

**EXPLANATORY MEMORANDUM TO THE
NEW FOREST NATIONAL PARK AUTHORITY (ESTABLISHMENT) ORDER 2005**

2005 No. 421

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by the Command of Her Majesty.
2. **Description**

The designation of the New Forest National Park was confirmed on 1 March 2005. This Order establishes the New Forest National Park Authority (“the Authority”). The Authority will have all of the functions of a local planning authority for the area of the Park together with certain other functions including the duty to prepare a National Park Management Plan. The Authority will operate under the same legislative provisions which apply to existing English National Park Authorities. The powers of the Verderers and Forestry Commission under the New Forest Acts of 1877 to 1970 will not change as a result of the creation of a New Forest National Park and the establishment of the Authority.
3. **Matters of Special Interest to the Select Committee on Statutory Instruments**

None
4. **Legislative Background**
 - 4.1 National Parks in England and Wales are designated under the National Parks and Access to the Countryside Act 1949 and are managed by National Park Authorities established under the Environment Act 1995. The 7 existing National Parks in England and 3 in Wales were designated under the 1949 Act in the 1950s; and all of them have National Park Authorities under the 1995 Act. The Norfolk and Suffolk Broads Authority also has many of the characteristics of a National Park Authority but was created under separate legislation.
 - 4.2 One of the main functions of the Authority will be to act as the sole local planning authority for the New Forest National Park. Consequently, the Authority will be responsible for preparing local development documents, which should include mineral and waste policies. These will form part of the Local Development Framework. The Authority will be a statutory advisor for the preparation, review and monitoring the implementation of a revision of the Regional Spatial Strategy. There must also be at least one National Park Authority member on the Regional Planning Body, which is responsible for preparation of the Regional Spatial Strategy.
 - 4.3 The Authority will also have a range of other statutory functions under the 1949 Act, the Countryside Act 1968, the Wildlife and Countryside Act 1981, the 1995 Act and the access provisions of the Countryside and Rights of Way Act 2000, to provide recreational facilities for visitors, manage wildlife and conservation areas, make agricultural agreements, and undertake other relevant tasks in relation to their statutory purposes and duties.

4.4 English National Park Authorities are primarily funded by Defra and receive some funding from the Office of the Deputy Prime Minister and other sources such as European Union Schemes, Lottery distribution bodies, and from their own sales (for example of maps and guidebooks) and charges (for example for car parking). Defra has announced that the Authority's funding in the first full year of operation will be some £3.5m.

4.5 The membership of the Authority is allocated in the same way as the existing National Park Authorities so that national and local interests are both represented. The Order provides there will be 22 members of the Authority. 12 will be appointed by the local authorities and 10 will be appointed by the Secretary of State - 4 of whom will be parish members.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

Not applicable.

7. Policy Background

7.1 The New Forest is the remnant of a former Royal Hunting Forest that was created by William the Conqueror in the 11th Century. He gave the Forest its protected status which has continued and evolved over the last 900 years resulting in an unique and special landscape that has been much loved for many centuries. In the 1950s, the New Forest was judged to be worthy of National Park status but was not designated alongside the other National Parks because the core of the Forest was seen to be adequately cared for through Forestry Commission management of the Crown Lands and the powers of the Verderers under the New Forest Acts of 1877 to 1970.

7.2 However, over the years the Forest has come under increasing development pressure from being sandwiched between two major conurbations of Southampton and Bournemouth. In addition there has been pressure from heavy and growing recreational use. These national, regional and local pressures are threatening its future and the very qualities that make it special. A range of options for permanent protection were identified by the Countryside Commission (now the Countryside Agency) in 1998 ('Protecting our finest Countryside: Advice to Government'). It ultimately decided to recommend a National Park with a National Park Authority under existing legislation (the 1949 Act and the 1995 Act respectively).

7.3 The Agency started the Designation process in November 1999 by first undertaking a non-statutory three-month public consultation and following that up with a statutory consultation with local authorities who had land in the then proposed Park under the 1949 Act. The consultation exercises covered the principle of a National Park, its boundary and on the administrative arrangements for a Park, such as how a National

Park Authority established under the Environment Act 1995 could operate to recognise the special circumstances of the New Forest.

- 7.4 The Agency submitted a Designation Order for a New Forest National Park to the Secretary of State for confirmation in February 2002 along with advice on how a New Forest National Park Authority could operate to take into account the Forest's particular circumstances under existing legislation. The advice reflected the responses to the Agency's consultation exercises. It recommended that the Secretary of State issue guidance to the Authority on how it should operate to recognise the special circumstances of the New Forest.
- 7.5 The Order and advice were placed on public deposit to allow objections and representations to the principle and boundary of a New Forest National Park. In addition, comments on the Agency's advice on how a New Forest National Park Authority under the Environment Act 1995 might operate to recognise the particular circumstances of the New Forest, were invited. A public inquiry was held from October 2002 to April 2003 primarily to hear objections and representations to the Designation Order but, in addition, it also heard comments on the Agency's advice.
- 7.6 The Inspector found that the New Forest does meet the statutory criteria for designation as a National Park. He recommended that (a) the New Forest National Park (Designation) Order 2002 be confirmed with boundary modifications; (b) that a New Forest National Park Authority be established under the Environment Act 1995; and (c) that the Countryside Agency's advice to the Secretary of State on special administrative arrangements be accepted with some proposed amendments.
- 7.7 The Government accepted the Inspector's recommendations to create a National Park under the 1949 Act and to establish a National Park Authority under the 1995 Act. The Guidance was issued by the Minister on 19 January 2005.

8. Impact

- 8.1 A Regulatory Impact Assessment is attached to this memorandum at Annex A.
- 8.2 The main impact on the public sector is a transfer of the planning function from the existing local authorities to the Authority.

9. Contact

John Kilner at Countryside (Recreation and Landscape) Division Defra Tel: 0117 372 8877 or e-mail John.Kilner@countryside.gov.uk can answer any queries relating to this instrument.

NEW FOREST NATIONAL PARK

REGULATORY IMPACT ASSESSMENT

1. Title of Proposal

Designation of a New Forest National Park and establishment of a National Park Authority.

2. Purpose and intended effect of measure

(i) Objective

To create a New Forest National Park in order to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and promote opportunities for the public to understand and enjoy its special qualities. Also to establish a New Forest National Park Authority to provide effective management for the Park.

Designation of a National Park would affect local people and businesses. It would also affect the general public as National Parks are created for the nation to enjoy. A National Park Authority would have statutory duty to seek to foster the economic and social well-being of local communities within the park.

(ii) Background

The New Forest is a rare example of an ancient royal hunting forest dating from Norman times with its own unique land management system under the New Forest Acts of 1877-1970. It has been recognised by the Government as a Heritage Area under the planning system, but modern pressures indicate that further protection is needed. National Park status can offer a high level of protection through the specific purposes applicable to National Parks. Furthermore, a National Park Authority could be established to manage the Park in accordance with its purposes. A description of the legislative history of the Forest is attached at Annex A.

National Parks are created under Part II of the National Parks and Access to the Countryside Act 1949. The Countryside Agency has a statutory duty under s.6 of this Act (as amended by s.61 of the Environment Act 1995) to designate areas of England that it considers suitable to become National Parks. Designation Orders made by the Agency have to be confirmed by the Secretary of State.

National Park Authorities are established under Part III of the Environment Act 1995. They are not a mandatory requirement, but all current National Parks have such authorities.

