

April 09

The South Downs National Park

The Government's decision to confirm the designation of the South Downs as a National Park is of interest to those pursuing the connection between land and sea. The Inquiry Inspector had been unable to recommend the extension of the proposed Park into the adjacent marine environment because no powers exist to enable that to happen, notwithstanding the fact that he agreed with the the case that had been made by the South Downs Campaign.

The Secretary of State's decision letter deals briefly with the marine boundary in paragraph 59, which is reproduced below.

“59. **Marine boundary.** At paragraphs 4.0-4.10 of IR1 the Inspector considers the issue of the marine boundary. This issue was the subject of legal submissions on the part of NE and a number of objectors as to whether a national park can lawfully include marine areas beyond the mean low water mark (MLWM). At paragraphs 4.2 and 4.3 the Inspector explains the reasons why he accepted NE's submissions (as recorded in paragraph 4.0 of IR1) that legally a national park cannot extend beyond MLWM. The Secretary of State agrees with the Inspector's reasoning and conclusions on that issue. However at paragraphs 4.5-4.10 of IR1 the Inspector went on to suggest that consideration should be given to leaving open the boundary of the national park to the sea for those lengths of coast and foreshore that satisfy the statutory criteria. The Secretary of State has given careful consideration to that suggestion, however he has decided to reject it. As the Inspector concluded, the statutory powers and functions of the NPA would extend only to the MLWM. Whilst the marine areas might, in principle, satisfy the statutory natural beauty and recreational opportunities criteria, the conservation and management of the marine environment below the MLWM is being addressed as part of the Marine Bill. Such an approach is also consistent with the recent approach adopted for the New Forest National Park. In those circumstances the Inspector's recommendation to leave the boundary to the sea “open” where the adjoining cliffs and foreshore satisfy the statutory criteria is rejected and the Secretary of State proposes to adopt the MLWM as the boundary in these areas.”

It can be seen that the Secretary of State agrees with the Inspector's conclusion that the National Park cannot extend beyond the MLWM. However, he does not agree with the Inspector's recommendation for an open boundary and has set it at the MLWM. In doing so he says that:

“Whilst the marine areas might, in principle, satisfy the statutory natural beauty and recreational opportunities criteria, the conservation and management of the marine environment below the MLWM is being addressed as part of the Marine Bill. Such an approach is also consistent with the recent approach adopted for the New Forest National Park.”

There seems to be no specific reference to the Secretary of State's view on the Inspector's recommendation about reviewing legislation to enable the designation of a National Park to include the marine environment. It is pretty clear that he does not want to go down that road, relying instead on the provisions of the Marine Bill to secure the conservation of the marine environment. It is interesting, however, that he does not rule out the possibility of marine areas satisfying National Park designation criteria.

Development Officer
Dan Bloomfield
Flat 2 Bishops Hill, New Polzeath, WADEBRIDGE, Cornwall PL27 6UF

T 01208 869797 M 07918 697193
E dan.bloomfield@europarc-ai.org
W www.europarc-ai.org Skype danabloomfield

Company No. 5750588
Charity Reg No: 1114189

Edward Holdaway
Europarc Atlantic Isles
The Marine Bill

The Marine and Coastal Access Bill continues its passage through Parliament. At the time of writing it is still in the House of Lords Committee after 10 days of debate.

EAI has joined with CPRE, CPRW, English National Park Authorities Association, the National Trust, NAAONB and the Welsh Association of National Park Authorities in briefing Peers on an amendment relating to the inclusion of “seascapes” as a reason for designating Marine Conservation Zones [MCZs]. The briefing can be seen on EAI’s website.

The debate on this amendment was held on Monday 9 March and can be read in Hansard on line – cols 1033 to 1045. There was considerable support for the conservation of “seascapes” including the marine dimension of AONBs and National Parks amongst those who spoke in the debate from all sides of the house. However, the Government’s response was very lukewarm to the use of the MCZ mechanism for conserving “seascapes”, citing a number of reasons:

- the absence of any definition of what a “seascape” is
- the clause introducing MCZs had been designed for a specific purpose and it would be inappropriate to add to the purposes for designation

Furthermore the Government did not consider that there are any threats to AONBs and National Parks that need to be addressed by designating “seascapes”.

Some comfort can be taken from statements made by Lord Davies for the Government to the effect that *“The concepts will be included in the high-level marine objectives that underpin the development of the marine policy statement.” [Hansard 9 March 2009 Col 1043]*. This is very similar to the statements in an earlier debate in the maritime heritage and archaeology:

- *“I put it on record that the marine policy statement will indeed set out the Government’s policy on safeguarding the marine environment, which will include cultural and historic marine heritage. Those documents will then drive decisions made in the marine area, so I hope the Committee will appreciate that heritage protection will in a very real sense feature in decisions that are made”[Hansard 23 Feb 2009, Col 48]*
- *“the list of things that Clause 52 requires the planning authority to keep under review is indeed broad. It is certainly broad enough to include matters of historical and archaeological interest, without specific mention in the legislation. If it will help, I am happy to put on record that we firmly intend that issues of historical and archaeological interest should be considered and addressed in marine plans.” [Hansard 23 Feb 2009, Col 49]*

There will be further opportunities raise the issues surrounding “seascapes” and the marine dimension of coastal AONBs and National Parks at the Report Stage in the House of Lords, due to start on 5 May, and when the Bill reaches the House of Commons.

Edward Holdaway
Europarc Atlantic Isles

Development Officer
Dan Bloomfield
Flat 2 Bishops Hill, New Polzeath, WADEBRIDGE, Cornwall PL27 6UF

T 01208 869797 M 07918 697193
E dan.bloomfield@europarc-ai.org
W www.europarc-ai.org Skype danabloomfield

Company No. 5750588
Charity Reg No: 1114189