



The Planning Inspectorate

Report to the Secretary of State for the Environment, Food and Rural Affairs

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an Inspector appointed by the Secretary of State for Communities and Local Government

Date 15 October 2013

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949 (AS AMENDED)

**REPORT ON THE INQUIRY INTO THE LAKE DISTRICT NATIONAL PARK
(DESIGNATION) (VARIATION) ORDER 2012 & THE YORKSHIRE DALES NATIONAL
PARK (VARIATION) (ORDER) 2012**

Inquiry held on 4-6 and 11-12 June 2013

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Inspector's report on the inquiry into the Lake District National Park (Designation) (Variation) Order 2012 & the Yorkshire Dales National Park (Designation) (Variation) Order 2012

ABBREVIATIONS USED IN THIS REPORT

AONB	Area of Outstanding Natural Beauty
CCC	Cumbria County Council
CWS	County Wildlife Site
CWT	Cumbria Wildlife Trust
ELS	Entry Level Stewardship
FELLS	Friends of Eden, Lakeland and Lunesdale Scenery
HLS	Higher Level Stewardship
KSG	Key Supporters Group
LDE	Lake District eastern extension area
LDNP	Lake District National Park
LDNPA	Lake District National Park Authority
LDS	Lake District southern extension area
LVLC	Lune Valley Landowners' Consortium
MBNIA	Morecambe Bay Nature Improvement Area
NE	Natural England
NFU	National Farmers' Union
NNR	National Nature Reserve
NP	National Park
NPA	National Park Authority
NPPF	National Planning Policy Framework
NSIP	Nationally Significant Infrastructure Project
PROW	Public Rights of Way
RSPB	Royal Society for the Protection of Birds
SaC	Special Area of Conservation
SAM	Scheduled Ancient Monument
SoCG	Statement of Common Ground
SoS	Secretary of State
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
The Act	National Parks and Access to the Countryside Act 1949
VO	Variation Order
WCML	West Coast Main Line
YDN	Yorkshire Dales northern extension area
YDNP	Yorkshire Dales National Park
YDNPA	Yorkshire Dales National Park Authority
YDW	Yorkshire Dales western extension area

INTRODUCTION

- i) Natural England (NE) has the duty under s6 of the National Parks and Access to the Countryside Act 1949 (the Act) of considering *'from time to time....what areas there are in England....falling within'* the criteria for designation as National Parks and proceeding to designate them as such. In exercise of that duty NE made two Variation Orders (VO) on 17 January 2012, designating extensions to the Lake District National Park (LDNP) and the Yorkshire Dales National Park (YDNP) respectively. The VOs extend LDNP within two areas totalling 70 sq.km, and enlarge YDNP within two areas totalling 418 sq.km. If confirmed, the VOs would enlarge LDNP by about 7% and YDNP by almost 25%.
- ii) The VOs were placed on public deposit from 30 January to 16 March 2012 and attracted 3,043 representations. This number excludes (a) 73 'forwarding' letters from Members of Parliament which simply refer to representations that were separately logged among the 3,043 and (b) 95 representations placed in the database in duplicate. About 220 of the representations express outright objection to the designation of some or all of the land in the VOs, while about 2,813 express either total or partly-qualified support. The data analysis undertaken by Defra does not distinguish between total and partly-qualified supporters but it is evident that a good number of supporters promote the inclusion of additional land within the VOs. A very small number of representations remained unclassified.
- iii) There were 5 objections from principal Local Authorities. Since these were not withdrawn the Planning Inspectorate was asked to convene a Local Inquiry under paragraph 2(2) of Schedule 1 to the Act and then to advise whether:
 - (a) the extension areas, as specified in the two Orders, when taken together with the designated land to which they would be added, meet the criteria and purposes of designation as a National Park as set out in the Act, and
 - (b) the new boundaries proposed in the two Orders should be modified to include or exclude any areas specifically referred to by the objectors to the Orders, bearing in mind the criteria and purposes of designation.
- iv) I held a pre-inquiry meeting on 7 March 2013. The inquiry hearing sessions subsequently took place on 4-6 & 11-12 June 2013. I had previously visited land in and near the areas covered by the VOs on 15-19 April 2013. I undertook other visits at certain times during the inquiry days and carried out some final visits on 4-5 September 2013.

The general structure of the report

- v) Part 1 of the report provides a general overview of the evolution of the VOs.
- vi) Part 2 considers the four extension areas successively in terms of whether or not they meet the two criteria in s5(2) of the Act concerning '*(a) their natural beauty and (b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population*'. Relatively few of the representations argue that these criteria are not met. However, I report upon this important matter in sufficient detail to cover and consider the overall cases for NE and its supporters on each of the extension areas. I then turn to the specific content of the objections concerning the extent of the areas meeting the above criteria and conclude with my overall conclusions on these matters.
- vii) Part 3 considers whether or not it is '*especially desirable*', as further required by s5(2), that '*that the necessary measures shall be taken for the purposes*' specified in s5(1) ie, the National Park purposes '*(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area and (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public*'.
- viii) Part 4 covers a number of issues raised by objectors which are arguably not directly related to 'the necessary measures' for National Park (NP) purposes, and thus to the especial desirability or otherwise of designation. Such matters may be beyond the strict scope of the inquiry's terms of reference. However, the principal Local Authorities and others expressed strong views about them and asked the SoS to take them into account in reaching his decisions on whether or not to confirm the orders. I therefore undertook to report them briefly, but without making recommendations.
- ix) Part 5 sets out my overall conclusions and recommendations on the two Orders.
- x) There are 3 appendices to the report. Appendix 1 identifies those who took part in the inquiry sessions. Appendix 2 lists the Core Documents. Appendix 3 lists the inquiry statements and further written representations.
- xi) Numbers inserted in brackets (xxxx) after the name of an authority, body or individual identify the reference number of the relevant representation. References to inquiry statements are indicated thus: (IS xxxx/x). References to numbered Core Document are indicated thus: (CDxx). This report summarises the main gist of the matters raised at the inquiry and in the inquiry statements and written representations and gives guidance as to where further

detail can be found within them. Written representations are indicated thus (WR).

- xii) A Key Supporters Group (KSG) was established by the Friends of the Lake District to co-ordinate contributions to the inquiry by a number of organisations, groups, Parish Councils and individuals wishing to support NE's case for the VOs. The Parish Councils and group/individual members of the KSG are identified in Appendix B to IS 2388/1.
- xiii) In the Yorkshire Dales western extension area (YDW) a group of landowners managing about 83% of that area formed a consortium represented collectively by Rural Solutions (3150). Representatives of the 7 ownerships within the Lune Valley Landowners' Consortium (LVLC) also made representations on their own behalf.

PART 1

SUMMARY GUIDE TO THE EVOLUTION OF THE VARIATION ORDERS

- 1.1 The general background to the evolution of the VOs is described in NE/1 (paras 32-55) commencing with the report of March 2005 *Recommended Area of Search for Land Worthy of Designation in the North West of England* (CD5.18). Further historical background is given in NE/5 part 4. A major starting point of the work in March 2005 was a review of the designation history of land in the study area, commencing with the areas recognised as worthy of some form of designation in the Dower report, 1945 (CD3.11) and the Hobhouse report, 1947 (CD3.12).
- 1.2 The land subject to the VOs was first identified as suitable for designation by Dower. He identified the land as an area called 'Howgill Fells (Upper Lune)' and described it as part of a 'reserve' from which future NPs/extensions to NPs could progressively be drawn.
- 1.3 In 1947 the Hobhouse report identified about 90% of the area covered by the extension areas as an area worthy of designation as a 'conservation area'. Hobhouse gave preference for National Park (NP) designation to other areas, many of which progressed to become the first NPs. However, he noted that additions to NPs should be sought from amongst the 'conservation areas'. An overlay map (NE/11) places the present extension areas in the context of the relevant Hobhouse 'conservation area'.
- 1.4 The history of consideration of this area during the post-war period is recorded in CD5.18 (part 2). This refers to reports dating back to 1983 when land within the current Lake District eastern extension area (LDE) was identified as suitable for inclusion in the LDNP. It also refers to consideration given to the possible extension of the YDNP to include the northern Howgill Fells and Mallerstang and the reasons why such ideas were never pursued. These pre- and post-'designation histories' are more fully recorded at CD5.22 (the Lake District) and CD5.23 (the Yorkshire Dales). In these sources, as in CD5.18, designation of the land in the orders is seen by NE as representing long 'unfinished business', albeit that some land within the Hobhouse map is not now proposed for designation because parts of that area are judged to have deteriorated in landscape quality in the intervening years.
- 1.5 Following the Area of Search report the Board of the Countryside Agency decided to proceed with work to develop appropriate VOs. This resulted in a report (2006) on the boundary for an extended LDNP (CD5.26/27). However, following subsequent work in 2007 work on was put on hold for some time during the re-opened South Downs National Park Inquiry (see NE1 para 36). Drawing upon the eventual South Downs decision, NE published *Guidance for*

Assessing Landscapes for Designation as National Park or Area of Outstanding Natural Beauty in England: 2009 (CD5.3), guidance which was then applied in all subsequent designation work.

- 1.6 In November 2009 NE published a technical report *Lakes and Dales Landscape Designations: Recommended Boundary Extensions* (CD5.15). This proposed two extensions each to the LDNP and YDNP and suggested that parts of the Orton Fells be included in one of the extensions, without deciding which would be the more appropriate. After consideration by the NE Board this report was followed by a phase of public consultation from December 2009 to May 2010, resulting in responses from 1365 individuals and organisations.
- 1.7 After further development of the proposals, including incorporation of the Orton Fells into YDNP, further consultation was undertaken from April to July 2011. This elicited 804 responses, analysed at CD5.5b-5g. Final proposals (including some further changes to the boundaries resulting from the consultations were adopted by the Board in September 2011 (CD5.4 & 5.5a), following which the VOs were placed on deposit in January 2012.
- 1.8 Strategic Environmental Assessment (SEA): NE's view (NE9 paras 76-87) is that SEA Directive (2001/ 42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 impose no requirement to carry out SEA of the 2012 VOs. However, SEA was undertaken on a voluntary basis (as if the Directive and Regulations did apply) notwithstanding that in many cases the determination of future effects of designation cannot be assessed with certainty as they will largely be dependent on the content of the future plans, policies and projects of the National Park Authorities (NPAs), which will themselves be subject to SEA. The relevant SEA material is at CDs 5.6, 5.7, 5.13m and 5.13n.

PART 2

LAKE DISTRICT NATIONAL PARK SOUTHERN EXTENSION AREA (LDS)

The s5(2) criteria (a)&(b): natural beauty and open-air recreation

The case for Natural England

- 2.1 NE's principal material on its case concerning the two criteria (listed from the oldest to the most recent material) is found at (a) CD5.26 (p51-65), (b) CD5.12 (p16-18), this drawing upon CD15 (p13-19) & CD5.16d, (c) NE/1 (paras 88-94), (d) NE/3 (part 4.8) (e) NE/5 (part 3.4) and (f) NE/16 (paras 153-157).
- 2.2 Natural beauty LDS is the smallest of the four extension areas in the two VOs. It consists of a prominent north-south limestone ridge extending between the exposed and seemingly remote and relatively wild karst landscape of Helsington Barrows (the northern part of which is already partly included in the LDNP) and the lower knoll of Sizergh Fell, bearing Sizergh Castle. To the west of the ridge is a steep scarp falling to the contrasting (undesignated portion) of the flood plain of the River Lyth, also included in the VO. Overall, there is a strong, distinctive sense of place.
- 2.3 The limestone ridge is of high landscape and scenic quality, intact and generally in good condition. Two-thirds of this land is managed by the National Trust and/or its tenants. An overhead power line climbs the west-facing scarp and cuts across a saddle of lower land between Brigsteer Park and Sizergh Fell. The pylons have high visual impact and are perceived locally as incongruous features, but are generally sited low within the landscape and partially screened in wider views by topography and vegetation.
- 2.4 The Lyth Valley here is a floodplain where the river, levees and drainage ditches divide former moorland now used mainly as pastureland divided by post and wire fences and some hedgerows. There are also some remnant moorland and wet woodland. Landscape condition is mixed and (at close range) not high. However from more elevated points including Helsington Barrows and the open grassland ridge near Helsington Church, there are long-distance panoramas across this strikingly different landscape. To the north-west are the central Lake District Fells, to the west the parallel limestone ridge at Whitbarrow (another of the three on the southern fringes of the Lakes, and already in the LDNP) and to the south-west, the Kent Estuary/Morecambe Bay.
- 2.5 Natural heritage features contribute strongly to the character and sense of place of this area. There are typical karst features such as screes and scars while the distinctive pattern of limestone habitats, including open rocky outcrops, calcareous grassland and juniper

scrub, is both integral to the character of the landscape and of high ecological value.

- 2.6 Scout and Cunswick Scar Site of Special Scientific Interest (SSSI) is part of the Morecambe Bay Pavements Special Area of Conservation (SAC) and is currently partly within the present LDNP and partly within the extension. This is valued for its complex of limestone habitats, ash and yew woodland and rare species. County Wildlife Sites (CWS) include Brigsteer Park (Back Spring and Flash Bank Wood), Holeslack Spring, Lane End Plantation, Middle Plantation, Quarry Wood, Chapel Wood (Sizergh), Flash Bank and Sizergh Fell. Brigsteer Wood is renowned for one of the best displays of wild daffodils (the symbol of the LDNP) in the whole of the Lake District area. Gypsy Wood is a Regionally Important Geological site.
- 2.7 The Lyth Valley has elements of natural heritage interest including some carr woodlands, wet grassland and part of the Milnthorpe Sands/River Kent Special Area of Conservation (SAC). Small wooded remnants of once more extensive lowland raised bogs are also present. These support habitats of nationally or regionally rare species. The western part of the valley is part of the Whitbarrow Scar Regionally Important Geological Site. The whole of the LDS extension area is within the Morecambe Bay Nature Improvement Area (MBNIA), a wide-ranging partnership scheme working to develop a long-term vision to restore and retain a high quality landscape which is rich in wildlife and ecological systems and resilient to climate change.
- 2.8 Cultural heritage features include occasional Scheduled Ancient Monuments (SAM) (medieval built structures), archaeological remains on Sizergh Fell and the designed historic parkland at Sizergh Castle, which adds a further layer of landscape interest. The woodlands on the escarpment are largely ancient and semi-natural with a long and continuing history of management by coppicing, contributing to the time-depth of the landscape.
- 2.9 The medieval country house of Sizergh Castle is a listed Grade I structure and a dominant feature in the landscape, while associated areas of 19th century woodlands and plantations to the north and west are part of the wider designed landscape. At Briggs House Farm the SAM medieval farmstead and associated buildings and structures have a high collective value.
- 2.10 The historic landscape is largely one of dispersed farmsteads surrounded by ancient enclosures, with an irregular pattern of small fields. This pattern is intact and clearly legible with only limited changes to field boundaries. The local farmsteads and the hamlet of Brigsteer include typical examples of vernacular stone houses, usually rendered, with characteristic round chimneys.

- 2.11 The Lyth valley is 'home' to the Westmorland Damson Association. The northern valley, mostly within the present LDNP is awash with blossom in April.
- 2.12 In terms of cultural associations, Sizergh Castle is depicted in various early guide books including Thomas West's guidebook to the Lakes in 1778, William Ford's guidebook specifically on Sizergh Castle in 1839, and London Midland Scottish Railway Route no 3 in the 1920s, reflecting a long period of interest in the area's special qualities. Sizergh Castle has associations with Catherine Parr as described by William Ford in his 1839 guidebook.
- 2.13 Opportunities for open-air recreation Although relatively small the area has many and varied open-air recreation opportunities. In combination with adjacent upland already within the LDNP, the LDE area affords a markedly superior recreational experience. There is easy access to elevated limestone landscapes with spectacular panoramas, while the enclosed woodland provides a contrasting experience.
- 2.14 The upland limestone area of Helsington Barrows is entirely open access land, and there are areas of common land and National Trust land. Despite its proximity to Kendal, much of the area is highly tranquil.
- 2.15 The area is part of an extensive tract offering a markedly superior recreational experience based on a diversity of landscape types from elevated, relatively wild fells to lower fells and woodland. The extensive areas of National Trust land at Brigsteer Park and Sizergh Castle provide a gateway to the core limestone ridge and give access to low fell and woodland walks within a designed landscape, offering a range of recreation opportunities associated with historic parkland and woodland. The remaining carr woodlands in the Lyth Valley, once part of more extensive lowland raised bogs, are also of interest.
- 2.16 There is a high quality of recreation provision including walking across extensive open access and rights of way as well as horse riding, cycling (Cycle Route 20 and National Cycle Route No 7) and hang gliding from Scout Scar.
- 2.17 Some of the recreation opportunities complement the adjacent LDNP by providing more 'managed' countryside experiences. National Trust ownership increases the chance of access by excluded and under-represented groups of people through its education and outreach work. Sizergh Castle has facilities including a visitor centre, café and toilet facilities. It is also the centre of a network of well-signed rights of way linking to the open limestone areas. There is parking provision at Brigsteer Road, Underbarrow Road and Helsington Church, where an interpretation board shows points of interest in the panorama.

