace and tranquillity in a landscape encompassed by the magnificent Hanger to one side and by Victorian Blackmoor to the other;

Blackmoor village is rich in cultural heritage. Its Conservation Area, designated in 1991, is described in East Hampshire District Council's Conservation Area Report as "a textbook example of a Victorian estate village". (See [Attachment 7: two pages of photographs showing](#):

*St Matthew's Church; (Alfred Waterhouse 1869)*  
*the Village Hall, formerly the School;(Alfred Waterhouse, 1872)*

*Church Cottages, (built for agricultural workers in 1868-70 by Alfred Waterhouse)*

Other Blackmoor buildings by Alfred Waterhouse include The Vicarage and Blackmoor House;

Blackmoor has a rich history. A booklet produced by the Blackmoor Archive Society in celebration of the Millennium provides a glimpse of this, together with information about its cultural heritage. (See *Attachment 8: 'Blackmoor and Its People'*);

The views from half way down Temple Hill, on Sotherington Lane, across this land towards Blackmoor are magnificent, with the spire of the Victorian Blackmoor Church as a focal point in the distance. This view has not changed since Blackmoor Church was built by Alfred Waterhouse in 1869. (see *Attachment 9: photograph*);

In 1789, the naturalist, Gilbert White, author of "The Natural History of Selborne" wrote about this particular landscape in a poem entitled "The Invitation to Selborne" :

*"To the high temple would my stranger go,\*\*  
The mountain-brow commands the woods below;.....*

*The partial bard admires his native spot;  
Smit with its beauties, loved, as yet a child,  
(Unconscious why) its scapes, grotesque, and wild.  
High on a mound th'exalted gardens stand,  
Beneath, deep vallies scoop'd by nature's hand.....*

*Now climb the steep, drop now your eye below,  
Where round the blooming village orchards grow;*

*There, like a picture, lies my lowly seat,  
A rural, shelter'd, unobserv'd retreat."*

\*\* Gilbert White writes as a footnote:

*"The remains of a preceptory of the Knights Templar; at least it was a farm dependent upon some preceptory of that order. I find it was a preceptory, called the 'preceptory of Suddington'; now called Southington."*

NB. Nowadays, the "preceptory of the Knights Templar" is called Temple Manor; and "Suddington; now called Southington" is called Sotherington.

Section 59 of the Act allows that Blackmoor's wildlife, its cultural heritage, and the extent to which it is possible to promote opportunities for the understanding and enjoyment of its special qualities by the public may be taken into account when its designation as a National Park is considered.

The exclusion by the proposed revised boundary of the land west of Blackmoor is difficult to reconcile with **s.59 (a)** and **(b)** and with **s.99 (a)** and **(c)**; the provisions of the Act indicate that this land should be included.

The exclusion of the 'model' Victorian village of Blackmoor is difficult to reconcile with **s.59 (a)**; the provisions of the Act indicate that the village should be included.

The omission of Blackmoor House (within Blackmoor Park) is difficult to reconcile with the **NERC Act 2006 s.59 (a)**; the provisions of the Act indicate that it should be included.

### **Blackmoor Park**

Blackmoor Park is a medieval deer park. Blackmoor House, within the Park, is a fine example of Victorian architecture, built by Alfred Waterhouse. Their exclusion fails to take account of s.99(b) and s.59(1)(a).

When considering the South Downs National Park boundary, the Inspector and the Landscape Assessor used the *East Hampshire Integrated Management Guidelines (1998)* and the *Sussex Downs Landscape Character Assessment (1996)*. Alison Farmer Associates, for Natural England, similarly used these documents as a framework for their study but they were also able to use the more recent joint assessment for both Sussex and Hampshire: the up-to-date *South Downs Integrated Landscape Character Assessment (2006)* as supplementary information.