(iii) Risk Assessment

Damage to the New Forest landscape and subsequent loss of wildlife and habitats is the main risk and contributing factors are:

a) *development pressure;*

The New Forest is situated between two major conurbations of Bournemouth and Southampton, the growth of which is resulting in pressure to develop areas on the periphery of the Forest. For example, a port development by British Associated Ports at Dibden Bay, which is within the boundary defined in the New Forest National Park (Designation) Order 2002.

b) *growing recreational potential;*

The New Forest has a growing range of recreational pursuits and high visitor numbers from home and abroad that need to be carefully managed. Insufficient resources to deal with the demand for recreation could damage the fragility of the Forest.

c) *possible decline or change in the current agricultural and forestry arrangements.*

There is a risk of a decline or change in the influence of the current agriculture and forestry activities within the New Forest, which shape the landscape. Future generations may not wish to continue the traditional management of the Forest by means of commoning¹ because of changing social trends and this tradition becoming uneconomic (a recent study² has shown that this is the case for the keeping of ponies). Rights of common are associated with property or land ownership and newcomers buying property in the area might not wish to take up this tradition. These factors could be persuading younger people not to be commoners and might account for the fact that many commoners are elderly. To address this, a Countryside Stewardship scheme has been set up to provide grants to encourage commoning by those with rights.

Some local groups see a risk of conflict through the overlap of the powers of a National Park Authority created under the Environment Act 1995 and the powers of the Verderers and Forestry Commission. Defra opinion is that whilst there may be overlap, there is no reason to believe that the powers will clash. The standard National Park Authority is a tried and tested model that has been shown to be flexible enough to cope with varying circumstances through the existing Parks. The Countryside Agency has provided advice to Government on how a New Forest National Park Authority could operate to take into account the role of the Verderers, commoning and forestry interests.

3. Options:

Four options have been identified for the future conservation of the New Forest:-

Option 1: Do nothing.

Option 2: Designation of the whole area as an Area of Outstanding Natural Beauty

Option 3: Designation as a National Park under the 1949 Act with a National Park Authority under the 1995 Act.

Option 4: Tailor-made legislation.

Option 1: Do nothing (i.e. continue the current arrangements for the Forest). The boundary for the New Forest Heritage Area would continue to be set in the local plan which means that it can alter. The Heritage Area is managed by the non-statutory, voluntary New Forest Committee with an

¹ Commoning is an ancient custom whereby individuals known as commoners have rights to graze animals on land that is described as common land.

² ADAS Consulting (1998) *The Marketing of New Forest Livestock* – Commissioned by the Verderers.

annual budget of around £240k. This is provided by the Countryside Agency, English nature, Environment Agency, Forestry Commission and local authorities within the Heritage Area. The Committee has just five members of staff to undertake a limited range of non-statutory functions such as production of a strategy plan for the New Forest's management that aims to deal with the increasing pressures from development activities and recreation on the Forest. The New Forest Heritage Area has planning protection equivalent to that of a National Park but there is no statutory co-ordinated approach for managing the New Forest and the various groups have different aims and objectives. The committee does not have people who are specifically appointed to represent any national interest.

Option 2: Designation of the whole area as an AONB under s.82 of the Countryside and Rights of Way Act 2000 would give the area a national landscape designation with a permanent boundary, planning protection equivalent to that of National Parks and a statutory purpose to enhance the natural beauty of the area. It would be managed by the local authorities with funding from the Countryside Agency and local authorities. There would be no appointees to represent the national interest.

If a Conservation Board were to be established to manage the area as an AONB, it would bring additional benefits. There would be a second statutory purpose to increase the understanding and enjoyment by the public of the special qualities of the AONB and members would be appointed to represent the national interest. If it were to appear to the Board that there is conflict between the two purposes, the Board would be required to attach greater weight to conservation. In pursuit of its two purposes, a Conservation Board would have a statutory duty to seek to foster the economic and social well-being of local communities within its area, but without incurring significant expenditure in doing so.

The role of the Verderers, commoning and forestry interests could be taken into account by a Conservation Board, but the Board has no statutory purpose to do so.

An AONB Conservation Board would be a corporate body established as a umbrella body to bring together the complex administrations of a number of local authorities. At least 40% of the members are drawn from respective local authorities, at least 20% are from parish councils, and the remainder are appointed by the Secretary of State to represent the national interest.

Option 3: A National Park with a National Park Authority would provide the same enhanced landscape protection as an AONB. But in National Parks that purpose is expanded to include the conservation and enhancement of wildlife and cultural heritage in the area of the park. This would require a National Park Authority to take into account the role of the Verderers, commoning and forestry interests because they form a vital cultural heritage feature of the Forest. It would also be able to provide grants for land management schemes that may incorporate the commoning tradition. In addition, a National Park Authority would have a statutory purpose to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. In educating members of the public about the qualities of the Forest, the authority could undertake programmes to encourage more people from under represented groups to visit the park.

National Park Authorities under the Environment Act 1995 are free-standing corporate bodies within the local government framework, established to carry out National Park purposes and functions. One half plus one of the members of the National Park Authorities are appointed by local authorities with land in the Parks. The rest are appointed by the Secretary of State Defra, with one half of these minus one drawn from local parishes and the remainder appointed to represent the national interest. Around three-quarters of an Authority therefore comprises local representation. The Authorities are the sole local and mineral planning authority for their areas and are funded from central government sources.

A National Park Authority would be in a good position to achieve a balance between local and national interests, recreational and conservation purposes, and the verdering, commoning and forestry interests. This option could deliver what is necessary for the unique qualities of the New Forest by means of special operative arrangements (see table 3.1) without the need for any change to legislation.

Table 3.1: Options identified by the Countryside Agency on the special administrative arrangements for a New Forest National Park Authority

Issue:	Options:
Special Guidance for a New Forest NPA	A: New government guidance * B: Amend existing legislation
Membership of a New Forest NPA	Verderers A: Special provision in the Government's procedures for appointing Secretary of State members. * B: No special provision. C: Amend legislation to provide for a tailor-made solution. Forestry Commission A: Minister to give advice on appointments * B: Amend legislation – include Forestry Commission. Land management interests A: Special provision and local/specialist advice sought. * B: Amend legislation to include named groups.
The relationship between a New Forest National Park Authority, the Verderers and the Forestry Commission.	Authority powers/jurisdiction A: Government guidance. * B: New legislation – extend the Verderers' powers.
Development Plans.	A: Joint plans. * B: National Park authority plans only. C: Local authority plans only.
Development Control.	A: Delegate to local authorities. * B: No delegation. C: Amend legislation – transfer to local authorities.
Role in land management.	No subsidiary options.
Role in visitor management.	No subsidiary options.
Ensuring the active involvement of local expertise.	No subsidiary options.
Working in partnership.	No subsidiary options.

* Option recommended by Countryside Agency in its advice to Government submitted with the New Forest National Park (Designation) Order 2002

Source: Entec's report on Background Material for an Initial Regulatory Impact Assessment relating to the Establishment of Two New National Parks produced in May 2003.

Comments on the Countryside Agency's advice were heard at the inquiry which was called to hear objections and representations to the Designation Order. The Inspector's recommendations on them are reflected in the inquiry report.

Option 4: Tailor-made legislation was recommended by the Countryside Commission in 1998 because they felt it would better respect the special local circumstances and could be designed to avoid any overlap of the powers with those of the Verderers and Forestry Commission under the New Forest Acts. A statutory authority would be established, similar in many ways to a National Park Authority, but a main aim would be that groups with specific local interests would be able to appoint representatives on to the Authority. This option would require primary legislation and the availability of an appropriate slot in the parliamentary timetable.

4. Benefits

Option 1: No additional restrictions or costs on businesses in terms of expansion, moving to and setting up in the area, planning, provision of goods and services, or the property market. No changes in who does what for local people to learn and no overlapping responsibilities.

Option 2: Enhanced landscape protection with a statutory purpose to conserve and enhance the natural beauty within a permanent boundary. This would fit in with:-

- (a) Defra's aim on sustainable development which means a better quality of life for everyone now and in the future, including a countryside for all to enjoy;
- (b) Defra's objective to improve enjoyment of an attractive and well-managed countryside for all; and
- (c) the policy of protecting and conserving England's most valuable and scenic landscapes for generations to come.