- 2.18 The area is easily reached from nearby Kendal and by public transport routes. This makes it an ideal recreation destination for people without a car and/or mobility issues, so complementing the recreational experiences available elsewhere within the LDNP.
- 2.19 The Lyth Valley is accessed via minor roads and tracks and since there is very little traffic in this area it is attractive for walking and cycling by people from the vicinity and further afield and provides an easy cycling route into the LDNP.
- 2.20 The National Trust is in active negotiation with Sustrans to provide more off-road cycling provision around the Sizergh Estate. There is also potential to provide interpretation of the natural heritage of the Lyth Valley and its damson-growing traditions.

Cases for supporters – points concerning s5(2)(a) and (b) - LDS

- 2.21 Lake District National Park Authority (IS 3167/1) Although the precise future is unclear, the Lyth Valley faces a period of change concerning its pumped drainage regime as the Environment Agency hands over responsibility for this activity. Cessation or reduction in the extent of pumping could result in some re-wetting of parts of the valley, thereby increasing its wildlife potential. Involvement of the Royal Society for the Protection of Birds (RSPB) in the MBNI means that bird watching and public enjoyment of the natural heritage of the valley could be an important part of the vision for change here. The history of the valley and its hydrology, including its relationship to climate change, provides opportunities for promoting understanding and enjoyment of its special qualities as a managed landscape. LDNP promotes the concept of Valley Planning as a way of engaging with communities and recognising the distinctiveness of individual valleys. The part of the Lyth Valley already in the LDNPA is not currently subject to a valley plan, but that could change if the LDS area were to be added to the LDNP.
- 2.22 The National Trust (2386) owns about 40% of the land in LDS as part of the Sizergh Estate. This includes 3 farm holdings. Provision of new visitor facilities at Sizergh Castle (outside the 'pay barrier') has significantly encouraged and increased walking activity on the estate, especially up to Helsington Barrows. The Trust echoes the points made by LDNPA about the scenic, wildlife and cultural heritage interest of this area and the inclusion of the Lyth Valley, with its remnant mosses and likely increased ecological importance resulting from re-wetting.
- 2.23 Cumbria Wildlife Trust (IS 1701/1) (see paras A5-A7) refers to the lack of logic of the current boundary and its effects in cutting habitats and protected ecological designations. Sir Martin Holgate (1524) also echoes points raised by the CWT, of which he is a trustee.

- 2.24 Helsington PC (872 & IS 872) The PC echoes and reinforces many of the points made by NE about the two criteria.

Specific objections raised concerning S5(2) criteria (a)&(b) - LDS

- 2.25 Cumbria County Council (CCC) (IS 2427/1&2) accepts that the whole of the area 'probably' meets the natural beauty criterion, but considers that the Lyth Valley should be excluded as there is little reason to include it under criterion (b) in open-air recreational terms.
- 2.26 NE responds that the Lyth Valley provides a striking landscape setting within views from adjacent escarpments on both sides and is intrinsically linked to the enjoyment of views to and from these ridges. It meets the recreation criterion because its quiet minor roads are suitable for cycling and the area contains interest in the form of carr woodland and some damson orchards for which the valley, mostly in areas already within the LDNP, is renowned.
- 2.27 Recreation 'potential' can also be taken into account under s5(2). There are opportunities for partnership working with the National Trust as a major landowner and the RSPB and other partners in the MBNIA and any rewetting could provide potential for enhanced recreation opportunities and enjoyment of natural heritage.
- 2.28 I & K Brodie (1029) suggest that the qualifying tract should be extended to take in additional land to the south and east as far as the A590/591, thus including the village of Levens, land on the lower slopes of Sizergh Fell, and some additional land in the Lyth Valley.
- 2.29 NE responds that the landscape and scenic quality of this area, and its relative wildness and tranquillity, do not display sufficient quality for designation on either criterion. There is a small proposed development allocation in Levens.
- 2.30 D Nicholson (1532) (WR) suggests that a small area of the existing LDNP should be excluded from the already-designated area as it is now isolated by the Kendal Bypass.
- 2.31 NE responds that de-designation is not within the inquiry's terms of reference.

Inspector's conclusions on s5(2) criteria (a)&(b) - LDS

- 2.32 All the land within the LDS extension area is easily accessible 'in relation to centres of population', far more so than most of the existing LDNP, having regard to its position in relation to the route of the M6, the location of the WCML station at Oxenholme, and its proximity to Kendal.

- 2.33 At present this attractive limestone ridge and the adjoining portion of the Lyth Valley are both artificially severed from the LDNP, the former by the lines drawn across the SSSIs and open areas at Scout Scar and Helsington Barrows and the latter by the existing boundary within the Lyth Valley, where land to the west of the river is included and land to the east of it presently excluded.
- 2.34 The available open-air recreational experience is very wide for an area of this limited size. Within a relatively short space a walker can range across the 'wild' karst scenery on the open access land at Helsington Barrows and use a good network of rights of way to link into the parkland around the important cultural heritage feature of Sizergh Castle via a series of sometimes open/sometimes more intimate landscapes, including the Brigsteer woodlands, lying between the two. In the course of such walks long-distance views may be obtained from different nearby locations – on one side of the ridge an extensive sweep from the heart of the Lake District to the Kent Estuary/Morecambe Bay, and (on the other) views towards Kendal, the Howgills and the fells in the Yorkshire Dales western extension area.
- 2.35 The long straight lanes in the Lyth Valley floodplain afford strongly contrasting opportunities for quiet walking and cycling. The floor of the valley lacks high quality and variety but has its own points of interest and offers very attractive views to the nearby upland ridges on either side. The recreational interest of this area also has a reasonable prospect of improvement as a result of the MBNIA. I therefore do not support the view of Cumbria CC with regard to the recreation criterion.
- 2.36 Turning to the other site-specific issues which were raised, the LDS southern boundary follows clearly defined features on the ground and represents an appropriate termination to the qualifying area of the 'extensive tract' comprising the ridge. Further extension to the A590/591, as suggested by I & K Brodie, would not meet the two s5(2) criteria. Some parts of Levens have good views across the valley to Whitbarrow, but this sizable village has expanded greatly in the post-war period and may be set for some further growth in the future. Overall, there is no convincing case for extending the designated area to include it. To the south-west/south-east of Levens the quality of the relatively small areas of land falling to and enclosed by the A590/591 are of steadily reducing natural beauty and offer no markedly superior open-air recreational opportunities.
- 2.37 Any exclusion of the land now to the east of the bypass, referred to by D Nicholson, is outside the terms of reference of the inquiry.
- 2.38 More generally, the limestone ridge descends gradually to the east through an area in which it is not easy to define a firm edge to the qualifying 'extensive tract'. The boundary to the extension area tacks across the slope between the open access land and the A591 following a rather convoluted line including some conspicuous

modern farm buildings and other developed areas at High House and Low House. Although the outer edge of the tract in this area could possibly have been drawn more conservatively and followed more obvious features, no objections were raised about this section of the boundary in terms of the two criteria. My overall conclusion is that all the land within the LDS extension meets the s5(2) criteria in terms of its natural beauty and the opportunities it affords for open-air recreation, having regard to its character and position in relation to centres of population. The issue of 'especial desirability' is dealt with at part 3.

LAKE DISTRICT NATIONAL PARK EASTERN EXTENSION AREA (LDE)

The s5(2)(a) &(b) criteria: natural beauty and open-air recreation

Case for Natural England

2.39 NE's principal material on its case concerning the two criteria (listed from the oldest to the most recent material) is found at (a) CD5.26 (p31-49), (b) CD5.12 (p14-15), this drawing upon CD15 (p10-13) & CD5.16d, (c) NE/1 (paras 81-87), (d) NE/3 (part 4.6), (e) NE/5 (parts 2.10-2.12. in relation to the 'major infrastructure corridor' and 3.3) and NE/16 (paras 158-162)

2.40 Natural beauty The LDE area forms the eastern part of the Cumbria High Fells, stretching from Shap Wells Hotel and Birkbeck Fells in the north to Whinfell and Grayrigg Commons in the south, and including the deep, sheltered, glaciated valleys of Bretherdale and Borrowdale. The hills and ridges are of moderate height, generally more than 400m, but lower in the area of Birkbeck Fells Common. The area is bounded to the west by the A6, the current boundary to the LDNP, and to the east by the Lune Gorge and the transport corridor containing the M6 motorway and the West Coast Mainline (WCML) railway. LDE shares a common geology with the southern part of the LDNP (Silurian flags and slates). The moorland ridges are a continuation of the high land of the Shap and Birkbeck Fells area of distinctive landscape character to the west.

2.41 The LDE area is of high landscape quality, showing clear, consistent expression of some of the typical elements of the Cumbria High Fells landscape, especially the pattern of marked contrast between the open moorland and the sheltered dales including the dramatic Lune Gorge. The landscape is generally intact and in good condition, despite some abandonment of property in Bretherdale and some loss of landscape features. Although there are some incongruous features, such as blocks of coniferous forestry and telecommunications masts, these are mainly in the fringe areas and do not, in general, detract from the overall quality of the landscape. The route of the A6 is marked by a significant line of pylons which are intrusive locally, but this does not detract from the landscape

quality of the area as a whole, and the pylon line is already within LDNP for part of its length.

- 2.42 The LDE area has high scenic quality and a recognisable sense of place based on striking aesthetic qualities derived from the rugged moorland scenery on elevated hills and ridges, with their dramatic landform and colourful patchwork of rough grassland, dwarf shrub heath, peatland, bracken, rock and screes. These areas are of open and relatively uniform character. Their height offers extensive, dramatic views to the surrounding upland areas of the Howgill Fells, the Lake District, the Orton Fells, the North Pennines escarpment, and the Forest of Bowland. The contrasting dales and lower-lying fringes are enclosed and sheltered and have strong visual patterns arising from the mix of inbye, intake and fell grazing, the intricate pattern of stone wall enclosures, and the presence of hanging woodlands, wooded gills, hay meadows and unimproved wetland habitats. These all combine to create an intimate, complex and colourful landscape.
- 2.43 The extensive, exposed open fells have a strong sense of relative wildness and remoteness, reflecting the absence of road access across most of the area and the few signs of human habitation. Occasional isolated derelict stone buildings or broken enclosure walls provide a sense of history and return to nature. To the east, the dramatic scale of the Lune Gorge also contributes to wildness.
- 2.44 The open and apparent naturalness of the fells, the unspoilt and isolated nature of much of the moorland and the dales, and the fact that there are generally few people living in or visiting the area, all contribute to a strong sense of tranquillity and solitude. So do the long distance views and, more locally, the presence of fast-running becks and the sound of water. However, the southern fells of Dillicar Common and Grayrigg Common have a greater level of obvious human influence, and background noise from transport corridors and intrusive pylons detract from the tranquillity on the margins of the area.
- 2.45 Turning to natural heritage factors, the area's geology and its glaciated nature combine to create spectacular mountain scenery. Typical upland habitats of open moorland also contribute to a strong sense of place, as do the hay meadows, streams and semi-natural woodlands (some ancient) in the dales. The 6 SSSIs and 4 international wildlife designations contain a mosaic of habitats including blanket bog, upland fen, dry heath and traditional hay meadows. Many support nationally or regionally rare species including upland birds such as curlew, lapwing, red grouse, merlin, buzzard and peregrine. These and other breeding birds such as ravens add to the character of the area through their distinctive calls.
- 2.46 Cultural heritage features are represented by traditional dark grey structures in South Lakeland vernacular style, many listed. These

typically occur in:- farmsteads and hamlets at lower altitudes in the fringes of the area; sheepfolds, field barns and the stone walls which divide the land and contribute to the management of inbye, intake and fell grazing; and the ancient tracks and routes that cross the fells. Some vernacular features show evidence of decline, eg derelict and ruined barns. There is a SAM on the southern side of Bannisdale Beck and, on the upper slopes, a strong pattern of parliamentary stone wall enclosures.

- 2.47 Birk Beck and Whinfell Beacon are mentioned in 18th century guidebooks (e.g. Samuel Simpson) and a 19th century directory describes Borrowdale as '*a deep romantic dale*'. The landscape here is also strongly associated with Wainwright, who wrote of the Lune Gorge '*There is much beauty here...for those who lift their eyes to the hills*'. Andy Goldsworthy (the national environmental artist) has prepared a permanent exhibit (Megan's Fold) at the entrance to Bretherdale.
- 2.48 Opportunities for open-air recreation LDE offers easy access from the west and the east into a high quality, remote and relatively wild upland landscape providing an expansive walking area with a high degree of solitude and exposure to the elements and exhilarating foreground and long distance views. The quality of the recreational experience is strongly connected with the landscape's intact and rugged character. Noise from the M6 impinges to some degree, but often only over short distances. There is potential for ridge-top walks with spectacular views, contrasting with more sheltered experiences through the valleys and in the more settled fringes.
- 2.49 The mosaic of moorland habitats and the contrast between this open landscape and the more enclosed character of the settled fringes to the south and east, lend natural and cultural interest to the recreational experience. The lower slopes possess a range of features and elements of natural and cultural interest including:- Birk Beck with its semi-natural woodland and waterfalls at Docker Force; unimproved grassland and wet meadow (Stonygill County Wildlife Site); the Goldsworthy sculpture at Bretherdale; and a notable pattern of stone walls and an associated dispersed pattern of farmsteads and hamlets reflecting the vernacular style. Tebay Road Cuttings geological SSSI gives easy access to late Silurian exposures and clear illustrations of complex structures associated with a major syncline. There are also areas of ancient semi-natural woodland dominated by oak standards and hazel coppice with diverse ground flora (Roundthwaite Coppice).
- 2.50 Much of LDE consists of open access land and commons while the lower slopes are accessible to walkers and horse riders via public rights of way (PROW). There is little recreational infrastructure in the form of signage and interpretation but this does not detract from the recreational experience. Traditional stone stiles over stone walls are maintained in good condition. Cycle route N68 follows the rural lane in the Birk Beck valley. Viewing points and

car parking can be found along the A685, at the entrance of Borrowdale, and along the B6257 and A6. A number of routes extending into this area are promoted by the Ramblers' Association and referred to in Wainwright's walking guidebooks. There is also a rifle shoot at a disused quarry east of the B6257.

- 2.51 The A685 is served by a regular bus service offering sustainable transport and access options and the area is easily accessed from the A6. More formal management of this area could enhance its recreational opportunities. There is scope for local benefit from measures such as improved car-parking, interpretation, way-marking and the provision of gates where access land is enclosed by walls and fences.

Cases for the supporters – points concerning s5(2)(a) and (b) - LDE

- 2.52 Cumbria Wildlife trust (IS 1701/1) LDE was only excluded from the LDNP because it lies to the east of the A6, which was then the main England-Scotland trunk road. Now that long distance traffic uses the M6 this is a quiet country road. The area's lack of current protection was one reason for the major threat posed by the Whinash Wind Farm in 2004-5.
- 2.53 There is near-continuity of upland habitats at LDE (IS 1701/1 paras A3-A4), mostly SSSI or CWS. These include extensive blanket bogs, upland heaths, discontinuous woodlands and species-rich grasslands, the whole forming a 'cultural landscape' typical of the eastern Lake District. Sir Martin Holgate (1524) echoes these points by CWT, of which he is a trustee.
- 2.54 Hilary Fell (IS 2387/1), a smallholder in Whinfell Parish in LDE, considers the extension areas integral parts of landscapes of national and international value which offer recreation experiences for people to enjoy without adverse effects on local residents or workers.
- 2.55 Don McClen CBE (IS 2272/1) (WR) submits aerial photographs of the area together with a book written about his boyhood wartime evacuation in Bretherdale and later visits. The NP criteria are met at LDE. The Inspector who conducted the Whinash Windfarm Inquiry concluded that this area is important and integral to a far reaching landscape which is highly sensitive to change.
- 2.56 R Cowan (IS 1661/1) (WR) also refers to need to protect wild and remote Bretherdale from damaging schemes like the windfarm.
- 2.57 Orton Fells Walking Group (IS 3203/4&5) (WR) submits brochures referring to various aspects of the natural beauty and cultural heritage of Whinfell/Borrowdale and Bretherdale areas.

- 2.58 The Wainwright Society (IS 38/1) (WR) supports designation, recording that Alfred Wainwright wrote 40 years ago of threats to beautiful remote Borrowdale, at that time to create a reservoir.

