

Let's get down to it!

SDC welcomes the fact that South Downs National Park process is back on track

The South Downs Campaign (SDC) [1] is welcoming new legislation which has lifted a cloud cast over all National Parks and Areas of Outstanding Natural Beauty (AONBs) by a High Court judgment, and should allow the South Downs National Park designation process to get back on track. Last week the Natural England and Rural Communities (NERC) Act received Royal Assent [2]. It contained two sections which clarified the 1949 National Parks and Access to the Countryside Act and the approach to defining 'natural beauty' in the designation of National Parks.

The designation of the South Downs National Park was put on hold by the Department for Environment, Food and Rural Affairs (DEFRA) earlier this year [3] as a result of a legal challenge in the New Forest. Here the judge ruled that some land included in the National Park should be excluded, while at the same time he introduced a new definition of natural beauty into the designation criteria for national parks which implied that land clearly shaped by man cannot be considered for inclusion. This was clearly at odds with the way that the law has been interpreted over the past 50 years which has seen 11 National Parks and 40 Areas of Outstanding Natural Beauty (AONB) established [4]. This point was accepted by all the main parties in the House of Commons when it debated the NERC Bill [5].

The SDC hopes that the decision-making process can be resumed in the near future so that there can be a decision in principle on the South Downs National Park this year, which should enable a National Park Authority to be established in 2008.

Robin Crane CBE, Chairman of the SDC said:

“It was a great shame that this maverick judgment happened when it did, but the government should be congratulated in restoring the law to how it has always been applied. Everyone knows that both National Parks and AONBs, both designated for their natural beauty, are landscapes heavily influenced by man - but the judgment called this all into question. It is often man's influence that can make a landscape so special and iconic – imagine the Yorkshire Dales without its dry stone walls, or the Cotswolds without its villages of honey coloured stone”.

“Now the goalposts are back to where they have always been, the SDC is calling for a decision on the principle by the end of the year. It is 60 years since the South Downs were first proposed as a National Park, we don't want to have to wait another 60 before we get there.”

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Notes to Editors:

[1] The South Downs Campaign is a network of over 100 organisations. As well as many national conservation, environmental and amenity organisations who are members, the SDC has a growing

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number of members who are parish and town councils as well as many other local organisations – a full list of members is available on request. The SDC is generously supported by the Esmee Fairbairn Foundation.

- [2] The NERC Bill received its third reading in the House of Lords on Monday, 27 March, 2006 and its final reading in the House of Commons on the 29 March, 2006, where all the amendments in the House of Lords were agreed to. It then received Royal Assent the next day.
- [3] DEFRA announced its decision to put the process on hold in a letter, dated 8 February, 2006, sent to those who had made representations on the South Downs National Park Designation Order.
- [4] These figures do not include the New Forest National Park.
- [5] This was during the Bill's final reading in the House of Commons on the 29 March, 2006. The amendments were proposed by the Government and supported by the Lib-Dems and while the Conservatives sought to alter the amendments their front bench spokesperson, Mr James Paice (MP for South East Cambridgeshire) acknowledged that the Meyrick judgment was anomalous (in the following extract from Hansard 29 March Column 944 and 945):

“... I agree with the Government that the Meyrick judgment, as it stands at the moment, is anomalous. It goes way beyond what any of us has previously understood as being the criteria for national parks, and refers to this high degree of "naturalness". The judge in the case, again quoted at column 50, said that,

"well-maintained historic parkland providing the setting for a grade 1 listed building, and well-ordered dairy fields of dairy farms would seem to be the antithesis of naturalness".—[*Official Report, House of Lords*, 20 March 2006; Vol. 680, c. 50.]

Arguably he is right, but if we accept that as the criteria for national parks, there probably would not be any. We all know that the British landscape has been affected by mankind since time immemorial. Certainly, all the evidence suggests that since 12000 BC, when mesolithic man first invaded the wild woods and started cutting them down, the British landscape has been in a state of change and affected by mankind. To refer to naturalness seems a bit odd in that context...”

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