The environmental benefit of an AONB managed by a Conservation Board would bring an additional statutory purpose to increase the understanding and enjoyment of the area. The Board would have, in addition, a statutory duty, as a social benefit, to seek to foster the economic and social well-being of local communities within the AONB. A Conservation Board would provide national as well as local representatives and therefore a balance between local and national interest would be reflected in the management of the area. It would be able to share examples of good practice with other AONBs.

Any areas that come into the AONB which are not within the Heritage Area and/or South Hampshire Coast AONB would gain the stronger planning protection. It is possible that this might result in an economic benefit of an increase in property values within those areas and on the periphery of the AONB, which would benefit existing property owners. However, the existence of the New Forest Heritage Area and South Hampshire Coast AONB may have already created this situation.

Option 3: In addition to all the benefits described in option 2 of an AONB with a Conservation Board, National Park status, as an environmental and social benefit, would bring statutory purposes to conserve and enhance the wildlife and cultural heritage in the area of park. This would place a statutory requirement on the National Park Authority to take into account the role of the Verderers, commoning and forestry interests. National Park status is an internationally recognised term that would attract visitors, and combined with the National Park Authority purpose of promoting opportunities for the understanding and enjoyment of the special qualities of the area by the public, there would be benefits for the tourist industry.

A major additional economic, environmental and social benefit of this option is that a National Park Authority would be the local planning authority, which would draw up the development plans and decide planning applications in accordance with its statutory purposes and duties. It would also be able to bring together the local and national interests in the Forest, which would be reflected in the Authority's development plans and planning decisions.

Furthermore, as a combined economic, environmental and social benefit, a National Park Authority would have other additional statutory functions under the National Parks and Access to the Countryside Act 1949, Countryside Act 1968, Wildlife and Countryside Act 1981, and Environment Act 1995. These are to provide recreational facilities for visitors, manage wildlife and conservation areas, make agricultural agreements, and undertake other relevant tasks in relation to its statutory purposes and duties. Such tasks can be undertaken through the use of their own staff or in partnership with others such the Countryside Agency, respective tourist boards, educational bodies and recreational bodies. A National Park Authority would be able to benefit from sharing the experiences of good practice with other National Park Authorities in relation to these additional functions.

Another economic benefit would be that a National Authority would be funded from central government sources. This would remove the cost of managing much of the New Forest from local authorities and the possibility of an impact on council tax. Also, as a corporate body with legal status and sufficient standing, it would be well placed to take forward bids for external funding, such as from the EU, and manage the necessary collaboration.

Option 4: Tailor made legislation could take into account the statutory verdering, commoning and forestry interests in the Forest by allowing specific groups to appoint a certain number of their representatives to sit on the Authority. This would, as a social benefit, give them a stronger role in the decision making process for the Park. In addition, this option could enable a transfer of some statutory National Park Authority functions from a New Forest Authority to these appropriate groups.

i. Business sectors affected

Sectors affected would be those relating to property, development (transport, minerals and aggregates, telecommunications and utilities) and tourism.

ii. Issues of equity and fairness and distributional issues.

There could be an increase in property prices within and at the periphery of the park that may worsen the already existing lack of affordable housing for local people. However the current New

Forest Heritage Area and South Hampshire Coast AONB may have already created such a situation so that the creation of a New Forest National Park will only have a marginal effect.

According to the New Forest Committee's 2003 'Strategy for the New Forest', the average annual salary within the New Forest is £18,000 and the average cost of a house is £120,000. It is estimated that those wishing to rent privately would need an annual income of at least £20,000. A 2001 survey³ of housing needs within the New Forest District Area showed that home ownership was beyond the reach of an estimated 97% of those seeking to buy for the first time and only 23% could afford the cheapest privately rented accommodation.

The implication is that local people who maintain the unique characteristics of the Forest may find they are unable to remain in the area and be replaced by newcomers who are not involved in traditional land management and/or do not have the skills to do so. Existing National Parks are exploring ways to provide affordable homes for local people, although this is not a problem unique to designated landscapes or even to rural areas.

iii. Risks/assumptions associated with benefits identified.

The benefits have been assessed under the current legislative, policy and planning frameworks, but there are two studies that could introduce additional benefits or change the degree of a particular benefit. These are Defra's Review of English National Park Authorities and the Office of the Deputy Prime Minister's review of the planning system, which could result in changes to the current legislative, policy and planning frameworks. It is not expected that the Review of English National Park Authorities recommendations would impact on any special arrangements for a New Forest National Park Authority.

5. Costs

i) Compliance costs to businesses and local communities:

Option 1: No additional costs.

Options 2 to 4: Economic costs would be that businesses might find themselves restricted in moving to, setting up or expanding in the area through a combination of stronger planning policies and/or higher property prices. As the New Forest Heritage Area and the South Hampshire AONB have planning protection equivalent to National Parks, businesses in those areas would be unlikely to experience any change but there could be an impact for businesses not currently in those areas. Such businesses could experience constraint on the range of goods and services (e.g. utilities, telecommunications, transport, minerals and quarrying) they can supply or access. Coming into an area with stronger planning policies, they could incur additional costs from the need to take alternative measures and in placing planning applications through a more rigorous planning regime (e.g. undertaking environmental impact assessments). There are no additional environmental and social costs.

The social and environmental cost of option 4 is the delay whilst awaiting a legislative slot.

ii) Other costs:

³ New Forest District Council (2001) *The New Forest Housing Needs and Market Assessment*

Increased bureaucracy and reduction in local democracy – From a social cost perspective, some local people feel that a National Park Authority would result in increased bureaucracy and reduction of local democracy resulting from the creation of a new layer in local government. The current arrangements whereby three-quarters of National Park Authority members are local representatives (local authority and parish council) and one quarter are national appointees, gives a strong level of local representation. Recommendation 22 of the Review of English National Park Authorities proposes to change local representation to three-fifths local and national representation to two-fifths but this would still give a majority of local representation.

A rise in property prices – An economic cost of a rise in property prices could follow designation due to a combination of people being attracted into the area and planning restrictions on new property stock. This may prevent local people from being able to buy locally, new business start-ups, and existing businesses being able to expand. It is possible that this may have some impacts on local employment, but there is potential for the benefits to the tourist industry to overcome the negative impact on other sectors resulting in a possible overall effect of improved employment prospects. However, considering that much of the proposed Park already has strong planning protection as the New Forest Heritage Area, and that the New Forest is in a region that already has high property prices relative to the rest of the UK, it is expected that these implications will only have a marginal impact.

Cost to Forestry Commission, Verderers and Commoners – As a combined, social, economic and environmental cost, there may be some degree of overlap between the powers of a National Park Authority, Verderers, and Forestry Commission in terms of recreational, ecological and landscape management and transport proposals. If the three statutory bodies do not work together there could be conflict between their powers but we see no reason why they cannot successfully work together in partnership.

6. Consultation with small businesses: the Small Firms' Impact Test

Prior to making the New Forest National Park (Designation) Order 2002, the Countryside Agency had undertaken a 12 week non-statutory public consultation. This consultation involved local businesses from the food, tourist, agriculture, forest, property, and property industries who ranged from smallholdings (e.g. commoners and Verderers) to large multi-national enterprises (e.g. Esso). The New Forest Branch of the Federation of Small Businesses has advised us that there are only a handful of large businesses amongst the 6,200 business currently operating in the New Forest.

a) Consultation methods used by the Countryside Agency

A variety of methods were used by the Agency to contact business of various sizes and sectors:-

- commissioned a Salisbury company called CCR to distribute all of the Agency's consultation documents to all household and registered business addresses (approximately 113,000 addresses within post codes SO40-43, SO45, SO51, SP5-6 and BH23-25 - greater New Forest area), whom were invited to make their views known and given the opportunity to discuss their concerns with the Agency at various road shows held around the Forest area.
- attended a meeting organised by the National Farmers Union (see c below);

- organised a seminar that was attended by small businesses (see d below); and
- met the owners of Giddings, who are a regionally significant forestry firm involved in the development of biomass and wood-fuel technologies (see e).