The *South Downs Integrated Landscape Character Assessment Part 2: 'Character of the South Downs Landscape'* states at paragraph K2.8 that:

K2.8 *"In addition to the generic landscape management and development*

*considerations for this landscape type, the following landscape management considerations are specific to this character area:*

*Safeguard the medieval deer parks at East Worldham and Blackmoor House that are remnants of a medieval landscape*

*Conserve the features and setting of Blackmoor Park – maintain pastoral character*

*Ensure management of areas of common land at Binswood and Shortheath support a balance of biodiversity, historic and recreational objectives.*

*Conserve the high degree of tranquillity and remoteness in this area.*

*Consider the impact of development in this area in views from the East Hampshire Greensand Terrace and the chalk landscape beyond.'*

Section 99 empowers Natural England to treat a) land used for agriculture or woodlands, (e.g. land west of Blackmoor); b) as a park (e.g. Blackmoor Park, to the south west of Blackmoor); and c) any other area whose flora fauna or physiographical features are partly the product of human intervention in the landscape as being an area of natural beauty. Selborne Parish Council submits that s.99 has not fully been taken into account in the consideration of the proposed revised boundary.

The exclusion of Blackmoor Park is difficult to reconcile with s.99 (b) and (c); the provisions of the Act indicate this land should be included.

If natural beauty, wildlife and cultural heritage, and recreational opportunities may be taken into account, then it follows that the Inspector's recommendation that the land be included is the right one. That said, Selborne Parish Council profoundly disagrees with his indicative line in that it fails to include Woolmer Forest in the national park.

It would seem appropriate for the Secretary of State to judge any proposed revision of the designated boundary against current legislation and against the most up to date evidence regarding landscape character.

Selborne Parish Council believes that by far the most satisfactory solution, and the only one that fully complies with the National Parks and Access to the Countryside Act 1949 as amended by sections 59 and 99 of the NERC Act 2006 is confirmation of the Designation Order boundary, with the additional areas proposed for inclusion by the Inspector.

### **Woolmer Forest**

The Inspector's indicative line excludes Woolmer Forest, which is almost entirely covered by SSSI designation, it is also a Special Area for Conservation (SAC) and an internationally protected Special Protection Area (SPA).

The evidence provided in Chapter L. of the recent *South Downs Integrated Landscape Character Assessment 2006* shows the natural beauty, wildlife, cultural heritage and historic importance of the Forest. At paragraph L.9, it speaks of:

*"...the range of characteristic plant species, and important invertebrate and bird populations, including uncommon species such as woodlark, nightjar and Dartford warbler. Woolmer Forest SAC/SPA is the best area of lowland heath outside the New Forest and is the largest area of heathland existing on Folkestone beds in southern England."*

The New Forest became a national park partly because it has comparable natural beauty to that which exists in Woolmer Forest.

It is generally acknowledged that public access to Woolmer Forest, though limited at present, can be improved by the MOD making better provision of information available to the public. With the recreational criteria met in this way, there should be no reason not to include Woolmer Forest in the SDNP.

Some of the earliest descriptions of the Forest came from Gilbert White, the Selborne naturalist who lived in the late 18<sup>th</sup> century.

In Letter 6 to Thomas Pennant Esq Gilbert White wrote:

*'Should I omit to describe with some exactness the forest of Wolmer, of which three fifths perhaps lie in this Parish, my account of Selborne would be very imperfect, as it is a district abounding with many curious products, both animal and vegetable; and has often afforded me much entertainment as a sportsman and as a naturalist.'*

The exclusion of Woolmer Forest is difficult to reconcile with the s.59 (a) and (b); the provisions of the NERC Act 2006 indicate this land should be included.

We say that Woolmer Forest should be included in the light of the provisions of s.59 and in the light of new evidence that is also now available to the Secretary of State but that was not available to the Inspector, namely the South Downs Integrated Landscape Character Assessment 2006, (see Attachment 1, chapters K2 and L).

## Conclusion

The recommended exclusions of land from the boundary of the South Downs National Park all indicate direct conflict with the amended legislation for national park designation, sections 59 and 99 of the NERC Act, and do not reflect current evidence regarding the quality of the landscape.