Specific objections raised concerning s5(2) criteria (a)&(b) - LDE

'The Infrastructure Corridor'

- 2.59 A particular issue raised by Cumbria CC (2427 & IS 2427/1), Lancashire CC (2439 & IS 2439/1) and National Grid (NG) (2440 & IS 2440/1-3) is the effect of the VOs on the potential ability of infrastructure providers to construct new and/or upgraded road and rail projects or energy transmission plant across the extended LDNP and YDNP on land outside the narrow excluded corridor carrying the M6/WCML through the Lune Gorge. Future major infrastructure projects are key issues for the county and national economies, but the County Councils fear that designation would act as a major filter in Environmental Impact Assessments of schemes such as HS2, increasing the chance of an alternative route being chosen well away from Lancashire and Cumbria with serious negative consequences for the local economies.
- 2.60 This issue could affect land in a number of the proposed extensions - ie at LDE (where one option for strengthening the electricity grid is likely to cross land in the LDE extension area) as well as perhaps both the Yorkshire Dales Northern and Western extensions (YDN and YDW respectively). However, the issue is dealt with at this point.
- 2.61 IDs 2440/1 & 2 set out NG's concerns about the obstacles and costs of placing land on both sides of the current corridor into LDNP and YDNP respectively. The LDE extension already accommodates NG's ZX 400kV electricity transmission line and two high pressure gas main pipelines, all providing strategic links between England and Scotland. Substantial development of energy infrastructure will be required over the next years and decades as a result of altered energy generation and flow patterns due to the Climate Change Act, as well as the need to modernise transmission assets. By bringing the LDNP and YDNP so close to each other the VOs could result in costly diversions of routes being required, well away from this corridor, say to the east of the Yorkshire Dales. The two County Councils share NG's concerns about the viability impacts and increased costs due to such diversions and/or the effects of any required compensation/mitigation measures if the present corridor is used.
- 2.62 NE responds at IS NE/2 para 9.3 that the VOs are 'unlikely to be problematic' for the development of new nationally significant infrastructure in the undesignated corridor. The corridor is an 'early option' for the HS2 rail project and an upgraded power transmission network but the VOs would not of themselves preclude or prejudice delivery of Nationally Significant Infrastructure Projects (NSIP)

where these are demonstrated to be in the national interest and no reasonable alternative route exists. These issues are covered by NE in more detail in IS NE/5 (parts 2.10 to 2.12) and IS NE/16 paras 122-130.

- 2.63 The NG/NE statement of common ground (SoCG) (IS NE/8) makes it clear that NG does not object in principle to the extension of the NPs. NE recognises likely future needs for maintenance/upgrades/system reinforcements for NG's existing infrastructure within and between the two NPs and agrees that the narrow corridor remaining between them is of national strategic importance and provides an important potential location for future north-south infrastructure. As indicated in IS NE/2 & NE/5, NE does not accept that the effects foreseen by NG (or their extent) are supported by the evidence. However, it recognises that there is a degree of uncertainty about such matters.
- 2.64 The SoCG asks that my report should expressly
- (a) recognise the importance of the area between the existing boundaries of the LDNP and YDNP both for existing nationally strategic infrastructure and for the prospective development of future linear strategic infrastructure, identifying this as a highly material consideration for authorities; and
 - (b) record that, as a highly material consideration, this is an issue which should be addressed in the two NPAs' future Management Plans and Development Plans, recognising the national strategic importance of development for major future linear infrastructure and making appropriate provisions for it.
- 2.65 The SoCG continues that *'it would be appropriate for the Inspector to include (the above) in his report as part of his reasoning in recommending confirmation of the orders'*. Subject to (a) and (b) NG states that it has no objection to the confirmation of the orders.
- 2.66 Lancashire Local Access Forum & Lancashire Mountaineering Club (IS 2197/1) also comments on this issue. The Access Forum is a statutory body established under the terms of the CROW Act 2000. It advised the County Council to support the proposed extensions but understands that plans for future upgrades to the transport infrastructure may be made. Any such plans would receive careful scrutiny by the decision maker and designation would not prevent improvements if there is an overriding case in the national interest.

Dillicar Common

- 2.67 Cumbria CC (IS 2427/1&2) advocates the exclusion of Dillicar Common and a finger of land extending northwards on the grounds that this is poor grazing land with little biodiversity and a degraded landscape caused by quarrying, mast erection, the proximity of the M6.

- 2.68 NE responds that Dillicar Common forms an important, distinctive hill, part of the Whinfell Ridge protruding into the Lune Gorge. It occupies a pivotal landmark position and is a skyline feature which contributes to the wider area's sense of place and distinctiveness. The mast does not detract from the overall quality of the landscape or its perceived scale and quality.
- 2.69 Although there is no public access it is unreasonable as a matter of principle for all designated land to be accessible whether at its heart or its margin. However, there is a small disused quarry, not widely visible, which is used for rifle shooting.

Roundthwaite

- 2.70 G Spragg (1880) (WR) suggests exclusion of the village of Roundthwaite as this is part of the parish and community of Tebay. On the other hand E Crossley and J Anning (IS 2892/1) support designation of Roundthwaite but suggest its inclusion in the northern extension of the YDNP as it is part of Tebay parish.
- 2.71 NE responds that Roundthwaite is severed from Tebay by the communications corridor. The NE Designation Guidance (CD5.3) identifies parish boundaries as only one of many factors to be considered in defining the limits of qualifying 'extensive tracts'.

Area between LDE and YDN

- 2.72 P Mawby (1093) (WR) suggests using the M6 as the boundary between the two extended NPs, presumably by including all of the land between the northern end of LDE at Shap Wells and the nearest points of the YDN extension area.
- 2.73 NE responds that the area of lower lying transitional land east of the LDE area has a less wild character and is strongly affected by the presence of the M6 and WCML railway.

Inspector's conclusions on s5(2)criteria (a)&(b) (LDE)

- 2.74 All the land within the LDE extension area is easily accessible 'in relation to centres of population', far more so than most of the existing LDNP, having regard to its immediate proximity to J38 of the M6.
- 2.75 Considering the LDE area as a whole, the upland mass of Whinfell and Grayrigg Commons, Bretherdale Common, and Birkbeck Fells Common, together with the Borrowdale and Bretherdale valleys, form the natural eastern termination of the 'extensive tract' of the LDNP. The many factors contributing to its outstanding natural beauty (as identified by NE and its supporters) combine to provide fine opportunities for quiet outdoor recreation pursuits across an area with a considerable sense of remoteness and wildness despite

its easily accessibility from the A6 to the west and the Lune Gorge to the east.

- 2.76 Although there are some conifer plantations on the eastern side of the A6 and a line of pylons generally follows the road, there is no great difference in the type and quality of the designated landscape to the west of the former trunk road and that within the block of undesignated land to the east. It appears unquestioned that the LDE area would have been included in the designated LDNP if it had not been for the perceived barrier posed by the heavy traffic moving along the trunk road between Lancashire and Scotland across Shap summit. The A6 is now a very quiet road and one of its present functions is to provide an easy means of access for walkers into the remote fells alongside it.
- 2.77 The southern boundary to LDE mainly follows a very minor road from the A6 to Grayrigg serving a number of upland sheep farms separated from one another by many gates and grids. This road provides a clear pragmatic division between the wilder upland to the north and the more undulating and pastoral, progressively lower land to the south.
- 2.78 The northern/north-eastern boundary of LDE is mainly marked by the point where land descending from Birkbeck Fells meets the course of the Birk Beck, a line which can reasonably clearly be perceived on the ground when viewed from Crosby Ravensworth Fell or the corridor of the railway and M6. At its northern end the LDE boundary follows an adequately natural line in the vicinity of Shap Wells Hotel before rejoining the A6.
- 2.79 Dealing with CCC's suggested exclusion of the Dillicar area, the long eastern edge of this sliver of land forms part of the steeply sloping flank turned to the Lune Gorge by the upland mass of the LDE area as a whole. It is plainly seen as such from various viewpoints including the nearby length of the M6, the view-point on the A685 at the northern end of the land in question, from many points along The Fairmile (between Low Borrowbridge and Fairmile Gate) in the YDNP and YD extensions, and from the slopes of the Howgills.
- 2.80 I accept that the mast sited here is something of a visual detractor and that the site offers no recreational opportunities other than the small rifle-range. Part of the southern boundary is also somewhat arbitrary. Overall, however, I strongly support the inclusion of this land within the extensive tract of the LDE/LDNP.
- 2.81 Referring to the very small settlement of Roundthwaite, this lies in the foothills of the LDE uplands and is an integral part of its landscape. It is clearly isolated from Tebay village and the YDNP by the Lune, the M6 and the WCML. I see no reason to give any significant weight to the parish boundary in this case.

- 2.82 As for the objection by P Mawby, the land north of Tebay between the eastern edge of the LDE area and the M6 does not meet the natural beauty or recreational criteria and is therefore inappropriate for designation either in its own right or as land 'washed over' between the LNDP and YDNP.
- 2.83 My overall conclusion is that all the land within the LDE extension meets the s5(2) criteria in terms of its natural beauty and the opportunities it affords for open-air recreation having regard to its character and position in relation to centres of population. The issue of 'especial desirability' is dealt with at part 3.
- 2.84 Dealing separately with the issues concerning 'the infrastructure corridor', the Secretary of State's (SoS) decisions on the LDNP VO will turn only upon whether or not to confirm the designations under the provisions of the Act. The terms of paragraph 7 of the SoCG do not appear to be matters capable of direct 'attachment' to that confirmation.
- 2.85 In any case, part (a) of the request in the SoCG (ie, recognition that the existence and proposed provision of national infrastructure here should be regarded by determining authorities as a highly material consideration) could perhaps be seen as an unnecessary statement of the obvious. The principles concerning National Parks set out in NPPF paras 115-116 would plainly apply to any decision maker, whether Parliament in the case of a hybrid bill, the SoS in the case of an NSIP, or NPAs and/or Local Planning Authorities in other cases. Those principles are essentially of very long-standing and have been carried forward through several successive versions of national policy, and may therefore be considered unlikely to undergo significant change in the foreseeable future.
- 2.86 Part (b) of the request goes further, although NPAs preparing their Management Plans and Development Plans should anyway engage with such issues at the appropriate time in consultation with infrastructure providers both generally and in the light of any proposals then emerging. However, it is for the SoS to consider whether or not it is necessary or appropriate to issue some form of additional advice to the two NPAs and/or others on matters (a) and (b) above and, if so, in what form and in what terms.

YORKSHIRE DALES NATIONAL PARK NORTHERN EXTENSION AREA (YDN)

The s5(2)(a) &(b) criteria: natural beauty and open-air recreation

Introduction

- 2.87 NE's principal material on its case concerning the two criteria (listed from the oldest to the most recent material) is found at (a) CD5.12 (p23-30), drawing upon CD15 (p19-27) & CD5.16d, (b) NE/1

(paras 61-71), (c) NE/3 (part 4.2) and (d) NE/5 (part 3.1), and NE/16 (paras 163-177).

- 2.88 It is convenient to divide the YDN area into 3 sub-areas identified by NE:- (a) Mallerstang and Wild Boar Fell, (b) the northern Howgill Fells, and (c) the Orton Fells. In paragraphs 2.89 – 2.137 below I set out the case for NE and its supporters in respect of these 3 sub-areas in turn before then dealing at paragraphs 2.138 – 2.168 with objections concerning certain particular parts of these areas.

(a) Mallerstang and Wild Boar Fell

Case for Natural England

- 2.89 Natural beauty Mallerstang is part of a distinct topographical unit comprising a spectacular enclosed glacial trough and its steep flanking escarpments and upland summits, notably High Seat to the east and Wild Boar Fell to the west. Much of the area is surrounded by land already within the YDNP (which immediately abuts it to the south and east) and the North Pennines Area of Outstanding Natural Beauty (AONB) lying to the north-east.
- 2.90 The landscape has very high quality, with characteristic and distinctive elements of the northern gritstone moors and the central moorland landscapes of the Yorkshire Dales – open upland massifs with limestone pavements and grassland on the upper slopes and a familiar pattern of pasture and meadows enclosed by a network of drystone limestone walls, often containing small field barns in the dale. The landscape is highly intact and in good general condition. The Settle-Carlisle railway passes through the dale but is not visually significant, being cut into the fell-side.
- 2.91 The area's strong sense of place is reinforced by the contrast between the sheltered pastoral dale and the wild open upland of screes, scars, escarpments and limestone pavements. Wild Boar Fell is one of the most distinctive summits of the central Pennines because of its easily recognisable level summit plateau and sharp stepped profile of rocky cliffs. This pattern is typical of others in the Yorkshire Dales such as Pen-y-ghent and Ingleborough.
- 2.92 The area is remote, with a strong sense of relative wildness and high tranquillity. Extensive tracts of upland, without roads or lanes, give it an open, isolated character. This sense of remoteness is notably strong near the head of the valley; Wild Boar Fell and the areas north and south of High Seat are truly wild places. There is very little settlement in the dale apart from the small village of Outhgill and the regularly spaced, limestone vernacular farmsteads, often dating from the post-medieval period, along the dale edges flanking the B6259. These are often sheltered by groups of trees, especially sycamore and ash.

- 2.93 The natural heritage is clearly reflected by the evident glacial origins of the deep trough. Visible geological features are present; extensive limestone pavements and scars on the flanks of the upper slopes and the pavement at The Clouds on Wild Boar Fell (SSSI) demonstrate the effects of ice flow on rock. Wildlife habitats include notable limestone grassland, gritstone cliffs, heath, acidic grassland and mires continuing into the YDNP. The River Eden and its tributaries are key features in the dale along with occasional patches of broadleaved woodland in the lower reaches. The dale contains traditionally managed herb-rich hay and buttercup meadows, many of which are CWS. Together, these natural heritage features provide a significant contribution to diversity in colour and texture, local character and sense of place.
- 2.94 Cultural heritage features are prominent in the landscape and contribute to its character and quality. Pendragon Castle SAM is a notable landmark and there are other important SAMs including Lammerside Castle and Wharton Hall and associated settlement earthworks and lynchets. These multi-period archaeological sites add time-depth to the landscape. Additional features of historic interest are represented by signs of copper mineralisation, remnant mine workings and lime kilns on Wild Boar Fell. The managed pattern of historic field boundaries and field barns in the dales creates a domestic managed character and contrasts with the wilder fells. The Settle-Carlisle railway shows impressive engineering.
- 2.95 The area has strong associations with Lady Anne Clifford, renowned in the Yorkshire Dales and Eden, and the restorer of Pendragon Castle and Outhgill Church in the 16th century. Daniel Defoe described Wild Boar Fell as a "*monstrous high mountain*" while a number of literary works and guidebooks including Defoe's 'Tour Through...Great Britain' (1724-6), Simpson's 'Complete English Traveller' (1746) and Gilpin's 'Observations ...to Picturesque Beauty' all mention Pendragon Castle which has anecdotal associations with King Arthur and contributes further to the romantic quality of this landscape.
- 2.96 Wainwright described Mallerstang as "*a pleasant ribbon of green deepset between lofty heights, sparsely populated and always giving the impression of rural contentment and a way of life that remains as unchanged as the landscape*" and referred to the eastern edge of the summit of Wild Boar Fell as "*a feature instantly recognised in the landscape of the upper Eden valley*". David Bellamy described this area as "*England's last Wilderness*". Outhgill Pinfold was renewed by the environmental artist Andy Goldsworthy as part of his sheepsfold project.
- 2.97 Opportunities for open-air recreation This area offers a markedly superior recreation experience with access to areas of natural beauty and high scenic quality. Walks can be made through upland areas of relative wildness with a high degree of solitude and wide

ranging views, while alternative routes along the dale can appeal to walkers of different abilities and interests, offering a sheltered and enclosed pastoral valley experience and memorable views to the surrounding fells. Many of the routes are circular and combine low level dale and higher level fell walking.

- 2.98 There is good access to a range of interesting natural and cultural features, while local landmarks enrich the experience and contribute to an understanding of the area's special qualities. The distinctive local landform and recognisable landmarks such as Pendragon Castle, medieval fortifications such as Lammerside Castle, lime kilns, and the profile of Wild Boar Fell are all features creating a strong sense of place and enjoyment. Natural features such as the waterfall at Hellgill are described in local guidebooks.
- 2.99 Extensive open access land covers 80% of the area and this is complemented by a network of PROW. There are diverse good quality recreation opportunities for quiet enjoyment by walkers, horse riders and cyclists. Cumbria Cycle Way runs along the B6259 in easy reach of many historical features. Some themed walking routes (such as the Lady Anne Clifford Trail) link with others in the YDNP. The approved route of the Pennine Bridleway passes through the centre of this area and a proposed new cycle route through the area will connect with the National Cycle Network.
- 2.100 The scars above the valley floor are regularly used for paragliding, an occasional colourful diversion within this normally undisturbed remote landscape. Grouse shooting and hang gliding are other further recreation activities here.
- 2.101 Despite its relative isolation, the area is accessible from the A685 at Kirkby Stephen and the Settle–Carlisle railway via Kirkby Stephen station. The railway offers high quality views as it passes through Mallerstang. Local walks are promoted in local guidebooks and described as providing access to wild and breezy heights.