The Agency took the responses from the consultation into account when it prepared the boundary specified in the Designation Order and its advice to Government on the operation of a National Park. Many of those who provided comments to the Agency's consultation also lodged objections and representations to the Designation Order and comments on the Countryside Agency's advice on administrative arrangements which were heard at the inquiry (see Annex B4).

b) Responses to the Countryside Agency's consultation

Responses were received from small businesses in various sectors:-

- tourist and retail (e.g. Milford on Sea Traders Association and Original White Hart Pub),
- horticultural (e.g. Heene Enterprises),
- care (e.g. Colbury Nursing Home and Norman Claringbull – a counsellor and psychotherapist),
- engineering (e.g. Lymington Precision Engineers and S.J Fuller Ltd),
- property and land management (e.g. Beaulieu Estate, Mr J.A. Chase of Belford Farm, Crest Strategic Projects Ltd and Country Land and Business Association).

Their views are quoted at annex B1. Most of them were supportive of a New Forest National Park but wanted to see that specific interests were represented on a National Park Authority and changes to the Agency's boundary. The tourist and retail industries in particular, wanted their various towns and villages to be included in the park, so that adequate resources for tourist facilities in these areas could be provided by a National Park Authority, should there be an increase in tourist numbers following the designation of a National Park. The land management and property industries wanted to ensure that the laws of trespass on private property will be made clear to the public by a National Park Authority and enforced. Small businesses in urban areas such as Lymington did not want these areas to be included in the park because the strong planning restrictions could have an impact on the social and economic well-being of the local communities within the town.

c. National Farmers Union

The National Farmers Union meeting was attended by the Beaulieu Estate, Countryside Agency, Forest Friendly Farming, NFU's Regional Director, Longdown Management Ltd, Meyrick Estate Management Ltd, five farmers/commoners, the assistant NFU Group Secretary and senior NFU Group secretary. The issues raised at the meeting were about public access, representation on a New Forest National Park Authority, planning, by-laws, Verderers, boundaries and resources. There are no typical New Forest farmers, who varied from large farm managers to commoners with smallholdings.

Their views are quoted at Annex B2. Some of them were concerned that the strong planning protection associated with a National Park would prevent them from being able to diversify, such as providing Bed and Breakfast facilities. Other comments were about the future of farming in the

forest, tourism, diversification and planning issues, access and potential benefits or restrictions for farmers, landowners, and commoners in a National Park.

d. *Seminar;*

Small businesses and representative associations who attended the seminar were Sopley Estate, Calshot Activities Centre, The New Forest Jam and Chutney Company, Tenant Farmers Association, New Forest Equestrian Association, The Caravan Club, Keyhaven Fishermen's Association, and Donwark Consultancy Ltd. Presentations were given by the Caravan Club, Keyhaven Fishermen's Association, and the New Forest Jam and Chutney Company on a range of topics, which are expressed at Annex B3. Comments were raised about ensuring that their interests and the tourist interest are represented on a New Forest National Park Authority; the availability of suitable premises for these firms to expand into and associated impact on rents and employment of local community. Many firms want clear policy guidance from a National Park Authority on how they are able to meet the requirements of the planning system and other authority policies.

e. *The Views of Giddings*

Giddings is a family owned timber production firm based in Cadnam that currently employs around 140 people that operates largely with the South East region and beyond. They responded to the Agency's consultation and met the Agency to discuss their concerns that designation of a New Forest National Park would prevent expansion of commercial forestry. They thought that the stronger planning protection which would prevent them building a new processing plant. But this plant would be located within the New Forest Heritage Area, which has the same level of planning protection as for National Parks.

They had concerns over how the five local authorities who currently manage their respective parts of the proposed park, as defined in the Designation Order, would come together and operate to manage the whole forest. The Countryside Agency explained how the local authorities would work together on a National Park Authority as a single umbrella authority serving the whole forest.

f. *Countryside Agency's Advice to Secretary of State*

The Agency has used information resulting from its non-statutory public consultation to produce advice to the Secretary of State on how a New Forest National Park Authority could operate to take into account the special characteristics of the New Forest.

Comments on this advice were heard as part of the New Forest National Park public inquiry from some associations representing small business such as the New Forest Village Association, National Farmers Union, and Country Land and Business Association. Their comments described in Annex B4 were about strong local accountability in terms of land management, and ensuring that their interests were represented on a New Forest National Park Authority. If a New Forest National Park Authority is established under the Environment Act 1995, it would have a majority of local members (local authority and parish council).

g. *Views of one of the DTI's Small Business Councils*

One of DTI Small Business Service's small business councils expressed concern to Defra that an increase in second homes as a result of National Park designation could result in the closure of many small shops and post offices. However, this problem is characteristic of the wider

countryside not just in areas with national landscape designations. Designation could possibly worsen this problem but considering the already high status of the New Forest, a huge increase in second homes is not expected (see section 4ii).

Designation as a National Park has potential to bring benefits. An increase in visitors and tourism could bring in additional revenue to the area, which could revive many small shops and post offices. The New Forest Village Shops Association's objection has indicated that many shops in Fordingbridge are dependent on the tourist trade for their livelihood. The Original White Hart Pub in Ringwood and the Milford on Sea Traders Association have also expressed similar views in response to the Countryside Agency's non-statutory public consultation.

h. Summary of issues

On the whole, most firms appeared to support the fact that a stronger degree of protection was needed for the Forest, which would not be provided under the do nothing option. Firms from tourist and retail industry were keen to see that their various towns and villages such as Fordingbridge, Ringwood and Milford on Sea were included in a National Park, so that additional resources could be provided by a National Park Authority to manage a potential huge influx of tourists to their towns. The landowners and land managers wanted strict controls on public access. All firms wanted to ensure that their specific interests were represented on a National Park Authority and therefore most of their comments were in support of a tailor-made New Forest Authority under option 4. However, all of their concerns would be adequately taken into account under option 3.

Under option 3, the Agency, has issued advice to Government on how their interests could be taken into account by a standard National Park Authority and many of these groups/firms have expressed their comments on the Agency's advice at the inquiry. If the Minister decides to confirm the Designation Order, he will issue guidance to a New Forest National Park Authority on how it should operate to recognise the special characteristics of the Forest, which will be based on the Agency's advice and Inspector's recommendations.

Other firms of various sizes and sectors were concerned about the additional planning constraints that National Park status might bring and the impact of planning protection on them being able to expand and provide employment opportunities to the local population and beyond. However, many firms are located in the New Forest Heritage Area, which already has strong planning protection and National Park status would not change the existing planning arrangements. The same effect would occur under all of the options and the planning restrictions under either option would impact on small businesses in the same way as for large businesses.

To conclude, we do not see any significant differences in the impact on small businesses between each option.

7. Competition Assessment

Designation of a New Forest National Park with a National Park Authority would have an impact on two markets, which are the rural tourism and property markets.

The South East rural tourism market was estimated to be worth rather more than £1 billion in 2000, providing direct employment for between 30,000 and 40,000 people. Most rural tourism businesses in the South East are small scale being family owned and managed. It is a very disparate and diverse market with no dominant players. Table 7.1 illustrates the Rural Tourism Market Competition Assessment filter which has been applied to this market.

Table 7.1: *Rural Tourism Market Competition Assessment Filter*

The Competition Filter	Answer yes or now
Q1. In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2. In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
Q3. In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
Q4. Would the costs of the regulation affect some firms substantially more than others?	No
Q5. Is the regulation likely to affect the market structure, changing the number or size of firms?	No
Q6. Would the regulation lead to higher set up costs for new or potential firms that existing firms do not have to meet?	Yes
Q7. Would the regulation lead to higher on-going costs for new or potential firms that existing firms do not have to meet?	No
Q8. Is the market characterised by rapid technological change?	No
Q9. Would the regulation restrict the ability of the firms to choose the price, quality, range or location of their products?	Yes

Source: Entec's report on Background Material for an Initial Regulatory Impact Assessment relating to the Establishment of Two New National Parks produced in May 2003.