Since s. 59 of the NERC Act 2006 gives Natural England the discretion to take wildlife and cultural heritage (with which Woolmer Forest abounds) into account as part of natural beauty, it seems to this Parish Council that it is inconceivable that the Secretary of State would not similarly take wildlife and cultural heritage into account in his assessment, or that, on the basis of the available evidence, he would confirm the South Downs National Park without the inclusion of Woolmer Forest and the land at Blackmoor.

Since s.99 of the Act empowers Natural England to treat land used for agriculture or woodlands, land used as a park or any other area whose flora, fauna or physiographical features are partly the product of human intervention in the landscape as being an area of natural beauty, we believe that the Secretary of State should, as the Inspector recommends, include Blackmoor and the land west of the village in the South Downs National Park.

The evidence contained in the *South Downs Integrated Landscape Character Assessment 2006* indicates that Blackmoor and the land to the west of the village and Woolmer Forest should all be included in the South Downs National Park.

## Additional representations from Selborne Parish Council

Selborne Parish Council is perturbed by the narrow remit of the consultation and wishes to submit further comments on the Inspector's report as follows:

1. Natural England's Designation Order for the South Downs, 2002, is consistent with the legal framework as it is now understood. The Inspector and the Landscape Assessor did not give sufficient weight to wildlife and cultural heritage in their consideration of the national park boundary. They took account of natural beauty but only looked at wildlife and cultural heritage if, in their view, the area already contained natural beauty. However, since the NERC Act amendments, both wildlife and cultural heritage can be part of the definition of natural beauty.

The Inspector's report is therefore not consistent with the legal framework as it is now understood.

2. Before the NERC Act was enacted, Parliament had the opportunity to restrict future national parks to landscapes of a particular character. It did not choose to do so.

If the Secretary of State were to accept the Inspector's recommended boundary, this would suggest that the Government wishes to have a national park that *is* confined to a single character type, i.e. the Secretary of State would go down a route that Parliament has specifically chosen not to pursue.

There is nothing in the legislation, even before the NERC amendments, to say that a national park should be confined to a single or a particular landscape character. The Inspector recommends that the national park should be focused on the chalk downland or that the landscape should have 'South Downs' character.

This approach appears to conflict with the legislation and with the reality in other national parks. The Inspector's report thus raises major issues with implications for other national parks.

3. There is nothing in that legislation for the designation of National Parks (the National Parks and Access to the Countryside Act 1949, as amended by the NERC Act 2006) to say that the boundary may be assessed with administration or planning in mind. The only consideration with regard to national park designation is whether or not a particular area meets the statutory criteria for national park status, as laid down in the above legislation.

The issue of a National Park Authority and its remit as a planning authority is an entirely separate question from the designation of a national park. It comes under separate legislation, the Environment Act 1995. Any planning consideration is irrelevant to the consideration of the quality of the landscape.

The Inspector recommends that the national park *boundary* should be confined to an area he thinks will be viable from the point of view of the *planning function*.

The Inspector appears to have confused the two sets of legislation and it would be wrong to designate a national park boundary on this basis.

4. Neither the Environment Act 1995 nor Circular 12/96 states that national park purposes may not be delivered by the Local Authority planning authorities taking decisions on behalf of the NPA. Whilst the NPA would indeed be under a statutory duty itself to deliver national park purposes via the planning system, there is no reason at all why much or most of the development control function should not be delivered by the Local Authorities on behalf of the NPA under a scheme of delegation.

The Inspector has not given this due consideration.

5. The Inspector's recommendation for a revised boundary was reached on the basis of evidence (the Landscape Assessor's report) that was not available to the public inquiry, that has not been subject to public scrutiny and that is inconsistent with the statutory criteria for the designation of national parks.

Furthermore, the Landscape Assessor's report was drawn up against evidence that is now out of date; the documents that were used included the Sussex Downs Landscape Character Assessment 1996 and the East Hampshire AONB Integrated Management Guidelines 1998. These have now been superseded by the South Downs Integrated Landscape Character Assessment 2006.

The areas under consideration for national park status need to be re-examined in the light of the NERC Act 2006 and in the light of the new evidence that is available.