Cases for the supporters – points concerning s5(2)(a)&(b) (Mallerstang)

- 2.102 Cumbria Wildlife Trust (IS 1701) This is an integral part of the Central Pennine block, almost all of which is already in the YDNP. The current boundary merely followed the former county boundary and has no scenic or ecological logic. Paras A15-16 of IS 1701 give further details of the features of wildlife interest here. Sir Martin Holgate (1524) refers to similar matters.
- 2.103 Orton Fells Walking Group (IS 3203/3) (WR) submits a brochure indicating aspects of the natural beauty and cultural heritage of Mallerstang and the recreational opportunities within this landscape.
- 2.104 The Wainwright Society (IS 38/1) (WR) Wainwright wrote that this area has *'attractions in plenty and in wide variety, and hidden*

beauties revealed only to those who search them on foot'. These hills, and the Howgills, deserve to be better known. NP status would raise their profile and bring economic benefits.

(b) The Northern Howgills

Case for Natural England

- 2.105 Natural beauty This area immediately adjoins the southern Howgill Fells which are already within the YDNP. Together, the northern and southern Howgills form a discrete and continuous landscape, both parts being geologically and scenically similar and of the same landscape character and quality.
- 2.106 The whole of the Howgill Fells (within and outside the YDNP) are underlain primarily by hard Silurian sandstones quite resistant to weathering. Consequently they form a unique landscape unit with a distinctive landform of high ridges and rounded summits generally above 500m, dissected by deeply incised valleys. This rounded landscape and its land cover (dominated by acid grassland, areas of blanket bog and bracken and some heather on the lower slopes) remains intact and in good condition. Heather is likely to have been much more widespread in the past, but has been reduced by intensive grazing which in turn has altered the landscape's colour and texture. Incongruous features are largely absent. To the west the landscape descends steeply into the deep Lune Gorge and the major communication corridor of the M6 and WCML railway. Although these can be seen in some views and are audible to a degree close-up, their impact is diminished by the scale and elevation of the landscape. To the north the Howgills slope more gradually into the Upper Lune Valley.
- 2.107 The area has high scenic quality, a strong and distinctive sense of place, and a coherent landscape character derived from its prominent striking landform and smooth sweeping profile. The large expanses of acid grassland with limited tree cover and settlement give the land a sleek character with strong visual simplicity and unity. In places deeply incised and sometimes wooded valleys contain rocky gills and occasional dramatic waterfalls. Specific features are noted for their fluvial geomorphology (Carlin Gill) and scale and drama (Black Force). The elevation of the landscape offers extensive panoramic views to adjacent landscapes including the Orton Fells, the Lake District Fells and the Yorkshire Dales as well as the Lune Gorge.
- 2.108 The landscape has a strong sense of remoteness, relative wildness and high tranquillity resulting from its limited history of human settlement or other man-made features in this difficult terrain. Roads are virtually absent in this vast, empty and exposed upland. Hannon described the incised valleys as "*hauntingly remote*" while Wainwright testified to the "*utter loneliness of the surroundings*".

- 2.109 Natural heritage features make a significant contribution to local character and sense of place and the landform itself contrasts strongly with surrounding areas. Carlin Gill Valley SSSI has exceptional importance for fluvial geomorphology, while other SSSIs along the eastern part of the area include Langdale, Bowderdale, Backside Beck and Spen Gill. Despite the relatively poor species-diversity of much of the area, there are some pockets of habitats of interest such as small areas of heather and blanket bog on the hill tops and species/herb-rich traditionally managed hay meadows on the northern enclosed lower slopes, including Bowder Head & Piper Hole Meadows (SSSI) and Cotegill Meadows and Parkhouse Meadows (CWS). Rush pasture along the unenclosed valley bottoms is also of ecological interest and there are small areas of ancient semi-natural woodland, particularly on the lower slopes of the Lune Gorge.
- 2.110 Cultural heritage features are relatively sparse in this area of little habitation although there are some features of interest, mostly at the fringes of the area where dispersed farmsteads (often from the 18th century and many listed) are associated with a mix of ancient and planned enclosures. To the west are the earthworks of an important Roman Fort – Low Borrowbridge. On the higher open fell the enclosure pattern is one of intakes with small patches of 19th century planned enclosure and expanses of unenclosed fell. The area's pattern of settlement and enclosure reflects its origins in communing which is widespread here and of cultural and historical importance.
- 2.111 The area has some strong literary associations. Wordsworth described the Howgills as "*naked heights*". Otley described the Black Force in his guidebook dated 1823 as a "*chasm, whose black walls seem to reach the top of the hill*". Wainwright described the Howgill Fells as "*sleek and smooth, looking from a distance like velvet curtains in sunlight, like silken drapes at sunset; they are steep sided but gently domed....Their soaring sweeping lines are not interrupted by walls or fences – a remarkable concentration of summits often likened to a huddle of squatting elephants*".
- 2.112 The landscape is also associated with events, traditions and beliefs. For example the source of the River Lune near the summit of Green Bell was a destination for picnic parties in the 19th century, and Knoutberry is referred to as Noutberry in the 19th century and local tradition recollected the finding of moss-covered nuts.
- 2.113 Opportunities for open-air recreation The nature of the landscape provides experienced walkers with opportunities to access and enjoy outstanding natural beauty in an environment offering challenging terrain, solitude, tranquillity, relative wildness and panoramic views.
- 2.114 The area is less well used by people inexperienced in fell walking and can be confusing to navigate. However, access to the upper

fells is available by a PROW network including footpaths and drove roads many of which extend from the surrounding lower land up the side valleys and gills onto wide areas of common land and open access land interconnecting with the existing YDNP. To the west the M6/WCML railway corridor in the Lune Gorge slightly compromises the recreational experience but only in the lower margins adjacent to the communications corridor itself; the dramatic scale of the landscape remains the dominant element.

- 2.115 Geological/geomorphological features contribute to enjoyment and understanding of the area, for example the steep-sided gills, Black Force and the Howgills summit at The Calf (676m). Cultural heritage associations add to the local recreational appeal. Low Borrowbridge Roman Fort is a key cultural site, readily accessible and interpreted. Cross Bank Nature Reserve and Bessy Beck Trout Farm and Fishery are local sites of interest.
- 2.116 In addition to walking, this area offers opportunities for paragliding at Green Bell and exciting mountain bike rides. The bridleway running down Bowderdale from the Southern Howgills is said to be the best single track mountain bike route in Cumbria. On the western fringe is the Country Venture outdoor recreation centre and circular walks are currently promoted, such as those from Carling Gill Bridge and Newbiggin-on-Lune.
- 2.117 Despite its internal sense of isolation, this area is readily accessible from nearby settlements in the Lune Valley and relatively close to main public transport nodes and routes through the Lune Gorge and the upper Lune valley. The area is well promoted for circular walks from local villages and the approved route for the Pennine Bridleway passes along the northern edge of the area. The Rights of Way Improvement Plan programme includes enabling actions to allow walkers, cyclists and horse riders to exit dead-end bridleways utilising existing tracks in the Tebay-Sedbergh area.

Cases for the supporters – points concerning s5(2)(a)&(b) (Northern Howgills)

- 2.118 The Wainwright Society (IS 38) (WR) quotes a Wainwright reference to the Howgills: *'Their greatest appeal must ever be to those who love to walk freely over the tops and commune with nature in solitude'*.
- 2.119 R Cowan (IS 1661) (WR) considers that the northern and southern Howgills should be subject to the same regime since their landscape qualities are the same.
- 2.120 Caroline Morris (IS 1426) (WR) details aspects of the scenic and cultural heritage attributes of Ravenstonedale, including listed buildings in and near the village and the Gilbertine Priory.

- 2.121 Cumbria Wildlife Trust (IS 1701/1) The Howgills form a single ecological unit, a dome of Silurian shales and mudstones, which the current YDNP boundary illogically bisects. Features of ecological interest here are described at para A17. Sir Martin Holgate (1524) refers to similar matters.
- 2.122 D Morris (IS 2167) (WR) identifies various elements of interest in the countryside and the northern slopes of the Howgills around Ravenstonedale.
- 2.123 Orton Fells Walking Group (IS 3203/2a&2b) (WR) submits brochures of walks illustrating aspects of the natural beauty and cultural heritage of the Howgills.

(c) Orton Fells

Case for Natural England

- 2.124 Natural beauty This area comprises an upland core and a lower-lying fringe of rolling farmland. The landscape is essentially intact, of high quality and in good condition. The upland limestone core has extensive stretches of characteristic karst scenery, with expanses of limestone pavement and rocky scars and an interesting and diverse mosaic of vegetation including lowland heathland and grass moorland mixed in places with wet and dry herb rich calcareous grassland. To the north of the upland core, farmed limestone valleys descend to the north-east towards the Vale of Eden. Here, dry stone wall boundaries are gradually replaced by hedges and the pattern of fields becomes visually less distinctive. The landscape undergoes transition in this area; in places its quality is cumulatively undermined by conifer plantations, poorly managed hedgerows and encroaching shrub. However, intact characteristic valley villages (many being Conservation Areas) add considerably to the quality of the area as a whole. On the western and south-western fringes of the upland core the quality and tranquillity of the landscape are disrupted by the visible and audible impact of some incongruous features such as the M6, the WCML railway, pylons, Shapfell Quarry and development at Tebay. To the south the A685 has a localised effect on landscape quality, intactness and tranquillity.
- 2.125 The Orton Fells area has high scenic quality and a strong sense of place derived from the underlying geology and patterns of settlement and field enclosure. Limestone pavements provide a striking ragged edge which glistens white in the sun. The patterns of land cover and stone walls have visual appeal, notably the contrast of heathland with herb-rich calcareous grassland and the enclosed and open land. The narrow gill valleys to the north coupled with the local topography, characteristic acidic vegetation (bracken, gorse, birch and poor drainage) and distinctive villages give rise to a strong sense of place and high scenic quality. The

area has outstanding and memorable views to the surrounding uplands of the Lake District, the Yorkshire Dales, the Lune Gorge, the North Pennines, the Howgill Fells and Mallerstang.

- 2.126 The limestone upland is exposed, empty and open, and long distance views to the undeveloped skylines of the surrounding upland areas contribute to the sense of relative wildness. The lower fringes of the area are settled, enclosed and managed, and accessed by small rural lanes. Historic patterns of settlement and field patterns give a sense of the passing of time and are a key part of the area's character. These settled areas are less wild than the open limestone but are nonetheless deeply rural with a sense of remoteness and isolation.
- 2.127 The upland karst scenery includes one of the largest areas of limestone pavements in the UK and notable limestone scars of high geological interest e.g. Great Asby Scar and Ash Fell Edge. This underlying geology also gives rise to important wildlife habitats which make a particular contribution to the area's scenic quality, including calcareous grassland, flower-rich unimproved meadows, species-rich grass verges and hay meadows, dry heath and base rich flushes – 16% of the area is covered by SSSI designations. These habitats support a range of rare and uncommon species. Heathlands are rare in Cumbria as are hay meadows which, here, are some of the richest in the county. Sunbiggin Tarn is a rare marl lake, considered the most important site in Britain for petrifying springs with tufa formation, while stands of ash and woodland are present along the gills and river valleys. The small rivers support otter and white-clawed crayfish and form part of the Eden Valley SSSI. Nesting waders are a common feature of the moorland and fields of the Orton Fells, particularly curlew and lapwing. These birds' distinctive spring calls contribute to the sense of place and tranquillity. Smardale is both a National Nature Reserve (NNR) and an SSSI.
- 2.128 The cultural heritage associated with the historic character and appreciable time depth of the Orton Fells also makes a strong visual contribution to the landscape. There is a rich concentration of highly visible historic and archaeological sites including planned medieval limestone villages, associated intact medieval field patterns, stone circles, burial mounds, disused limekilns, lynchets, ridge and furrow, pillow mounds, hutments, dykes and pathways and Roman roads. Many of the remains are scheduled and many buildings are listed. Smardale Viaduct is a notable listed landmark. Individual farmsteads are either late medieval or early post medieval and are thought to have originated from granges. Each has a definable holding and anciently enclosed fields. Extant boundaries of former medieval deer parks are also apparent at Ravenstonedale and Wharton Hall. All of these historic elements make an outstanding contribution to the area's character, scenic quality and interest, as does the Settle-Carlisle railway.

- 2.129 The area has strong cultural associations, including with Whellan (who wrote about Ravenstonedale), Nicholls, Pevsner, and Wainwright. At Black Dub a monument commemorates Charles II who reputedly gathered his armies here in 1651. In addition, the renowned environmental artist Andy Goldsworthy has created distinctive 'sheepfold' structures on the Orton Fells. Gallows Hill north of Ravenstonedale may have given the village its name (a 'ravenstone' being a gibbet where ravens peck at human remains). The pillow mounds around Ravestonedale are locally known as Giant's Graves. This area is also associated with Turner who sketched Orton and the Lune Valley from Orton Scar (in a sketch now part of the Tate collection). George Whitehead, a founder of the Quaker Movement, was from Orton.
- 2.130 Opportunities for open-air recreation This accessible landscape gives opportunities to enjoy an extensive area of high scenic quality with outstanding outward views. The areas of open access land make for a strong sense of relative wildness, while the more settled fringes also contain areas of tranquillity and solitude. Overall the area provides a 'low fell' recreation experience although the diversity of the landscape from open fell to enclosed incised gills provides a variety of recreation experiences.
- 2.131 The area presents opportunities to encounter a range of natural and cultural heritage features. Great Asby Scar National Nature Reserve (NNR) is one of the largest areas of limestone pavement in the UK, permitting enjoyment and understanding of rare habitats and species. Smardale Gill NNR provides access both to species rich grassland and to the cultural heritage of the area i.e. the disused railway. Tarn Sike (CWT nature reserve) contains lime-rich flushes including orchid and uncommon sedges while Waitby Greenriggs CWT nature reserve has diverse grassland flora. All of these sites provide access and enhanced appreciation and understanding of the special qualities of the area. Cultural heritage features and patterns are present and perceivable throughout the area albeit in a less intellectually accessible sense than the natural heritage. However, the excavated remains of the Gilbertine Priory at Ravenstonedale are open to the public.
- 2.132 Much of the area is common land offering open access to the unenclosed limestone fells (27% of the area) and there is a good network of PROW and quiet rural lanes in the surrounding farmed fringes. Many of these routes are already promoted for walking and cycling. Orton Fells is an important regional hub for recreation routes as it is crossed by a number of nationally important long distance routes including the 'Coast to Coast' walk and two National Cycle Network routes. The approved route for the Pennine Bridleway passes along the southern edge of the Orton Fells and crosses them on the eastern side. The area is also valued for horse riding and there are opportunities for fly fishing at Scandel Beck trout farm and fishing at Bessy Beck and Pinfold Lake fishery. Grouse shooting takes place between Ravestonedale and Kirkby

Stephen and on Crosby Ravensworth Fell. Paragliding is possible from Stozser's Seat and Crosby Garrett.

2.133 The Settle to Carlisle railway passes through this area offering both a special way to enjoy the scenery and access via the nearby station at Kirkby Stephen. Buses run though the Lune Valley and the area is also accessible from the M6.

2.134 There is scope to improve understanding and appreciation of the wealth of cultural and natural features found in this landscape.

Cases for supporters – points concerning s5(2)(a)&(b) (the Orton Fells)

2.130 The Wainwright Society (IS 38/1) (WR) This area is well known to thousands who have completed the Coast to Coast Walk, while Wainwright himself was fascinated by the ancient sites of historic interest on the Fells and the varied flora on the limestone plateau.

2.131 J Smith (IS 251/1) (WR) Orton Fells is still a very wild, unspoiled area with superb opportunities for open air recreation, magnificent views, many and varied ancient settlement features and unique protected habitats, wildlife and flora. This extensive area fits seamlessly with the Howgills and the Dales National Park and yet is easily accessed from the M6 and A roads.

2.132 Judy Dunford (IS 475/1) (WR) presents illustrative material concerning natural beauty and open-air recreation in and around Orton Village.

2.133 R Cowan (IS 1661/1) (WR) Orton Fells is a wild, remote place of sufficient quality to meet the criteria.

2.134 Cumbria Wildlife Trust (IS 1701/1), at para A8, describes the limestone ridge as unique in Great Britain - from a wildlife standpoint, probably the most important of all the areas subject to the VO's. This ridge, with its massive expanses of bare, fissured rock forms the watershed between two great rivers and provides the foreground to some of England's highest hills.