In relation to questions 6 and 9, it is possible that more stringent conditions may be applied to any application for planning consent (either new buildings or change of use). Also more onerous planning conditions may restrict some kinds of development not hitherto restricted. The overall assessment is, however, there will not be an undue effect on competition in the Rural Tourism Market as a result of the proposed regulation.

It is important to distinguish between the stock for property and the market for property – the volume of trading in property is much lower than the total volume of stock available (whether this be agricultural land, residential properties or commercial/industrial sites). FPD Savills' research records that around 4,400 ha of farmland were publicly marketed in the South East region in the

first 6 months of both 2001 and 2002, and around 6,000ha in each of the three preceding years. This compares with an overall agricultural area of 1.2m for the South East region as a whole. Table 7.2 has been prepared with this in mind.

Table 7.2 Property Market Competition Assessment Filter

Question	Answer yes or now
Q1. In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2. In the market(s) affected by the new regulation, does the firm have any more than 20% market share?	No
Q3. In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share.	No
Q4. Would the costs of the regulation affect some firms substantially more than others?	Yes
Q5. Is the regulation likely to affect the market structure, changing the number or size of firms?	No
Q6. Would the regulation lead to higher set-up costs for new or potential firms that existing firms do not have to meet?	Yes
Q7. Would the regulation lead to higher on-going costs for new or potential firms that existing firms do not have to meet?	No
Q8. Is the market characterised by rapid technological change?	No

Source: Entec's report on Background Material for an Initial Regulatory Impact Assessment relating to the Establishment of Two New National Parks produced in May 2003.

In relation to questions 4,6 and 9, if property prices rise (as some predict) as a result of national park designation and the perceived tightening of development control (through including areas currently not within the Heritage Area and South Hampshire Coast AONB, and possible National Park Authority planning policies) associated with designation, then it is conceivable that firms whose business makes them dependent on large areas of land (forestry, agriculture) may benefit from a higher valuation of their land; new firms trying to establish themselves in the area may be faced with higher costs to acquire property; expansion or re-location of a firm's business premises may be restricted. On balance, however, the relatively low level of turnover of property assets means that the new regulation is unlikely to have a significant impact on competition in the property market.

8. Enforcement and sanctions

The enforcement of a more rigorous planning regime in those areas of a New Forest National Park that are not currently within the New Forest Heritage Area or South Hampshire Coast AONB would be undertaken by the New Forest National Park Authority and under the existing planning

frameworks. Penalties for non-compliance would be the same as those for non-compliance in the existing nationally designated areas (National Parks, AONBs, New Forest Heritage Area and the Norfolk and Suffolk Broads). For example, a National Park Authority could require a developer to demolish any development that does not have planning permission and impose fines for alterations without permission to listed buildings.

9. Monitoring and Review

A New Forest National Park Authority would be reviewed alongside the other English National Park Authorities as part of the Government's policy to review non-departmental public bodies every five years. Although, National Park Authorities are not non-departmental public bodies, they are corporate bodies within the local government framework and are sponsored in a similar way to non-departmental public bodies by Defra.

10. Consultation

(i) Within government

Informal consultation with the Small Business Unit in the Department for Trade and Industry, planning branches within the Office of the Deputy Prime Minister and internally within Defra.

(ii) Public consultation

The Countryside Agency undertook a statutory local authority and non-statutory public consultation on the future of the New Forest before making a New Forest National Park (Designation) Order 2002. The consultation covered the need for a New Forest National Park, and administrative arrangements as well as possible boundaries for a National Park. In addition, a statutory public inquiry was held to hear objections and representations to the Designation Order from October 2002 to April 2003.

11. Summary and recommendation

The New Forest is an unique cultural landscape that has developed since Norman times, which is facing the pressures of the modern world from development, changing social economic circumstances and recreation. In order to overcome the risks stronger protection and better management regime is needed for the Forest. This means that the do nothing option is not acceptable. An AONB with a Conservation Board would fix a permanent boundary on the basis of the natural beauty criteria but not opportunities for open-air recreation. All options would have a degree of impact on businesses in terms of strong planning protection.

A National Park with a National Park Authority would have all the benefits of an AONB with a Conservation Board, but would have additional opportunities than a Conservation Board to take into account the unique circumstances of and the pressures on the Forest such as the cultural heritage of the Forest. Its funding would come from central government sources and being the local planning authority it would be able to make planning decisions specifically on the basis of its two statutory purposes. Also the special circumstances of the Forest can be adequately addressed by Secretary of State guidance to a New Forest National Park Authority. Considering that the pressures on the New Forest are strong and the possibility of securing an appropriate slot in the parliamentary timetable is very small, it seems to be the case that the National Park with a National Park Authority is the best option as we can not afford to wait for a legislative slot.

12. Declaration

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed: *Alun Michael*

Date: *11th February 2005*

Minister of State (Rural Affairs and Local Environmental Quality)

Department for Environment Food and Rural Affairs

Contact point

John Kilner, Defra Countryside Division 6, 1/04 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB Tel: 0117 372 8877. E-mail: John.Kilner@defra.gsi.gov.uk.

Annex A: Legislative History of the New Forest:

In 1945, at the request of Government, the architect John Dower produced a report on how National Parks might be introduced in England and Wales. This was followed in 1947 by a report from a committee chaired by Sir Arthur Hobhouse proposing special legal status for those areas considered to be the finest landscapes in England and Wales, so to preserve them for the nation's benefit. The New Forest was judged to be such an area but was not designated alongside the other National Parks in the 1950s because the core of the Forest was seen to be adequately cared for through Forestry Commission management of the Crown Lands and the powers of the Verderers under the New Forest Acts.

The New Forest Act of 1877 established the Court of Verderers to manage commoning in the Forest. Subsequent New Forest Acts of 1949, 1964 and 1970 gave the Verderers statutory powers and duties over a certain area within the New Forest for the protection and administration of the rights of common and the health of commoning animals. The Verderers also have certain magisterial functions as a Court in connection with offences against the Verderers' byelaws. Additionally these Acts gave the Forestry Commission duties and powers to manage Crown Land in relation to conservation, environment and recreation. The powers in these Acts will not change as a result of the creation of a New Forest National Park and the establishment of a National Park Authority.

In 1988 the Forestry Commission recommended recognition of the New Forest as a Heritage Area in order to bring special protection for the area. A New Forest Heritage Area Committee (now called the New Forest Committee) was set up to bring together those organisations with executive responsibility for the management of the New Forest Heritage Area, with the primary purpose of promoting and co-ordinating measures to ensure the conservation of the area. The Government agreed the Heritage Area and established the New Forest Committee in 1990. The Committee established the boundary of the Heritage Area, since when it has been reviewed as part of the local plan process.

A Government attempt in 1992 to give the New Forest Committee statutory status failed in the face of strong local opposition and so it remains a non-statutory body that draws its membership from the Countryside Agency, English Nature, the Forestry Commission, Verderers and other interested groups. It has an annual budget of around £100k provided by the Countryside Agency and local authorities within the New Forest Heritage Area.

A 1991 National Parks Review Panel Report ('Edwards Committee Report') endorsed the view that the New Forest is a prime candidate for National Park status. In 1994, by virtue of a statement from the Government, the New Forest Heritage Area was given the same planning protection policies as are afforded to National Parks.

The Countryside Commission, in its 1998 report 'Protecting Our Finest Countryside: Advice to Government', identified various possible options for the New Forest and recommended tailor-made legislation to take into account the verdering, commoning and forestry interests of the Forest.

In September 1999, at the Labour Party Conference, the Deputy Prime Minister

announced the first steps towards the creation of two new National Parks for the New Forest and South Downs. The then Minister for Environment, wrote to the Countryside Agency explaining that there was no realistic prospect of securing early parliamentary time for tailor-made legislation and asking it to consider National Park designation under the 1949 Act.

The Agency started work in November 1999 and submitted a New Forest National Park (Designation) Order to the Secretary of State in February 2002. Additionally, it produced advice on how a New Forest National Park Authority could operate to take into account the Forest's special circumstances. A public inquiry on the Designation Order ran from October 2002 to April 2003, which also heard representations on Countryside Agency's advice.

Annex B: Small Firms Impact Test:

1) Responses to the Countryside Agency's non-statutory public consultation

i) Tourist and Retail Industry:

The **Drascombe Association** representing around 1,200 members who own small, open, traditional sailing craft said that

“We support the proposed boundary and especially the coastal sections at Eling, Dibden, Ashlett Creek, Calshott, Solent Coast and Lymington River to Everton. Many of us also visit the open areas of the New Forest for other recreational purposes and to enjoy its peace, quiet and natural beauty. We understand that preserving this requires the availability of enclosed grazing and agricultural land. This is another reason for extending the boundary to the coast as proposed”.

The **Milford-on-Sea Traders Association** wrote that they feel very strongly about the exclusion of Milford on Sea from the proposed National Park.

“Milford on Sea and Keyhaven lie in very close proximity to each other, divided only by a couple of fields. They have extremely close links and together with Lymore and Downton are very much regarded as one Parish.

It is of great concern that if Milford is excluded from the New Forest National Park there will be a risk of inappropriate development and increased pressure on current facilities. Any substantial increase in the size of the village would be totally detrimental to the character of the village and it would be a tragedy if a village such as this merely became an extension to the Bournemouth-Christchurch-Highcliffe-New Milton conurbation.

Car parking must also be an issue, the car parks in both the village centre and on the cliff top being full at peak times.

There is substantial concern that if Milford on Sea is not included within the proposed National Park Boundaries the infrastructure will generally be affected by increased influx into the village without sufficient funds and input to enable the village to cope and accordingly, on behalf of the traders, we would ask you to reconsider the boundaries so to incorporate Milford on Sea within the New Forest National Park.”

The **Original White Hart pub** based in Ringwood is objecting the exclusion of Ringwood.

“Ringwood is proud to be associated with the New Forest but I feel that businesses will flounder if the boundary proposals go ahead. When visitors contact the Tourist Information sights in and around the New Forest, they are given literature about the surrounding area, and Ringwood will lose out on so many tourists visiting our town. We have a good town with so much community spirit it would be a shame for so many visitors to miss out on this. Think carefully to what you are going to do to so many small businesses in the area, those that have spent years on working on building a good reputation, only to have that ruined.”

The pub also attached a Newspaper article to their comments that mentions a quote from Councillor Waddington *“If Ringwood is excluded it will be subject to all the pressures the National Park will bring such as traffic, parking and demand for development without investment to deal with them”*. The article also mentioned a quote from a partner of Grant Estate Agents, who is a member of the Bournemouth and District Association of Estate Agents, and said *“Ringwood is a unique, thriving market town and gateway to the New Forest. My chief concern is without development control Ringwood could become swamped with over development if it is excluded from the boundary.”*

ii) Horticultural Industry

Heene Enterprises who are based at Holbury (near the east coast of the proposed Park) mentioned that

“I totally agree with the whole boundary. I would like many more planting of oaks. I believe you should start a nursery so that EHS trees could be planted.”

iii) Care Industry

Colbury Nursing Home objected to the inclusion of land to the North of Totton/Ower. They mentioned that:-

“We need to build more nursing beds there are two few in this area for those who need them. The new draft boundary will put restrictions on this. The Health Authority wants us to build more beds”.

Their proposed amendment to the boundary was that:-

“the boundary does not cross the A36 between Totton and Ower. There is a severe shortage now and in the future of nursing beds in this area.”

Norman Claringbull – who appears to be a freelance counsellor and psychotherapist mentioned that:-

“I support the proposal to create a New Forest National Park. The proposed boundaries omit the land adjacent to Southampton Water between Hythe and Marchwood. I am fully aware that part of this land is of recent reclamation, but I do not feel that its alleged artificiality is a reason to exclude it”.

iv) Engineering and associated light Industry

Sellwood Planning who represents **Lymington Precision Engineers and S.J. Fuller Ltd** mentioned that

“Lymington Precision Engineers is one of the largest employers in the New Forest with over 170 employees in Lymington. S.J. Fuller Ltd has developed and operates the Gordleton Industrial Park at Sway Road, Lymington.”

“Whilst it is accepted that the New Forest merits the strongest possible protection, it must also be recognised that it also excludes existing communities, which have social and economic needs. As a consequence, it would not be appropriate to define a boundary which was too widely drawn or prevented the expansion of settlements to meet the needs of the local population. Thus the New Forest Boundary Commission has a difficult task in drawing a boundary which protects all areas of the New Forest which merit inclusion within a National Park whilst providing sufficient flexibility to allow the larger settlements in the Forest to meet locally generated needs.”

Whilst it is considered that this balance has been correctly drawn at Ringwood by the exclusion of the urban area and the two peripheral greenfield sites, the same approach has not been adopted at Lymington. At Lymington not only has no ‘expansion room’ been left on the periphery of the town but the whole of the urban area is proposed for a part of the National Park. This approach is fundamentally misconceived since it (a) places an unnecessary constraint on the social and economic development of the Lymington Community; (b) the land fails to meet the criteria for inclusion in a National Park.”

v) Property and Land management

The **Beaulieu Estate** covers nearly 7000 acres of the New Forest and is owned by Lord Montagu of Beaulieu and Honourable Ralph Montagu. They said that

“The New Forest is a special place with special circumstances and it is right that this is acknowledged. However, the guidance given to government must be secure and permanent. We are concerned that the circulars can be easily changed and would not offer the certainty the Forest and the Authority would need.”

The Key issue is that the National Park Authority is constituted with sufficient expertise to guide the future of the National Park in a comprehensive way. The diversity of the Park area makes this a difficult task.

Probably a third of the land area of the Park is owned privately, often by larger estates. We believe that the Park Authority will be less effective if it does not link properly with private landowners. It is essential to include expertise from private land ownership on the Authority.

Given the extensive coastline of the Park, the authority should also have expertise concerning marine matters.

There are numerous other key relationships to consider in the New Forest, not least of which will be in liaison with private landowners. As these relationships will not alter over time there seems logic in approaching this through policy guidance.

We agree that joint plans are the correct approach.

Whatever route is chosen” (on development control) “it must be clear. We fear that that the proposal to delegate to the local authorities will only work if there is a clear distinction and definition as to where responsibilities start and end. Planning decisions will also need to be

consistent throughout the Park and this seems to us to be a more important objective of development control than co-ordination with land outside of the Park.

We are inclined to favour Planning control under one authority except Minerals and Waste which logically should stay and County Level for a wider strategic view. Development control needs to be consistent and clear across the whole Park area.

We have no particular concerns over these proposals” (land management) “but coastal management should be reflected in the arrangements.

The proposals for Rights of Way, Countryside Management and Information all seem sensible. Countryside Education in the Forest needs co-ordinating and promoting as this will be key to the future preservation of the area. We would recommend the Countryside Education Trust, based at Beaulieu since 1975, as being a body able to help develop education services across the Park area.

We believe tourism requires a greater profile. Tourism in all its forms, is a key driver to the economy of the area. The Forest needs promotion as a tourist destination in a competitive market. Visitor attractions and sites remain a positive contribution to the preservation of the Forest by managing and informing visitors in an organised way (and importantly keeping cars and dogs from more sensitive locations).

The Authority should build from existing structures for consultation, not invent new and additional ones.

Partnership is clearly vital but equally important will be clarity of decision-making powers, confidence in the permanence of policy and structures, and wide ranging expertise within the Authority to take account of the enormously varied nature of the proposed Park area.”