2.135 Having identified the ecological richness and diversity of the area including several SSSIs and two National Nature Reserves (see paras A9-12) and its archaeological importance (A13), the Trust concludes that the Orton Fells have an outstanding blend of scenic, wildlife and historical features which, had it been anywhere else in England, would have led to it being cherished as a designated NP decades ago. Sir Martin Holgate (1524), a trustee of CWT, makes similar points.

2.136 C Hallam (IS 2039/1) (WR) supports designation, identifying various aspects of the natural beauty/cultural heritage of the Crosby Garrett area.

- 2.137 Orton Fells Walking Group (IS 3203/1a-1c) (WR) submits brochures containing photographic images and supporting material concerning the open-air recreational opportunities arising in the context of this area's natural beauty.

Specific objections raised concerning the two S5(2) criteria

Land between Howgill Head and north of Brockholes

- 2.138 Cumbria CC (2427 & IS 2427/1&2) The west bank of the Lune Gorge north of Railway Terrace does not justify designation as it is largely inaccessible for open air recreation and its tranquillity and wildness is compromised by the presence of the M6 and WCML railway. The Lune would be a more defined, robust boundary.

- 2.139 Response for NE The Lune is not a suitable boundary as its course has changed over time. Although the land in question is affected to some extent by the presence of the railway and M6, it is lower-lying and partly screened by trees, resulting in some noise deflection. The VO boundary here permits inclusion of a number of features of interest – Low Borrowbridge Roman Fort SAM, part of Grade II listed Salterwath Bridge, and Lowgill Ancient Woodland.

- 2.140 Not all land has to be accessible to the public, either within the main body of an NP or at its margins. This riverside land can still be seen and appreciated by those engaged in open-air recreation elsewhere in the NP.

Land north of the YDN boundary, particularly the Reagill & Sleagill areas

- 2.141 Sleagill Parish Meeting (15 & IS 15), the Key Supporters Group (2383 & IS 2388/3), FELS (1857 & IS 1857/1), supported by WR from M Stone (13), Mr & Mrs Edwards (14), A Barbour (17), Mr & Mrs Bromley (IS 137/1), S Cameron (658). S Hindley (731), Mr Seed (737), M Grolys (763), W McClaren (775), S Holroyd (800), Mr Lambert (885), D Barbour (909), P Shufflebottom (962), G Perkins (989), Mr & Mrs Brodie (1029), Mr & Mrs Crampton (1127), Jo Hampson (1209), A Nerrington (1488), M Edwards (1884), R Irwin (1887), Alison Crossley (2350), the Council for National Parks (2366), Friends of the Lake District (IS 2388/3), Yorkshire Dales Society (2403), the Open Spaces Society (2408), Asby PC (2412), J Smith (2414), F Lee (2415), J Fraser (2433), K Blue (2470), J & T Edwards (2472/ 2473), M Weaver (3164) plus very many more respondents in standardised WR formats advocate northwards extension of the VO boundary to include a stretch of land in and around these two villages (see map attached to IS 15/1, part 3). S Asquith (2251) (WR) suggests a different extension covering only Reagill.

- 2.142 The above respondents consider that the landscape here is a continuation of that within adjoining parts of the extension area. The Orton Fells Natural Area includes Reagill and Sleagill as well as

other geologically-similar land well to the north. The landscape in this area is not 'transitional' to the extent claimed by NE. As stated in the Swanwick report the Orton Fells, including Reagill and Sleagill, is '*overall a sheltered and domesticated landscape frequently perceived as remote and with a strong sense of tranquillity*'. Moreover, the VO boundary is weakly demarcated on the ground, being defined by post and wire fences in many places whereas the suggested boundary follows roads and tracks.

- 2.143 The additional suggested extension area is elevated with fine panoramic views – north to the summits of the North Pennines AONB and west to the High Street range and Shap Fells in the LDNP. From Threaplunds Farm all of these can be seen from one spot. The country lanes in the area are quiet and there is a rich network of footpaths and bridleways.
- 2.144 The Parish Meeting lists (at IS 15/1 part 4) local archaeological and cultural heritage features such as monuments, listed buildings, and a registered image garden opened in 1837 to celebrate Queen Victoria's accession. It counters some aspects of NE's response to the Meeting's request for inclusion (part 5) and appends a letter of support by Rory Stewart MP. Part 7 provides annotated photographic images of a tour of the area.
- 2.145 The Meeting considers that NP status would help to preserve and enhance the landscape, for example by better maintenance of footpaths and the repair of dry stone walls. It suggests that volunteer effort is likely to be available to help with this.
- 2.146 O Weaver (Leith-Lyvennet Conservation Group) (3165 & IS 3165/1) (WR) also supports inclusion of Reagill/Sleagill. Designation would best preserve, protect and potentially improve the area's outstanding landscape and its recreational value. However, the further altered boundary should extend further north than Reagill/Sleagill, using the rivers Lyvennet and Leith as boundaries (see map at IS 3165/ 1/2W) ie including the villages of Newby, Morland, and Great & Little Strickland and extending almost to Cliburn and Melkinthorpe. This follows obvious permanent features, respects communities, and embraces (rather than severing) a recognisable area of consistent and outstanding interest. Pastures here are richer, the valleys more luxuriant, the enclosures smaller, and the settlements more numerous, but this wider area naturally complements the high fells.
- 2.147 This extended area also has a rich cultural heritage, centred on its highly organised pattern of pre-enclosure mediaeval settlements and planned villages, said by leading landscape historian Brian Roberts to be '*important on both a national and a European scale*'. The VO land would include only one of these. There is a network of easily accessible footpaths and bridleways in this area, well used by locals and visitors.

- 2.148 Response for NE (see statement NE/5, part 3.1) The VO land already extends further north than the Conservation Area boundary defined by Hobhouse (see NE/11). These suggestions would take it still further north. The Area of Search Study (CD5.18) noted the Reagill/Sleagill area as mainly meeting the natural beauty criterion and partly meeting the recreation criterion, and therefore requiring 'particular scrutiny' based on the transitional nature of the character and quality of the area between the Orton Fells and the Eden Valley. Subsequent evaluation (CD5.15) led to the boundary being drawn close to the high quality end of the transition (p69-71) in accordance with the NE Guidance (CD5.3).
- 2.149 Although an understanding of landscape character provides a framework for assessing the factors pertinent to natural beauty, that character does not determine an overall assessment of natural beauty. The association of Reagill & Sleagill with the Orton Fells landscape character area does not automatically justify their inclusion in the extended YDNP.
- 2.150 The Cumbria CC landscape character assessment (CD6.1) and the Supplementary Landscape Assessment undertaken by Swanwick & Land Use Consultants in January 2008 (CD5.19) both clearly highlight the transitional character of the area between Maulds Meaburn and Sleagill (see maps at NE/5 Appendix 1). This gradual change in character is accompanied by a decline in natural beauty compared with land further south in the heart of Orton Fells. The natural and cultural features referred to in the representations and statements do not contribute to wider scenic quality. The historic enclosure pattern at Reagill is now indistinct on the ground and has been disrupted by conifer planting and fruit farming. Recent and planned replacements of local areas of existing coniferous planting with deciduous species do not sufficiently tip the balance to make the area commensurate with the two criteria.
- 2.151 Although fine outward views are obtainable in places to upland ranges in the LDNP and North Pennines AONB these emphasise that Reagill/Sleagill are peripheral areas, not so closely related to the surrounding summits in the YDNP and LDNP as the core area of the Orton Fells.
- 2.152 While the area has a high density of footpaths this does mean that the quality of the recreational experience is sufficient to meet the s5(2) criterion.
- 2.153 The approach has been to draw the boundary conservatively at the high quality end of the transition in accordance with NE Guidance. A boundary drawn further to the north would lie inappropriately towards the lower quality end of the transition. Following the public consultations in 2009/10 & 2011 the additional evidence submitted by the promoters of Reagill and Sleagill was reviewed but this did not lead to their inclusion in the VO.

- 2.154 Although the VO boundary south of Reagill is not over-complex and follows features easily distinguished on the ground, it would be possible to define an alternative boundary in this area following more permanent features and avoiding the use of post and wire fences. This would require only slight amendments and would not need the inclusion of the whole of the Reagill/Sleagill area.

Land at Tebay

- 2.155 H Tongue (37) (WR) suggests that the village of Tebay, situated between the LDE and YDN extensions, would benefit greatly from inclusion in the YDNP and the regenerative effects this would bring to its low value brownfield sites, capitalising on its motorway connections.
- 2.156 S Dunkinson (1076) (WR), a parish councillor, draws attention to aspects of natural beauty present in and around Tebay – the remains of the Roman fort, a motte and bailey, the church, access to wonderful scenery, and two salmon spawning sites.
- 2.157 E Crossley and J Anning (IS 2892/1) (WR) also consider it an omission to exclude Tebay, referring to its railway heritage and sponsored Victorian railway church and the fact that some businesses support tourism by what they make and sell.
- 2.158 Response for NE Although Tebay contains some historic railway cottages it also includes some substantial areas of industrial and commercial development and recent infill housing, and its immediate setting is not of high quality.

Inspector's conclusions on s5(2)criteria (a)&(b) (YDN)

- 2.159 All the land within the YDN extension area is easily accessible 'in relation to centres of population', far more so than many parts of the existing YDNP, having regard to the proximity of YDN to J38-39 of the M6 and the A685 leading west-east though it from J38.
- 2.160 It is anomalous that the Mallerstang/Wild Boar Fell area is currently excluded from the YDNP on the basis of a former county boundary paying no regard to the quality or nature of the landscape through which it passes. This area's spectacular scenery, wild and remote character and strong sense of place give it no less natural beauty than the already-designated areas of YDNP abutting it to the south and east and the North Pennines AoNB to the north. As identified by NE and its supporters, this part of the YDN area also has very fine open-air recreational opportunities which complement those available in the adjoining YDNP and form a natural extension to them.
- 2.161 The current YDNP boundary is similarly anomalous in relation to the Howgill Fells where the current line along the watershed effectively bisects a unified and highly distinctive landscape unit of outstanding

quality and natural beauty offering challenging open-air recreation opportunities in an exposed area with a marked sense of solitude and relative wildness.

- 2.162 The character of Orton Fells is markedly different. The wild upland limestone core of this area (lower than the other elevated points of the YDN area, but with distinctive ridges and pavements) overlooks the Howgill Fells and their foothills in the Lune Valley. On the northern and eastern edges of this part of the YDN extension farmed limestone valleys descend gradually towards the Eden Valley. However, the Orton Fells area as a whole has outstanding natural beauty derived from its own particular combination of high scenic quality, calcareous habitats supporting a range of rare and uncommon species, and rich and time-deep cultural heritage features. In summary, this section of the YDN extension area contains a very attractive range of open-air recreation opportunities which, taken as a whole, have the potential capacity and resilience for appropriate promotion to increase public understanding and enjoyment of the area.
- 2.163 Turning to the detailed objections about compliance with the two s5(2) criteria, within the Lune Gorge the south-western boundary of the YDN extension area generally follows the WCML railway. In my view there is no logic in Cumbria CC's suggested omission of the land between Howgill Head and north of Brockholes. This sliver of land at the foot of the gorge is an intrinsic part of the dramatically scenic panorama seen from the M6 and WCML railway, from the viewpoint on the A685 in the LDE extension, and from the minor road running south from Low Borrowbridge on the eastern side of the gorge as well as more generally from the fells on both sides of the Lune.
- 2.164 Further north the area defined by NE appropriately omits Tebay with its cluster of industrial-style developments and open storage depots related to the M6 motorway junction and the infrastructure corridor. It also omits lower-lying land near Tebay associated with the M6 Tebay Service Area. To the north-east of that the boundary tacks in a pragmatic way across rising land omitting lower-lying areas with scenery of less quality in the area where the WCML and the two separated carriageways of the M6 pass through the gap between the foothills of the LDE to the west and the edges of the fells and scars near Orton to the east. NE's decision not to 'wash-over' this non-qualifying area is understandable and appropriate.
- 2.165 Identifying appropriate outer northern and eastern limits to the land meeting the criteria requires the exercise of fine judgement. As already stated, the VO takes the YDN designation further out than the Hobhouse map, into an area where the landscape descends from the unenclosed fells and their immediate open limestone farmland fringes, so including features such as the attractive villages of Crosby Ravensworth and Maulds Meaburn set alongside the Lyvennet Beck, the waterfall at Rutter Force, Smardale Gill and

Crosby Garrett village to the east of the Settle-Carlisle railway line, together with various features of natural interest identified by NE and CWT. In many places within and outside the northern and eastern boundaries of the extension area the landscape is going through gradual transition as the land falls towards the pastoral lower-lying red sandstone landscape of the Eden Valley and becomes progressively more mixed in terms of landscape and scenic quality along the way. The recreation opportunities also change from more challenging exposed walks in less settled areas of upland character to a more commonly-available less 'markedly superior' recreational experience based on a PROW network made up of footpaths between more frequently spaced villages set in a farmed landscape of more lowland character.

- 2.166 Turning to the specific case for including the area around Reagill and Sleagill, these are certainly pleasant villages set within a generally tranquil landscape with a certain sense of separation and remoteness, emphasised at some points by longer-distance views to surrounding uplands. However, the landscape as a whole is losing the necessary outstanding scenic quality and intactness to meet the criteria, with more blocks of coniferous planting, more hedges, altered field patterns and some erosion of the medieval strip fields. The cultural heritage features catalogued on behalf of the Parish Meeting contribute to an understanding of the underlying time-depth of the landscape which is clearly and understandably of much interest to local residents and others and can inspire a real sense of community/proprietary pride. However, such features do not, of themselves, outweigh the factors which NE has identified for defining the boundary as it has. The long-term of accretion of a good collection of interesting cultural heritage features manifesting a locality's unique and particular heritage is not in itself unusual among English parishes. Notwithstanding the cultural heritage of the wider area referred to by the Leith-Lyvennet Conservation Group, I reach the same conclusion concerning the suggested further extension of the boundary away from the heartland of the Orton Fells into the countryside of lower-level Cumbria.
- 2.167 Arguable cases could no doubt be made for a multitude of different detailed alignments of the VO boundary across most of the outer northern and eastern edges of the 'extensive tract'. However, my overall conclusion is that (with the minor exception covered in the succeeding paragraph) all the land within the YDN extension meets the s5(2) criteria in terms of its natural beauty and the opportunities it affords for open-air recreation having regard to its character and its position in relation to centres of population.
- 2.168 Although the case for further extension of the YDNP is insufficiently strong to require the issue to be revisited in principle, NE accepts that some slight amendments could provide a boundary following more permanent features on the ground. This would not require inclusion of the whole of the Reagill/Sleagill area (see para 2.154 above), only some reconsideration of the short stretch between the

public roads south-east of Wyebourne and west of Meaburn Hall. I return to this matter at part 5 of this report.

YORKSHIRE DALES NATIONAL PARK WESTERN EXTENSION AREA (YDW)

The s5(2)(a)&(b) criteria: natural beauty and open-air recreation

Introduction

2.169 NE's principal material on its case concerning the two criteria (listed from the oldest to the most recent material) is found at (a) CD5.12 (p28-38), drawing upon CD15 (19-22) & CD5.16d, (b) NE/1 (paras 72-80), (c) NE/3 (part 4.5) and (d) NE/5 (part 3.2) and NE/16 (paras 178-197).

2.170 It is convenient to consider this area in three parts: (a) Middleton, Barbon, Casterton and Leck Fells, (b) the Lune Valley from Kirby Lonsdale to Killington, and (c) the Lune Valley from Killington to Lowgill.

(a) Middleton, Barbon, Casterton and Leck Fells

Case for Natural England

2.171 Natural beauty These fells fall into two parts reflecting the underlying geology. Leck Fell, Barbon High Fell and Casterton Fell are underlain by Carboniferous rocks of the Yoredale and Craven groups and have typical limestone features such as caves, screes, shakeholes and gorges, with glacial till covering much of the lower slopes. Those further north, including Middleton Fell, lie on Silurian rocks like those of the Howgills, with the dramatic U-shaped valley of Barbondale in the centre of the area. The fells throughout the area rise from roughly 150m up to summits at 500-600m. At the foot of the fells the fringe farmlands form a link with the floor of the Lune valley.

2.172 The fell landscape is typical of the Yorkshire Dales - intact, dramatic, open and treeless. Glaciated tributary valleys (Barbondale and Leck Beck) are cut into the fell sides and, with other valleys and gullies, contain high quality ancient semi-natural woodlands. On the lower slopes the land drops into Lunesdale where intact small nucleated settlements are found among areas of parkland, stone wall enclosures and an increased coverage of trees and woodlands. All these landscape patterns and features remain in good condition and there are no notable incongruous features.