Woolley and Wallis, a chartered surveyor firm, representing **Mr J.A. Chase of Belford Farm** has objected on the ground that his land does not meet national park criteria and that

“the inclusion of Mr Chase’s property might restrict the future cropping use of his land. The present livestock enterprise does not relate to the New Forest and Mr Chase may wish to change his policy – for instance, to allow crops to be produced for fuel or other diversified uses. There may be a serious restriction on his freedom or cropping if the land is within the New Forest which would not be adequately resolved by compensation – assuming there is a provision in the statutory proposals to allow compensation to be paid.”

Sellwood Planning representing **Crest Strategic Projects Ltd**, who have an interest in land at Ringwood, have mentioned that:-

“Whilst it is accepted that the New Forest merits the strongest possible protection, it must also be recognised that it also includes existing communities which have social and economic needs. As a consequence, it would not be appropriate to define a boundary which was too widely drawn or prevented the modest expansion of settlements to meet the needs to the local population. Thus the

New Forest Boundary Commission has a difficult task in drawing a boundary which protects all the areas of the New Forest which merit inclusion within a National Park, whilst providing sufficient flexibility to allow the larger settlements in the Forest to meet locally generated needs.

In the case of Ringwood, the town is the largest settlement in the western part of the district and serves as an important focus for homes, employment, shopping and community facilities. The current and previous New Forest Local plans have reflected this role by excluding two areas of land (west of Crow Lane to the south and Lynes Farm to the east) from both the Green Belt and New Forest Heritage Area. These areas are identified for the possible long term development needs of the town. As a consequence, it is welcomed that the draft boundary continues to show these areas of land excluded from the National Park boundary. If adopted in this form, the boundary will succeed in protecting the integrity of the New Forest whilst allowing the town of Ringwood to evolve to meet the needs of the local community.”

The County Land and Business Association is a national organisation representing 46,000 owners of rural land in England and Wales including a number in the New Forest. They mentioned that:-

“Consideration must be given to devising a policy for ensuring the ownership is made clear to the public as the name ‘National Park’ is presumably to be used in signage. The signage must not mislead the public into thinking that public access is available all over the land contained within the boundary. It is very important to make the public aware that whilst the Crown Lands are open for public access, privately owned land is not available for public access. Furthermore, the public must be made aware of the laws of trespass for inadvertent access onto private and commercially managed land.

The NPA must be taken into account that the designation of an area of land, will not ensure its protection and enhancement. This can only be achieved by appropriate positive management and this is best delivered by a viable agricultural, forestry and rural business, especially those which are responsible for the sustainable appearance (landscape and biodiversity) of the New Forest. When designating funding for land management issues, including conservation and recreation, the NPA should consider the needs of these rural businesses and how the funding may impact or aid the sustainability of the New Forest. When designating funding for land management issues, including conservation and recreation, the NPA should consider the needs of these rural businesses and how the funding may impact or aid the sustainability of the Forest. They should consider what additional resources can be made available for land management issues to assist those rural businesses in the positive management of the countryside.

Other issues the NPA will need to consider include the need to encourage viable and vibrant rural businesses capable of offering attractive career opportunities to the younger generation. In the interests of sustainable development, the NPA must recognise the need for local jobs; matched by housing (affordable where necessary), services (including transport) and facilities. These matters are essential as a means of tackling social exclusion that already exists in some rural areas within the district.

Land managers have been, and will continue to be, responsible for the management of the landscape, biodiversity and traditions of the New Forest which ultimately aids the entire rural economy of the region. To date little has been forthcoming from the Countryside Agency about the level of resources that will be made available to land managers to carry on this work once the National Park comes into existence. There is a great deal of concern that resources will be diverted away from the land management issues which will be to the detriment of the overall aims of the National Park.”

2) Notes from the meeting organised by the National Farmers Union:

The Senior Group Secretary of the National Farmers Union provided the Countryside Agency with the notes of their meeting held on 30 March 2000. The items of the meeting and their views are quoted below.

a) Selection and Nomination of Chief Executive and National Park Authority

“The participants spelt out their fear that a standard national park authority would give inadequate representations to their interests and that there was no mechanism for appointments to the board to enable the farmers, commoners and landowners’ voice to be heard.”

b) The Commoning/Farming Future

“The Agency was asked to give some ideas of what funding was available from government. Apparently if proposals are put to the authority are relevant to farming, then there is no doubt that they will be considered favourably, but the meeting expressed their fears that larger amounts of money would be directed into conservation projects”. The Agency’s reply was that “there would be less restrictions under a National Park rather than more. It was also explained that collaborative marketing and joint local projects to produce such items such as a slaughterhouse, could be high on the list of funded projects.

It was noted that at the present time pony sales prices were seriously depressed. Part of the problem is that historically foals are produced at the wrong time of year which resulted in them coming on to the market all together. It was agreed that commoners should pursue the environmental benefits afforded to the Forest by grazing stock, even to the extent of requesting use of set-aside land for back-up grazing which would require a considerable divergence from standard EU rules.”

c) Tourism

The Agency explained that “the National Park authority would manage tourism, even to the extent of possibly closing roads and restricting entry to certain areas if deemed beneficial. It was absolutely essential that the National Park designation did not excite the current problem of people pressure on the Forest and took into consideration the rights and privileges of farmers, landowners and commoners currently being exercised.”

d) Farming Diversification/Planning

The thought that the National Park designation could bring with it stricter planning regulations preventing the modernisation of farm businesses such as the installation of storage reservoirs and discouragement from diversifying into alternative enterprises such as bed and breakfast or pony trekking was put to the Countryside Agency. It was stated that at a time when government is

urging the industry to trade on a global scale, any such competitive disadvantage would be seen as mistaken.

e) Access

“There is a concern that designation could attract more visitors to the area and as such exacerbate the existing access problem for private land in particular within and adjoining the heritage area. There would need to be strict control by National Park officers to prevent wanton or unintentional disregard of private land boundaries. The name “Park” for many meant a play place and this could engender problems for the local commoning population for whom the area was a workshop and although it could be shared with visitors, commoning is of paramount importance overall.”

f) Potential benefits or restrictions for Farmers, Landowners and Commoners in a National Park

The Agency told the meeting that it *“was committed to making the rules of the standard park authority as flexible as possible taking account the unique character of the New Forest and its 1000 year old tradition of commoning. The meeting heard that the Forest’s mosaic of heathland and acid grassland had evolved through centres of cattle and pony grazing. Landowners, farmers and commoners agreed that funding arising from National Park status should be directed towards sustaining the traditional systems of farming and commoning.*

It was clear that the National Park Authority did have the potential to bring about improvements to the management and marketing of New Forest cattle and ponies including the provision of improved facilities such as an abattoir and knacker facility”. The Agency confirmed that “a National Park Authority was not designed to restrict but to benefit the area and help farmers, landowners and commoners survive and prosper, both for the benefit of the landscape and those who lived in the area and for those that visited as tourists. Hence the need to make the rules of the standard park authority as flexible as possible to accommodate the wishes of farmers and landowners and commoners.”

3) Seminar Topics:

Presentation Title: i) Tourism in the New Forest, Caravan Sites with loss of space to us and loss of income to you.
Others Present: Ann Simon (Christchurch Tourism) Kathy Keeble (Caravan Club)
Concerns: <ul style="list-style-type: none"> • If sites are moved to outside the National Park area, what will happen re: income generated from caravanners in small villages? • If some/ all sites are closed: <ul style="list-style-type: none"> - This will give a guise impact on Christchurch – financially – tourism wise. - Will planning regulations be related to allow more sites to be built outside the area. • Overseas trade will drop.
Recommendations: <ul style="list-style-type: none"> • That the tourism aspect is considered fully and that there is representation from this sector and the camping and caravanning associations to protect tourism on the outskirts of the New Forest. • Relocate camping sites if necessary <ul style="list-style-type: none"> - Do not close them completely. - Consider specific sites to provide for specific needs which would control who goes where.

Presentation Title: <i>ii) The Effects of National Park Authority regulations between high and low water.</i>
Convenor: Robbie Russel (Keyhaven's Fishermen's Association)
Reporter: Graham Baker (Campaign for the Protection of Rural England – New Forest Branch)
Others Present: Charles Cuthbert (Calshot Activities Centre)
Discussion Points: <ul style="list-style-type: none"> • At present and for time immemorial, the following activities have taken place: egg collecting, bait digging, oystering, clamming, wild flowing. • Regulated by Southern Sea Fisheries (County Council) and Defra. • Existing arrangements had demonstrably protected the environment and helped (Japanese seaweed). • That the fishermen and wildfowling are as much part of the cultural heritage of the Forest as the commoners, and their children's rights need equivalent protection. • Either the boundary of the National Park is moved to sea wall or there should be local fishery representation on the Authority. • Fishing is important as a local occupation and important to the local economy.
Recommendation: <ul style="list-style-type: none"> • As a minimum the users of the marshes and coastal fishermen want a nominated representative on the NPA.

Presentation Title: <i>iii) Small Business – Sustainable Employment, Planning Permission, Local Housing, How will it affect my business?</i>
Convenor: Terry Paul Edwards (The New Forest Jam and Chutney Co)
Reporter: Richard Binning (FDP Savills)
Others Present: Pauline Black (New Forest Pony Enthusiasts) Yas Maybank (Christchurch Tourism Association) John Sanger (New Forest Association of Parish Councillors) Ann Simon (Christchurch Tourism Association)
Discussion and Recommendations: <ul style="list-style-type: none"> • Local Businesses – growth and employment <ul style="list-style-type: none"> - worries on limit or growth - small businesses currently suited. Lack of availability puts rent up? Problems. • Business plan laid out by National Park. <ul style="list-style-type: none"> - what types of businesses accepted. - what effects are tolerated? - register of redundant buildings. • Small businesses verses big businesses – policy to stick to smaller. • Levels of bureaucracy <ul style="list-style-type: none"> - relevance of council below? - who can provide a straight answer? • Small businesses – helped by clear policy guidelines. • External bodies making decisions for local area? <ul style="list-style-type: none"> - controlled from afar - caravan parks – tourism - local housing - affordable for commoners and local business employees
Recommendation: <ul style="list-style-type: none"> • As a minimum the users of the marshes and coastal fishermen want a nominated representative on the NPA.

4) Objections and representations to the principle of a New Forest National Park and its boundary and comments on the Countryside Agency's advice presented at the Inquiry.

Objections, representations and comments were heard from a range of industry sectors and sizes at the inquiry. Most firms objected on the grounds that their lands of interest do not meet the criteria for national park status and/or that they were concerned about possible planning restrictions as a result of national park status on their day to day operations and in being able to expand. These firms were Esso Petroleum (Petrochemical Industry – multi-national), RMC (Minerals and Aggregates – UK National with a Turnover of £4.9b), Associated British Ports (Ports UK – National Turnover £195.9m), Southern Water Services (part of Southern Water), Southampton Container Terminals Ltd, SMS Skips Ltd (part of New Milton Sand and Ballast Company), Laurel Banks Care Homes, New Milton Sand and Ballast Company, Tudor Rose Farm Ltd, Moortown Farm Ltd, Breamore Estate Company and JS Bloor Ltd.

Each of the various firms have emphasised the importance of their various business activities. Esso Petroleum emphasised the importance of its refinery supplying around 1/3 of the UK petroleum and petrochemical needs. Associated British Ports have emphasised the economic importance of being able to capture the port trade that is vital to the UK's economic well-being. RMC and the New Milton Sand and Ballast Company on the importance of sites for sand and gravel extraction. Southern Water services on the importance of the Testwood Lakes in being able to supply water to the surrounding conurbation of Totton and Southampton. Southampton Container Terminals are unclear what would be the legislative impact on them as a result of National Park designation for the New Forest (e.g. making changes to the container port). Laurel Bank Care Homes on the importance on providing a service for the Totton conurbation.

Tudor Rose Farm Ltd and Moortown Farm Ltd on allowing housing to be built on their site to provide affordable housing for the local people who maintain the characteristics of the New Forest. The Breamore Estate Company is concerned that the boundary of the proposed park would split the estate and make its management more difficult.

Great Marsh Ltd in addition to the reasons mentioned by the previously mentioned firms has mentioned health and safety issues. It is concerned that National Park status would result opening up their site for public access and exposing the public to hazardous substances. This approach would contravene strict regulations for the management of the hazardous substances handled by the firm. Koppers UK Ltd who also operate in the same area as Great Marsh Ltd has made its objection on the basis of a misunderstanding that its site would come into the ownership of a New Forest National Park Authority when in fact that it would continue to remain in private ownership regardless of National Park status.

The Hinton Estate, Avon Tyrell Estate, Standswood Oystermen Ltd, Keyhaven Fishermen Association, and West Solent Oystermen's Association have objected to the inclusion of the inter-tidal zones (land between Mean High Water Mark and Mean Low Water Mark) of Southampton Water were included in the proposed New Forest National Park. This would result in the addition of a New Forest National Park Authority, who would have an interest in managing these areas, to a large number of existing authorities who already have a management interest. Therefore, as a result of National Park status with a National Park Authority, management of the inter-tidal zone

would be difficult for them. In addition, Standswood Oystermen Ltd have specifically made their objection on the basis that their view is that a New Forest National Park and its authority would override the provisions in the Standswood Bay Oyster Fishery Orders 1973-1995. Also that public access would result in possible poaching of Oysters along the inter-tidal zone.

The Country Land and Business Association is concerned about public access and that the public must be made aware of the laws of trespass. The National Park Authority should consider what additional resources could be made available for land management issues to assist rural businesses in the positive management of the countryside. The National Park Authority will need to consult parish councils and arrange regular meetings for the public. The National Park Authority will need to consult parish councils and arrange regular meetings for the public. The National Park Authority should ensure that by-laws are relevant, enforceable, and enforced. There is concern that resources will be diverted away from land management issues which will be to the detriment of the overall aims of the National Park. To overcome these concerns the Country Land and Business Association would like to see one of each: commoner, farmer, landowner and private forester represented on the National Park Authority.

The New Forest Branch of the National Farmers Union, representing the views of 226 farmers and grower members and 400 further members with non-commercial interests, did not object to the principle of a National Park, but were concerned that the advice given by the Countryside Agency to Defra on Secretary of State appointments has not fully taken into account the interest of landowners. They wanted to see that their interests were represented on a New Forest National Park Authority and preferred a tailored legislation approach. But they have not made it clear what the tailored legislation approach would be, what it would bring and how it would operate.

The New Forest Equestrian Association representing the views of 400 individuals who are mostly engaged in recreational equestrian activities and a few members who are professionally employed in the equestrian business such as riding schools and livery yards. They are concerned that most members of a New Forest National Park Authority will have urban and political outlooks and will not have an understanding of the issues, needs and cultural heritage of the area. For example, a National Park Authority would not properly appreciate the importance of the equestrian contribution to the economic performance and employment potential in the New Forest. The powers of the Verderers and commoners would be diminished, recreational interests will outweigh those of conservation. To overcome these limitations the New Forest Equestrian Association would like to see that there is permanent representation of commoning on a National Park Authority.

A number of objections and representations were made by a number of individuals who had an interest in commoning such as smallholders. Most objections and representations were on the boundary, but some were concerned about the Verderers losing their statutory powers and were keen to see that the commoning interest was represented on a New Forest National Park Authority.

All of these objections, representations and comments were considered by the Inquiry Inspector before he made his recommendations to the Secretary of State on the principle of a National Park, the boundary, and the administrative arrangements of a New Forest National Park Authority.