2.173 The landscape has high scenic quality. The upland rough grassland and heather moor create an appealing pattern and the imposing fell landscape contrasts attractively with the pattern of wall and hedge enclosures, historic settlements, parkland and wooded gullies on

the lower slopes. From the upper slopes there are wide ranging views to the west over surrounding farmland, to the north to the Howgills, to the east into Dentdale and to the south-east to Whernside and Ingleborough. From the lower slopes there are memorable views across small enclosures to the imposing and steep fells above. The limestone geology to the south gives rise to striking and distinctive scenery including gorges and limestone pavements while Dent Fault has created the distinctive glacial tributary valley of Barbondale.

- 2.174 The upper slopes have a strong sense of wildness stemming from their extensive areas of semi-natural habitat, elevation, openness, exposure, dramatic topography and lack of settlement. The wild qualities of this landscape have been described by Wainwright. Wildness decreases towards the lower slopes as the landscape becomes more sheltered and settled, yet evidence remains of continuity and the passing of time with many ancient enclosure patterns and intact parkland landscapes.
- 2.175 The whole of this area has a high level of tranquillity arising from a sense of remoteness and unspoilt character, the presence of water along the tributary becks, the extensive areas of semi-natural vegetation and the lack of incongruous features. The sound of the skylark is common and makes a marked contribution. Tranquillity reduces close to the A683 albeit the road's impact is localised.
- 2.176 The natural heritage of the area derives from its many geological and geomorphological features and its wildlife and habitats of particular value. The former include caves and karst features (pavements, cliffs, scree, potholes, gorges) and various natural and engineered rock exposures in the south of the area as well as the Dent Fault and glaciated Barbondale. Easegill Caverns (in the Leck Beck Head Catchment Area SSSI) form the longest cave system in Britain and one of the largest in the World, and support the largest population of bats in the Yorkshire Dales area. Short Gill Cave System SSSI is unique in Britain as the only one formed in vertical limestones. Sites of particular value for wildlife include Gagareth Biological Heritage site (important for flowering plants, ferns, mosses and liverworts), Leck Fell Heathland, Ireby Fell Biological Heritage Site; Leck Beck Valley Biological Heritage Site; Springs Wood, Burrow-with-Burrow; Leck Beck SSSI (currently split by YDNP boundary) and Short Gill Cave System SSSI (also split by the existing YDNP boundary). On the lower slopes notable species-rich meadows occur in some of the remote valleys and areas of ancient semi-natural woodland, a number of which are CWS.
- 2.177 Turning to cultural heritage, the settlements of Middleton, Barbon, Casterton, Leck and Ireby contribute to the character of the lower slopes. Many are Conservation Areas. Areas of historic designed parkland including Fairthwaite Park, High Park and Whelprigg Park, also make a particular contribution to the character and scenic quality of the area since their parkland trees and enclosures

contrast visually with the open fells above. Fairthwaite Park, a medieval deer park, extended onto Leck Fell and its northern boundary stone wall still forms an important feature in the landscape. At High Park there is a nationally-important series of multi-period archaeological scheduled earthworks representing signs of settlement, buildings, burial mounds, field systems, enclosures and trackways. These are all readily visible and split by the current YDNP boundary. Other visible historic features include the disused railway and associated stone bridges, packhorse bridges and sheepfolds. The fells have clear patterns of enclosure including unenclosed or parliamentary enclosures, while former common arable fields are associated with the villages below.

- 2.178 There are historic and contemporary cultural associations, including those with Ruskin who commented that the view of the Barbon and Middleton Fells from just north of Kirkby Lonsdale (painted by Turner) was *"one of the loveliest scenes in England – therefore in the world...I do not know in all my own country, still less in France and Italy, a place more naturally divine, or a more priceless possession of true 'Holy Land'"*. Middleton Hall was described by Otley in his guidebook to the English Lakes in 1823 as *"an excellent specimen of our ancient manor houses"*. The school at Casterton, attended by Charlotte Bronte, is mentioned in the novel Jane Eyre as Lowbridge School. Jonty Wilson was a 20th century blacksmith and local historian. Wainwright described the landscape around Bullpot Farm on Casterton Fell as *"a desolate landscape devoid of trees and habitations"* and Leck Fell and Gragareth as *"a primeval wilderness tamed only where men built boundary walls"*. The contemporary environmental artist Andy Goldsworthy has built sheepfolds with sculptural features along Fellfoot Drove Road near Casterton and at Jack's Fold in Barbondale.
- 2.179 Opportunities for open-air recreation The high quality landscape provides a variety of experiences ranging from walks on relatively wild, open and expansive fells to those in the incised, secretive, Leck and Barbondale and the settled, tranquil lower slopes. This is reflected in local guide books. Hannon describes Middleton Fell as *"an emphatic leg-stretcher encircling the wide open spaces of this unsung mountain – a real tonic"* and says of Leck Beck that its *"lovely environments... penetrate the unfrequented fell country to discover limestone ravines"*. He describes walking in this area as *"a stunning combination of first-rate Dales scenery"*. Overall this area affords extensive open access and watershed walks with fine wide views to the Howgills and Ingleborough in an atmosphere of tranquillity and remoteness.
- 2.180 A key contributor to the enjoyment of the area is the limestone scenery in the south of the area and its extensive cave systems. Caving on Leck Fell is particularly important, providing opportunities which exceed those available in the YDNP.

- 2.181 The incised valleys of Leck and Barbondale are also natural features of interest and contrast. The wealth of tangible heritage features include the disused railway and associated bridges, historic nucleated settlements, the parkland and archaeological earthworks and a variety of clearly defined enclosure patterns. The cultural associations related to this area also enhance enjoyment and understanding.
- 2.182 The upper fell slopes include much open access land reached via public rights of way (albeit these are not numerous). Although footpaths occur mainly on the lower slopes and in Lunesdale, several climb the fells and connect with areas of open access on the fells above and the cave systems in the south.
- 2.183 There are opportunities for further interpretation of the local karst scenery as well as the variety of archaeological earthworks, field patterns, historic parklands and cultural associations. The disused railway line on the lower slopes along the Lune valley floor is being considered as a multi-user trail. Kirkby Lonsdale Parish Council is considering opportunities to improve footpath links between the town and Casterton.
- 2.184 The area's proximity to Sedbergh and Kirkby Lonsdale, as well as the M6 at junctions 36 and 37, makes it relatively easy to reach from centres of population. Local bus services which connect the towns along the A683 provide sustainable access to the area.

Case for supporters – points concerning s5(2)(a)&(b) (Middleton, Barbon, Casterton and Leck Fells)

- 2.185 Cumbria Wildlife Trust (IS 1701/1) considers these fells an integral part of the high Central Pennines, forming the steep western sides of that block. Para A18 identifies features of ecological interest.
- 2.186 Friends of Eden, Lakeland and Lunesdale Scenery (IS 1857/1) provide a brochure of walks in the Barbon, Casterton, and Leck Fells area, illustrating the recreational opportunities that arise in the context of the area's natural beauty.

(b) The Lune Valley (Kirby Lonsdale to Killington)

Case for Natural England

- 2.187 Natural beauty Lunesdale is a well-managed farmed river valley with well defined valley sides and a gently undulating, sometimes topographically complex valley floor. Improved meadows on the floodplain, linear woodlands along the watercourse, dense hedgerows, and parklands (e.g. Rigmaden) create an intact pastoral, enclosed landscape contrasting with the adjacent fells. Some valley sides have areas of wet pasture and ancient and sometimes 'hanging' woodland, while coppiced hazel hedgerows

often occur along the narrow sinuous lanes. The landscape is in good condition although factors such as occasional large barns, evidence of the loss of riparian habitat, arable cultivation of the floodplain and loss of floodplain/parkland trees have a limited influence on the perceived natural beauty of the area. However, these factors tend to be localised and do not fragment the overall quality of the landscape.

- 2.188 The rising land to the west of the valley floor forms steep slopes often cloaked in semi-natural woodland. Above the valley sides these form a broad, generous and intact marginal, largely open, upland landscape with patches of rough grazing and permanent pasture within small scale fields defined by stone walls. There are also larger areas of moorland where texture and colour is added by gorse, heather and bracken. Further interest is added by the small tarns scattered throughout the area. To the north some coniferous plantations fragment the landscape pattern and sometimes intrude on the edge of the Lune Valley. North of Park Hill a telephone mast breaks the skyline.
- 2.189 Lunesdale's distinctive sense of place is derived from its landscape patterns. The verdant pastoral river valley acts as a foil to, and contrasts with, the more exposed surrounding open fells. On the valley sides the ancient woodland, associated with parkland and hedgerows/trees, creates pleasing interlocking patterns. The inter-visibility between the Lune Valley, the low fells to the west and the higher fells between Middleton and Leck to the east gives rise to some outstanding views of high aesthetic and scenic quality where the striking topography, the composition of different landscape elements, and the contrasting land uses, colours and textures come together to create a strong sense of place. The value of this scenic composition is reflected in the location of historic parkland houses positioned to enjoy the views. Further west on some of the Low Fells the sense of interconnectedness becomes less pronounced.
- 2.190 The valley floor has little relative wildness because of its settled, sheltered character and land use patterns. However, this is not so in the low fells to the west because of their open, remote, and elevated character and the presence of areas of unenclosed semi-natural moorland habitat. Settlement here is sparse (only small hamlets at Old Town and Killington), and there are only a few minor rural roads, often unenclosed. Where stone wall enclosures have broken down or where (along ancient lanes) the walls are covered in moss and ferns, there is a sense of the passing of time and returning to nature.
- 2.191 Within Lunesdale some 'relative tranquillity' is expressed through the central presence of the River Lune, affording the sight and sound of running water. Birdsong is readily heard and many parts of the valley floor are quiet with only dispersed farmsteads and few minor roads or river crossing points. This calmness is lost to some degree between the river and the A683 depending on woodland

cover. Similarly, the low fells' relative tranquillity can be readily appreciated because of the limited amount of settlement, the few minor roads and the presence of areas of open semi-natural habitat.

- 2.192 Turning to natural heritage, this is a glacial valley with drift deposits on the western valley sides, and occasional low rounded drumlins within the valley. Geomorphological features of the floodplain, associated with river erosion and dynamics, including terraces and meanders, add interest to the landscape. The mosaic of small tarns, mires and wet grasslands on the low fells and the semi-natural woodlands along the narrow gills of the valley sides and fringing the floodplain are of significance for nature conservation (CWS) and contribute to distinctive character.
- 2.193 Birds (including oystercatcher, sand martin and goosander) breed along the River Lune and contribute to birdsong in the area. In the damp rough pastures of the low fells there are small pearl-bordered fritillary butterflies.
- 2.194 Turning to cultural heritage, the Lune valley parklands make a significant contribution to the character and scenic quality of the area along with their associated country houses and the dispersed pattern of farmsteads dating to the 17th and 18th centuries. Killington Hall, a 15th century manorial hall, is one of the most significant buildings in this area, while Rigmaden Hall shows evidence of 19th century gentrification. Parkland features such as railings, parkland trees and hill top copses are all still evident in the landscape.
- 2.195 Time depth in the landscape is subtly reflected in archaeological earthworks particularly in areas of permanent pasture e.g. ridge and furrow at Killington, which may reflect the shrunken medieval settlement. Field patterns are readily perceived in this area and reflect its historic evolution. Towards the north of Lunesdale the fields associated with the scattered farms are small and have irregular ancient enclosures. This field pattern is intact and highly legible. Further south, extensive common arable fields prevail around Barbon and Casterton; this pattern remains legible despite some alteration in the 19th century. In the low fell landscape to the west more recent parliamentary enclosures are dominant.
- 2.196 Cultural associations include Richard Brathwaite (who wrote a poem referring to Killington) and Wyndhammere Fold at Old Town, rebuilt by Andy Goldsworthy.
- 2.197 Opportunities for open-air recreation The main recreational appeal of this area is its low-lying, sheltered environment (contrasting with the higher areas to east and west) and high degree of tranquillity. Although the river is the key feature, there is limited public access to its banks. However, cycling routes along the minor roads and longer distance circuits from places such as Kirkby Lonsdale or

Sedbergh offer access to the river valley landscape and its semi-natural woodlands, parklands and afford views across the floodplain to the adjacent valley sides.

- 2.198 There is also access to sites of nature conservation and geological interest (glacial features, ancient semi-natural woodland and the river) as well as historic features including parkland and associated country houses, ancient farmsteads and historic field enclosures. Features of interest in the Low Fells include the ancient hamlets of Old Town and Killington. Associations with writers and artists further enhance the enjoyment and understanding of the area.
- 2.199 Several short lengths of public footpath afford access to the river banks and surrounding landscape but the network is fragmented and relies on small lanes, reducing the quality of the experience. The footpaths and rural lanes also provide access from the river valley to the fells on either side. The low fells contain various areas of open access land at Talebrigg Hill and Whitebarrow Scar.
- 2.200 Horse riding takes place on the rural lanes along the valley sides and the area is traversed by a well-promoted circular walk from Kirkby Lonsdale. Other outdoor pursuits include fishing in the Lune (by licence and permission from riparian landowners).
- 2.201 Key aspects of the recreation opportunities in this landscape are the extensive views and the relatively low lying nature of the area which offer a contrasting experience to the high fells to the east.
- 2.202 Although there little evidence of current promotion of recreation in this area there is potential to develop a riverside footpath route between Sedbergh and Kirkby Lonsdale and routes across the river valley and into the adjacent fells. However, although these would be great recreational assets, they may be challenging to achieve.
- 2.203 Bus routes run along the A683 from centres such as Sedbergh and Kirkby Lonsdale and the area is reasonably accessible from the M6 and further afield via junctions 36 and 37. There is relatively good road access along rural lanes but limited roadside parking areas, apart from the disused quarry south west of Three Mile House, and some lay-bys along the A683.

Case for supporters – points concerning s5(2)(a)&(b) (Lune Valley: Kirkby Lonsdale to Killington)

- 2.204 Friends of Eden, Lakeland and Lunesdale Scenery (IS 1857/4) submit (a) a brochure of walks, illustrating aspects of the natural beauty and open air recreation of this area in this area (IS 1857/2) and (b) a DVD 'The Lune Valley: Our Heritage' (IS 1857/3) covering the whole of the Lune Valley from source to sea. The latter relates more widely to parts of the YDN and LDE extensions, as well as to YDW. Approval of the VOs would mean that 65% of the course of

the Lune flowed within designated land, mostly the YDNP but also partly within the Forest of Bowland AONB.

- 2.205 FELS stresses the fragility of the Lune Valley landscape and the need to protect it as an integrated whole (IS 1857/4 part 3). They refer to the 'Love the Lune' Campaign, echo NE points on cultural heritage, and record a historical association between Killington and Robert & Teddy Kennedy.
- 2.206 IS 1857/4 (part 7) presents FELS overview of the recreation opportunities in the YDW area as a whole, covering not just the Lune Valley section dealt with here (Kirkby Lonsdale to Killington) but also the areas covered previously (the Middleton/Barbon/Casterton/Leck Fells) and subsequently (the Lune Valley north of Killington). This covers the opportunities available for walking, horse riding, cycling, fishing, natural history, rock climbing, canoeing, and caving & potholing.
- 2.207 Cumbria Wildlife Trust (IS 1701/1) refers (para A19) to the lower ground on both sides of the Lune as diverse farmland through which are scattered about 20 ancient woodlands within 12 CWS, demonstrating the valley's importance for wildlife.

(c) The Lune Valley (Killington to Lowgill)

Case for Natural England

- 2.208 Natural beauty This peaceful section of the Lune Gorge is undisturbed by the major communications routes which pass through it further north (between Tebay and Beck Foot) and which by this point have left the valley. The eastern slopes of the gorge up to the river itself are already included within the YDNP. The extension area comprises the western slopes of the gorge. Characteristic natural and man-made elements are well represented, including small-scale hedged pasture enclosures, dispersed farmsteads on mid-slopes connected by historic and narrow rural lanes, semi-natural woodlands on the sides of the valley, and elevated, rugged, generally unsettled land with open rough grassland and stone wall enclosures to the west. The western valley slopes form a distinctive skyline including craggy tops such as Waller Heights.
- 2.209 The landscape is well maintained and in good condition although this declines towards and beyond the northern and western fringes of the area where stone walls are poorly maintained or have been replaced by post and wire fences. The pattern of field boundaries, semi-natural woodland and dispersed farmsteads mirrors that within the existing YDNP and the valley sides have glorious panoramas across the Lune Gorge to the Howgills.

- 2.210 The eastern valley slopes have appealing scenic qualities arising from the dramatic steep slopes of the nearby Howgill Fells. Within the valley, the pattern of pasture fields, dispersed farmsteads and scattered woodland and tree cover, set against the backdrop of the open fells, is of outstanding quality. The western valley sides rise to a ridge at about 300m comprising rocky outcrops and 'knobbly' summits from which there are glorious panoramas. Generally beyond the VO boundary the land slopes more gently in a westerly direction and the uniform land cover of open moorland and stone wall boundaries, albeit attractive, is rather less distinctive. Both sides of the valley combine to create the special qualities of the Lune Gorge and both are significant in determining perceptions of this area.
- 2.211 Much of this area is open and uninhabited. The open moorland, rough grassland and lack of overt human influence give much of the area a feeling of remoteness and exposure. The valley is more sheltered, but the steep slopes and small number of dispersed farmsteads give it a sense of inaccessibility and remoteness, reinforced by the visual presence of the open fell-sides of the Howgills. The marginal nature of the farming also reinforces a sense of isolation, and where stone walls have crumbled down or pastures show signs of rush infestation there is a sense of lack of human intervention and the passing of time.
- 2.212 The presence of the river, semi-natural woodland on the valley sides, open moorland to the west, general inaccessibility and the sound of birds (in particular the skylark) all contribute to a strong sense of tranquillity. At the margins of the area, particularly to the north, west and south, some incongruous features (generally sited outside it) nonetheless have an impact upon it. These include the M6, A684, Lambrigg wind farm and some phone masts.
- 2.213 The Lune is a fine example of a glacial valley and the rocky outcrops within the gorge are features of interest. In the central and western parts of this area upland heath and blanket mire are valuable habitats, while the valley woodland is mainly ancient and semi-natural.
- 2.214 The scattered isolated farmsteads date mainly to the 18th century. Many are listed e.g. Hawkrigg, Bridge End and Moors Farm, and their vernacular style contributes to the scenic nature of the landscape. These farmsteads are linked to an intact pattern of ancient enclosures. To the west the open moorland has larger parliamentary stone wall enclosures. The Lune Viaduct (currently split by the existing YDNP boundary) and Lowgill Viaduct are both listed as outstanding rare examples of Victorian architecture and are significant landmarks. The narrow Crook of Lune stone pack-horse bridge is another notable historic feature.
- 2.215 This area is associated with the birthplace of the Quaker movement. The isolated rock outcrop known as Fox's Pulpit is

important as the site of the outdoor address given by George Fox in 1652 to a multitude of followers. The Lune Gorge is associated with literature relating to the 1920 railway map which describes the Upper Lune as "*one of the best pieces of scenery between London and Edinburgh*".

- 2.216 Opportunities for open-air recreation The part of the Lune Gorge provides opportunities to enjoy outstanding scenery with a sense of remoteness and tranquillity. The ridge to the west of the river is accessible by footpaths and offers outstanding panoramic views eastwards and southwards. Further to the west, beyond the VO boundary, footpaths become less frequent. Much of that area is open access land with a sense of relative wildness although the landscape is less scenically distinctive and the fringes of the area are affected by development beyond.
- 2.217 Particular features of interest in this part of the gorge include the Lowgill Viaduct and Fox's Pulpit. The ancient woodlands, flower rich verges and historic pattern of vernacular farmsteads and enclosures also provide considerable interest and enrich enjoyment and understanding of the area.
- 2.218 There is good access to this area both by PROW and narrow rural lanes. The former are mainly orientated east-west providing access in and out of the Lune Gorge, with the narrow lanes running north-south. A number of the footpaths form circular walks from Sedbergh. There is open access land in the central and western parts of this area although it is not extensive. The area is used primarily for walking and affords a range of experiences. Together with the adjoining Howgill Fells it offers both valley and fell walking. The Dales Way long distance route passes through the northern part of this area. Licence fishing is available on the River Lune.
- 2.219 The disused railway line in the valley floor is being considered for a multi-user trail and would offer considerable recreation potential, particularly if it can be linked to a wider network of routes. The inclusion of the western side of the Lune Gorge brings opportunities to manage and enhance the enjoyment and understanding of the landscape both from existing routes within the present YDNP and from possible new routes within the extension area.
- 2.220 This area is highly accessible to centres of population because of the close proximity of M6 Junction 37. Bus services pass along the southern edge of the area connecting Sedbergh with Kendal.

Specific objections raised concerning the two S5(2) criteria (YDW)

Area mostly to the west of the Lune

- 2.221 Cumbria CC (IS 2427/1&2) The areas shown on maps 4a, 4b and 5 at IS 2427/1 should be excluded. The character of the Lune

Valley changes from north to south with the area between Kirkby Lonsdale and Killington having fewer fields of ancient origin, more modern enclosures and extensive areas of designed landscape. The presence of larger farms prompts the question whether the Rigmaden/Underley area (productive land with better quality, more intensively-farmed land of low biodiversity), has the quality for designation. While it is attractive, is it sufficiently so to designate? Racecourse Allotment has recently been planted with conifers and Kitmere suffers from rhododendron infestation. Some of the adjoining areas to the west, added during the consultation process, do not merit designation and are not visibly connected with the river. The recently-erected Armistead Windfarm (west of the VO boundary) also compromises landscape quality. Taken in conjunction with the relatively poor access, which restricts recreational opportunities here, designation of these areas is not justified.

- 2.222 The inclusion at Kirkby Lonsdale of Devil's Bridge and the footpath to Ruskin's View are simply attempts to gain heritage assets for the YDNP and of no practical benefit. The former is a SAM adjoined by an open space with a municipal quality while the land to the east of the river comprises a car park and highly improved agricultural land. Ruskin's View is in the Kirkby Lonsdale Conservation Area. While CCC is sympathetic to the Town Council's wish not to become a focus for development discouraged within the NP, any extended YDNP boundary should be well to the north of the town, so avoiding any negative impacts of ring-fencing.
- 2.223 CCC appreciates that exclusion of the land described above would result in a boundary defined by the river which may be undesirable because river courses change. It also understands the fall-back position expressed by the landowners for the boundary to be set at the fell walls defining the open access land since this would be simplest for the current land management regime. However, in landscape terms there is a better case for establishing a boundary further to the west of the fell wall using one of (or a combination of) the linear routes up the valley such as the minor road to the east of it (the High Road) or the dismantled railway.
- 2.224 NE response A full response is at NE/5 part 3.2. Logic requires that the YDNP boundary must be moved in a westerly direction in order to overcome the political fudge underlying the original designation. There is no real question about the inclusion of the fells. However, Hobhouse sensibly recommended inclusion of the whole of the Lune Valley. That makes sense because the valley, including the fells on one side, forms a single landscape unit. The combination of fell and dale adds to the variety and interest of this area. The whole of the valley is perceived and appreciated as a single unit whether seen from within (say from the historic parkland) or from the fells. If the fells to the east are included so should be the hills on west side with their open access land, wildlife sites and range of biodiversity and cultural interest. It was

accepted for CCC that the valley had a remarkably well preserved valley pattern and farming landscape and that Old Scotch Road is a 'special road', one of England's ancient highways.

- 2.225 The river itself is not an appropriate boundary as its course can change and this boundary would split the high quality riparian landscape on both sides of it. The river and both of its banks have high biodiversity interest and recreational potential and it would make no sense for identical land on one side to be excluded while that on the other is included. In any case, the west side of the valley makes an important contribution to the whole as it is the landscape setting of the dale.
- 2.226 Issues would also arise if it were decided to try to define an alternative boundary somewhere between the river and the LVLC's fall-back suggestion of the fell wall. Restriction to the moor line would be inconsistent with the approach which was taken towards the boundary of the existing YDNP in the area to the south east around Ingleborough. It would also result in omission of the dramatic entrance to Barbondale, which is an outstanding element of the fells, and fail to reflect changes in the pattern and quality of the landscape, since rough grazing can occur on both sides of the boundary, as can stone wall enclosures. Use of the minor road known as the High Road (suggested by the CCC representative, but without the authority of that Council) would split the Barbon village. A boundary along the A683 would similarly split Carsterton and require an alternative route to be followed along Wandales Lane/ Long Level at that point. However, that would be the least-worst option for a boundary omitting most of the land in the valley itself.
- 2.227 Any departure from the VO involving the deletion of this much land would require further consultation.

Kirkby Lonsdale

- 2.228 Kirkby Lonsdale Town Council (IS 2407/1) The VO should be extended south to the A65, thus including the town of Kirkby Lonsdale and further rural land to the west. The town is a compact architectural jewel including many Georgian buildings within its Conservation Area and a number of key riverside views into the YDW extension. The town provides a walkers'/cyclists' gateway to the quiet lanes and paths of the NP and could gain economic benefits from this. On the other hand, such benefits could be lost if Kirkby Lonsdale were omitted and subsequently became a dumping ground for developments not permissible within the NP. IS 2407/1 includes illustrative views of the town and its riverside setting.
- 2.229 NE response This exceptional, compact, historic town has a notable concentration of high quality buildings and nestles on the edge of Lunesdale, with memorable views across the valley. However, it is inappropriate to include it in YDNP because of the town's size and location at the edge of the enlarged NP.

2.230 The VO boundary brings the YDNP to the edge of the town and includes key views and cultural associations with the wider valley landscape, namely Ruskin's View and the popular visitor attraction of Devil's Bridge. This is similar to the approach at Arundel where the castle is included in the South Downs National Park but the attractive town is not. Exclusion of the town would not prevent it from acting as a gateway to the NP.

Old Scotch Road

2.231 Friends of Eden, Lakeland and Lunesdale Scenery (IS 1857/4) FELLs welcomed the decision by NE, after the consultation stage, to move the western boundary of the extension area out to Old Scotch Road in the section from Kirkby Lonsdale to Killington. However, Old Scotch Road should also be the boundary northwards from Killington to Beck Foot - thus encompassing land at Old Park, New Park and Lily Mere to the south of the A684 and (to the north of it) the upland mass of Firbank Fell and land descending from that to the current VO boundary at Beck Foot. This boundary would be more rational and easy-to-follow and would include several wildlife sites and much open land equal in quality to land within the VO.

2.232 Cumbria Wildlife Trust (IS 1701/1) agrees: it refers to a number of woodland, wetland and upland CWSs between the VO boundary and Old Scotch Road, for example around Lily Mere, New Park Tarn and New Park Moss (a large CWS). North of the A684, Firbank Fell is a CWS area of upland heath and grassland while 'Firbank Verges' CWS (alongside Old Scotch Road) is an area where unusual plants occur, including the rare Spignel. Inclusion of this wider area would safeguard some outstanding scenery and bring benefits to wildlife by including within the YDNP a mosaic of habitats along the general line of Old Scotch Road, complementing those in the section of the Lune Valley to the south (Kirkby Lonsdale to Killington). This would assist integrated land management of the type emphasised in the White Paper 'The Natural Choice' and the Lawton Report 'Making Space for Nature' and be consistent with CWT's aim to engage in local partnership ventures progressing its 'living landscape' concept.

2.233 Friends of the Lake District o/b the Key Supporters Group (IS 2388/3) also advocates extension of the boundary to Old Scotch Road. This is a feature of cultural interest as a 12th century drove road and would provide a stronger boundary for the whole of the stretch between Killington and Beck Foot/Lowgill. The road is not a major through-route and is ideal for safe family, club and casual outdoor recreation. About 44% of the suggested additional area is open access land with very good access from Kendal, Sedburgh and further afield from nearby M6 junction 37.

2.234 NE's assessment of Firbank Fell in 2005 (CD5.18) considered that *'this area forms an extensive tract in association with the landscape to the east and south of which it is a part and continuation.*

Assessment has shown that this area mainly meets the natural beauty and recreation criteria for designation'.

- 2.235 Compared with Old Scotch Road, the VO boundary here is poor on the ground, since it follows fences, current woodland edges and public rights of way. A boundary along Old Scotch Road would better assist planning and land management work.
- 2.236 The landscape here, including Firbank, is not as transitional as portrayed by NE. Firbank Fell has social and historical associations with Fox's Pulpit, just within the VO boundary. The fell and the lower pastoral land to the north of it around Birchfield (which is a focus for several PROW) also have significant visual associations with the nearby Howgill Fells, Lune Gorge and the LDE extension area. By omitting this area with its recreational opportunities and valued views the boundary splits the open access land resource and unnecessarily leaves an isolated block of land between the extended YDW and the M6. The contours and alignment of Old Scotch Road and the M6 (partly within cuttings here) makes the perceived visual and noise disturbance from those sources less significant than may be expected.
- 2.237 Significant recreational resources here include the Dales Way immediately south of Lowgill, and National Cycle Route 68 (Walney to Wear) along the northern part of Old Scotch Road.
- 2.238 In the area to the south of the A684 Lily Mere and New Park Mosses are large CWSs with aquatic flora, several actively growing Sphagnum mosses, areas of willow woodland and flush and spring communities. New Park Tarn is a small tarn with sedgy margins. The commercial forestry plantation at Old Park is reaching maturity and the recent felled areas are being converted to native woodland. Taken together with other mosses, tarns and ancient woodlands to the south (within the YDW area) this whole area forms a complex of upland heath and grasslands, tarns, fens, bogs and ancient woodlands which is valuable for wildlife. It has many of the features of the type of living landscape which the Wildlife Trusts seek to create, where habitats are close enough for species to be able to disperse from one to the other. NPA input would support this and inclusion in an NP would encourage conservation in this area.
- 2.239 The Chair of Killington Parish Meeting (IS 1568) (WR) records that an open Parish Meeting voted by a small majority that it (a) favoured, inclusion of Killington in the YDW extension and (b) considered Old Scotch Road a more obvious boundary. The statement also records the main arguments placed before the Meeting both for and against designation.
- 2.240 The Council for National Parks (2366) (WR), the Yorkshire Dales Society (2403) (WR) F Lee (2415) (WR) and the Dales Way Association (3155) (WR) also advocate this further extension.

- 2.241 Response for NE The area in question comprises evaluation areas 17, 8 and a very small part of 21 as defined in the Area of Search report (CD5.18). These are assessed at pp80-82. Areas 17 and 21 were considered not to meet the designation criteria and were not taken forward for further appraisal. Area 18, centred on Firbank Fell, was considered to 'mainly meet' the two criteria and judged as land to be taken forward for consideration for inclusion but requiring particular scrutiny.
- 2.242 In 2009 area EA18 became candidate area 7 and was re-assessed (CD5.15 pp30-33). This concluded that the eastern half of the area met the criteria sufficiently to be recommended as a candidate for designation but that the weight of evidence is less strong to the west. Consideration was given to the transitional nature of the land, the gradual loss of views of the Lune Gorge and, further west, the impact of incongruous features including the M6, the A684, the Lambrigg windfarm and some telephone masts. A conservatively drawn line was defined within this transition.
- 2.243 Extension to Old Scotch Road north of Killington would be too far to the west in this transition zone. Old Park (south of the A684) is an area of coniferous forestry. Only 3 CWSs would be newly included if the boundary were extended as sought by the objectors. The NE boundary guidance (at CD5.3 Appendix 1) indicates that wildlife habitats can be taken into account in terms of their contribution to a sense of place or an aspect of scenic quality, or if the presence of species contributes to a sense of place, wildness or tranquillity. However, the wildlife sites at New Park and Firbank Fell do not meet this guidance.
- 2.244 The VO boundary to the north of Killington is not hard to follow as it follows stone walls, then the road adjacent to Fox's Pulpit and then stone walls again to Lowgill. These are easily distinguishable on the ground. There are no other appropriate alternative boundaries which can be drawn in this area.

Land at Low Gill Farm, Lowgill

- 2.245 J Bateman (3145) (WR) Low Gill farm house and its out-buildings do not meet the criteria for inclusion and should be excluded. The boundary should revert to that originally proposed in the first consultation stage, ie run along the side road leading to the railway cottages as far as the WCML property fence.
- 2.246 NE responds that it is 'entirely relaxed' about the inclusion or otherwise of this small area of land. If it were omitted from the VO this would be the type of minimal change which the SoS could make without further consultation.

Inspector's conclusions on s5(2)criteria (a)&(b) (YDW)

- 2.247 All the land within the YDW extension area is easily accessible 'in relation to centres of population', far more so than many parts of the existing YDNP having regard to the proximity of YDW to J36-37 of the M6, the A65 and the WCML station at Oxenholme.
- 2.248 The eastern area of YDW mainly consists of unenclosed uplands which (as seen from their highest point at the top of Middleton Fell, from points around Calf Top) form a seamless extension of the nearest fells and dales in the YDNP, sharing their very high qualities of natural beauty and opportunities for open-air recreation for all the reasons identified by NE and its supporters and separated from them only by an artificial boundary cutting across the landscape.
- 2.249 The YDW fells also offer fine outward views across the floor of the Lune Valley and its western slopes. These wide panoramas also take in features beyond the valley itself, including parts of the 'Kendal Low Fells', Morecambe Bay and the Lake District. These long distance views are largely free of visually incongruous features other than Armistead and Lambrigg Windfarms which sometimes intrude into the landscape to various extents depending upon the height and position of the viewpoint.
- 2.250 In my view NE is justified in identifying the whole of the Lune Valley, south to the edge of Kirkby Lonsdale, as a landscape unit possessing a variety of features of both outstanding natural beauty and markedly superior opportunities for open-air recreation, again as identified by NE and its supporters. YDW as a whole is a tranquil area of high landscape and scenic quality containing a wide range of recreational opportunities. Although the valley floor gradually opens out a little in the southern area identified by CCC, with more lush and more intensively farmed land between the valley slopes, I find no merit or logic in s5(2)(a)&(b) terms in CCC's attempt to hive off this part of the highly attractive unit.
- 2.251 In the northern part of YDW the existing YDNP boundary follows the Lune from Carlin Gill southwards to a point near Killington, omitting land on the steep western slopes which is an integral part of the same deep valley unit. Although it is entirely logical that the boundary of the extensive tract should be defined as stretching to the west to include these slopes, it is here that the most dispute exists about the exact reach of the land meeting the criteria.
- 2.252 At first sight it can appear an attractive proposition to identify Old Scotch Road as the western edge of the qualifying 'extensive tract' northwards from Three Mile House to Beck Foot, particularly as this ancient drove road - a clear cultural heritage feature in its own right - already forms the western boundary from Three Mile House most of the way south to Kirkby Lonsdale. However, careful examination of this area leads me to conclude that NE has drawn the boundary

with an appropriate degree of conservatism through an area of transitional quality in terms of the two criteria.

- 2.253 Dealing with the area south of the A684, the natural western edge of the YDW 'extensive tract' (as viewed from the fells to the east) can appear somewhat uncertain. However, from nearer viewpoints the eastern edges of Old Park and New Park appear to represent an appropriately-defined outer edge to the land clearly fulfilling the two criteria. Old Park is a large private coniferous plantation and although substantial areas have been cleared and may possibly not be replaced in the same form, this area does not in itself meet either of the criteria. I therefore support the boundary drawn along the wall enclosing Old Park along the valley side descending from Old Scotch Road towards Killington. New Park is access land with only small areas of coniferous planting situated among larger open areas with various damp habitats as described by the CWT. This area offers easy access to walks where few people are encountered but it is only in the relatively small section on the eastern side of New Park, in the small valley descending past Grassrigg, that there is any real sense of connection with the Lune Valley. Most of the New Park area slopes down towards Old Scotch Road and has long distance views towards the Kendal Low Fells within which the ever-present sight and pervasive sound of traffic on the M6 remove any sense of a truly superior recreational experience. I therefore consider the boundary east of New Park appropriately drawn with regard to the conservatism recommended in the NE guidance (CD5.3). There are no obvious alternative boundaries which would include only the wilder eastern portion of New Park and the VO boundary is therefore appropriately conservatively drawn at this point.
- 2.254 Moving to the north, the VO boundary ascends a side valley of the Lune following walls across some open access land before joining the minor road passing Fox's Pulpit. The large area of open access land at Firbank Fell continues rising beyond this minor road but its summits do not have the same sense of connection with the Lune Valley as that experienced in the hummocky area known as Knotts where there are views north and south down the Lune. In any case, the attractions of Firbank Fell for open-air recreation are compromised by the number of post-and-wire fences dividing the fell, signs of some previous disturbance and deposited rubble, and the constant rumble of traffic on the M6 which carries widely in this area and has an adverse effect on the tranquillity experienced upon the fell even before its various summits are reached. To the west of these high points the fell's qualities against the two criteria are severely compromised by the combined factors of the sight and sound of traffic on the motorway and the Lambrigg Windfarm. Old Scotch Road runs largely alongside the M6 at this point for some 2-3 miles. Whereas the topography of the Lune Gorge between Tebay and Dillicar Common confines transport noise (and the scenic grandeur of that area easily outweighs this detractor) this is not the case here.

2.255 At the northern end of this part of YDW the VO boundary descends from the minor road to Beck Foot following a number of walls. In my view this traces a pragmatic line though the descending landscape. Although there are good views from some points along the short length of the Dales Way to the west and the PROW near Birchfield, the overall quality of the natural beauty and recreational experience here do not justify extension of the VO boundary. Overall, I conclude that there are no grounds for the qualifying 'extensive tract' to stretch outwards to Old Scotch Road between Killington and Beck Foot.

2.256 Turning to the other objections relating to the Lune Valley, Kirkby Lonsdale is certainly a very attractive town, but its urban character does not, in itself, meet the two criteria in s5(2) of the Act. There is no reason within the terms of the NE guidance to include it within the designated area, albeit this may have been different if the town were embedded within the main body of the 'extensive tract' rather than being situated on the periphery. Although the Town Council understandably seeks to safeguard Kirkby Lonsdale's attractions, its status as a Conservation Area should allow the town to continue to preserve and enhance its character and appearance from unsuitable pressures. Non-inclusion would not pose any threat to the town's existing and potential 'gateway' function.

2.257 As for CCC's criticism of the inclusion of Devil's Bridge and Ruskin's View, it seems reasonable in terms of the S5(2) criteria to include the former (a SAM), including its associated open space and car park on the western side of the river and the car park and other land on the eastern side. This heavily-used river-side 'honeypot' is a popular gathering point for motorists, bikers and walkers to view the attractive scene formed by the River Lune flowing under the bridge and over its rocky bed. While it is true that the open space on the western side is simply an area of mown grass, trees and many seats, it is not unreasonable to conclude that the Devil's Bridge area as a whole meets the two s5(2) criteria. [Moreover, anticipating part 3 at this point, in view of the obvious visitor pressures here it would be especially desirable to include this honey-pot within the designated area so that any necessary measures can be taken for s5(1) purposes, including management of visitor pressures in accordance with the Sandford principle.]

2.258 Ruskin's View is on the perimeter of Kirkby Lonsdale, just within the Conservation Area, but its focus is away from the town and across the Lune Valley and the more distant rising fells. This is the starting point for short or long-distance walks outwards from the town into this attractive landscape. The viewpoint, with the steeply-falling land in front of it, therefore forms an integral part (albeit the outermost part) of an extensive tract meeting the two s5(2) criteria.

- 2.259 Turning finally to Low Gill Farm, the photographs submitted with the objection (3145) illustrate the nature of the farmhouse and its outbuildings on a triangular island site with the B6257 on one side, the railway and (beyond that) two M6 bridges on the second, and a minor road along the third. Judged in itself the site does not meet the s5(2) criteria although since the land is right on the perimeter of the YDW extension it could be argued that the B road is a more obvious limit to the 'extensive tract'. However, NE does not wish to press the point (see para 2.246) and the side road is also a permanent feature on the ground. In the circumstances I see no reason for the SoS to resist this objection and agree with NE that the VO could be made subject to the necessary small modification described at para 2.245 without further consultation.
- 2.260 My overall conclusion is that (with the minor exception covered in the preceding paragraph) all the land within the YDW extension meets the s5(2) criteria in terms of its natural beauty and the opportunities it affords for open-air recreation having regard to its character and position in relation to centres of population. The issue of 'especial desirability' is dealt with at part 3.

PART 3

'ESPECIAL DESIRABILITY' OF DESIGNATION

Introduction

- 3.1 As indicated at paragraph (vii) in the introduction to this report, the main concern of many objectors is that it is not (in the terms of s5(2) of the Act) '*especially desirable that the necessary measures shall be taken for the purposes*' specified in s5(1), that is: the statutory National Park purposes '*(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area and (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public*'.
- 3.2 This part of the report summarises the matters raised by objectors concerning 'especial desirability', commencing with the cases for the objectors, followed by the case and response for NE, the cases for the two NPAs and the cases for other supporters of the VOs.

The cases for objectors

- 3.3 Rural Solutions o/b the Lune Valley Landowners Consortium (LVLC)(3150 and IS 3150/1-6) comprising Lord Shuttleworth of Leck and Barbon Estates (3150.1 and IS 3051.1/1-2), H Bowring of Whelprigg (3150.2 and IS 3150.2/1), P Robinson of Fairthwaite Estate (3150.3), A Middleton of Leck Fell Farm (3150.4), C Harrison-Beck of Middleton Estate (3150.5 and IS 3150.5/1-3), M Wilson of Rigmaden (3150.6 and IS 3150.6/1-3), and S & P Pease of Underlay Estate (3150.7 and IS 3150.7/1), supported by C Southard (1625 and IS 1625/1) A letter dated 6 May 2004 from Alan Michael MP to the Chair of the Countryside Agency (NE's forerunner) states (NE/5 App 3) '*Ultimately, boundary changes should be rarely needed and the evidence that the tract of land has become suitable for National Park designation must be compelling*'. NE has failed to provide the kind of compelling evidence required to show the need for designation.
- 3.4 NE did not apply the 'especially desirable' test properly (see IS 3150/1 paras A4-A10 & B1-B15). It seemed to begin with the assumption that if the two criteria at s5(2)(a)&(b) are met, it must follow that designation is required to meet NP purposes. The NE assessment guidance (CD5.3) gives very little coverage of especial desirability, but instead places overwhelming emphasis on methods of assessing natural beauty and open-air recreation. NE struggled to provide a theoretical example of an instance in which the criteria might be met but designation would not be especially desirable.
- 3.5 The NE Board minutes of 2011 show that the decision to designate was made following work done by Farmer and Martin in 2009, applying the guidance then emerging. Building upon that approach

the later Farmer and Martin report (2011) identified a series of issues affecting special qualities and understanding and enjoyment in the candidate extension areas (CD5.15 table 4.3.2).

- 3.6 The issues affecting the YDW extension area were limited in number and scope. There was no specific additional evidence to support their inclusion in the table and no impact assessment to determine what type or scale of negative impact these issues would have on NP purposes. When pressed NE could give only very limited specific examples such as some damaged parkland fencing and trees. There was no real explanation about changes that had occurred or were likely to occur. Some features of concern to NE, such as lost field boundaries, had no long term cultural or historical value, while an assumed need for peat restoration showed a lack of local understanding. There is very little peat here and it is not in need of restoration.
- 3.7 Table 4.3.2 provides no evidence to suggest that protection of the area's special qualities is best pursued by designation. Most of the YDW area has been long managed and cared for by successive generations of landowning families and tenant farmers. For example, the Wilson family has been at Rigmaden since 1825. The area's natural beauty, including its protected wildlife and well-preserved cultural heritage, results from long, careful stewardship by its owners. Nothing should be done to impede the successful continuation of that assured position. This voluntary action is better than so-called experts coming in from elsewhere to issue directions.
- 3.8 All the landowners have carried out careful, sensitive, co-operative management of their land, reflecting dedication and commitment to their status as its temporary custodians. Substantial investments have been made over many decades, keeping the land in good and improving order. SAMs and many listed buildings have been maintained in good condition in consultation with the responsible statutory bodies (and some houses and grounds opened to the public on occasions); compatible new buildings have been provided; miles of stone walls have been rebuilt with grant aid over the past 20 years, stocking rates on the fells have been reduced and rotational heather burning has permitted the gradual resurgence of grouse; a thriving herd of about 80 red deer is maintained on Middleton Fell; hundreds of acres of SSSI have been cared for; parkland trees have been replaced and woodland has been managed and supplemented, recently including mixed broadleaved species (eg 100+ acres taken out of grazing at Rigmaden, where regular hedge-laying also takes place); pheasant shoots are managed in accordance with conservation principles; conservation work is undertaken with the Lune Rivers Trust and the Environment Agency to stop animals grazing close to the water in order to stabilise the bank and permit the provision of new wildlife-friendly habitats, thus allowing a small population of otters to thrive; habitats for spawning salmon are protected and a salmon & sea

trout hatchery is operated; other conservation work, including educational projects, is undertaken in association with various appropriate bodies.

- 3.9 All these efforts support a balanced community of successful self-sufficient family farming businesses, many now diversified into a range of other activities, not necessarily reliant (or needing to be reliant) for their maintenance on tourism and its often low-paid seasonal jobs. This community does not need the further input of the NP duty to seek to foster its economic and social wellbeing. If it becomes harder for locals to remain living in the YDW extension area, community cohesion will be undermined and losses will occur in the human capital, knowledge, care and resources necessary to maintain the natural beauty, wildlife and cultural heritage.
- 3.10 The overwhelming majority of the land in YDW is already subject to stewardship agreements and there is no proof that designation would afford further protection. As a result of landowners' efforts the natural beauty of the area has been sustained intact since the time when the current extension areas were omitted from those originally designated after WW2. The excluded areas have since been well-protected by the current stewardship arrangements and present planning/conservation restrictions and designations. It seems that present attitude is *'nice job, now we'll take it from here'* (IS 3150.7), whereas the approach should be *'if it ain't broke don't fix it'* (IS 3150.2).
- 3.11 The standard form of objection submitted by many signatories in the Upper Lune Valley echoes this point: (a) *'We have a very different landscape and farming practice from those in the Yorkshire Dales and are therefore not likely to achieve any economies of scale or synergies.'* and (b) *'The local community have tremendous pride in their surroundings. They have a proven track record of managing, maintaining and progressing the landscape for generations. There is a great sense of ownership. We are in fact asking for nothing. If it ain't broke, why fix it? Leave things as they are and the area will continue to prosper socially, environmentally and economically at no extra cost to the taxpayer.'*
- 3.12 The following objectors (all WR) also generally support the views of LVLC and the above signatories concerning factors leading to a lack of 'especial desirability' for designating the Lune Valley as part of the YDNP – R Murray (16), M MacKinnon (22), R Cannon (925), C Barrett (1046), R Harris (2445), R Weihmann (2451), G Keeble (2468), J Swift (2475), J Sanders (3157) and M Sanders (3205).
- 3.13 Returning to the LVLC's views, the comment at table 4.3.2 of CD5.15 that the area *'would benefit from land management advice'* is a serious affront to the day-to-day managers of the land at YDW (IS3150.7). Many of NE's examples of land management issues in the Lune Valley could not be substantiated and NE gave no specific examples of the main priorities or objectives that integrated NPA

management would address beyond generic issues endemic in upland areas generally. Many of the issues identified in table 4.2.3 were of marginal importance. Landowners were addressing some and could address others. Many had only limited impact on NP purposes and did not affect the area's special qualities.

- 3.14 NE's view appeared to be that '*we could do better*' through '*integrated management*', a '*raft of things*' and '*our holistic approach*'. There is no indication that an NPA could manage the area better. The heralded '*integrated management*' would add to public and private costs and bureaucracy without commensurate benefits and be especially inappropriate at a time of significant present and future cuts to public sector budgets.
- 3.15 It is unacceptable for NE and the NPA not to say what would happen if designation occurred and merely state that this would be decided later after public consultation. This is an undemocratic top-down approach. It should be stated now what the priorities would be.
- 3.16 Farmers already seek land management advice from the most suitable experts such as the Forestry Commission in the case of woodland planting. Commoners are linked through the Cumbria Commoners Association and their local groups such as Middleton Commoners, and there is collaboration at all levels between farms and estates and with all statutory bodies and agencies. South Lakeland DC is an accountable, knowledgeable and helpful planning authority based less than 10 miles away and its thoughtful and careful decisions are visible in the well-designed agricultural and other buildings visible in the area. There is no need for another tier of bureaucracy.
- 3.17 Designation of the VOs is therefore a misguided, inappropriate, unnecessary and spendthrift idea, opposed by the majority of the bodies and individuals who would be most affected; it should be rejected (3150.2 and IS 3150.2).
- 3.18 If it is '*especially desirable*' to designate, it must be shown that real benefits will flow - either that (a) something detrimental would occur without designation, or (b) something necessary, but not currently deliverable, will not happen (3051 and IS 3051.1). NE has not done this. There are no serious indications that either of the two original purposes of designation are under material or immediate threat. A few issues are identified that can be (or have been) addressed but these do not need an NPA to tackle them. On the other hand, if agriculture or the local economy were to come under more stringent management as a result of designation, the landscape loved by the public could degrade (3051.7 & IS 3051.7).
- 3.19 The LVLC quotes examples of many ways in which its members facilitate use of the area for recreation. Since the CROW Act came into force a large amount of open access land (Middleton, Barbon,

Casterton and Leck Fells) has been available to the public and this is well-known and well-used as such. Next year, as a result of Mr Harrison-Beck's negotiations with fell-running groups, about 1000 runners and their supporters will take part in an event on his land. Cycling is popular in YDW and the roads, lanes and tracks are easily accessed for that purpose.

- 3.20 Lord Shuttleworth (IS 3150.1) and the Bowring family (IS 3150.2) have allowed free access to the extensive Easegill Caving system (the longest in Britain) since WW2. Bullpot Farmhouse is now leased to the Red Rode Caving Club by H Bowring as a base for its activities. The number of recorded groups given access to the system rose from 90 in 2007 to 204 in 2012, showing this to be a successful, well-monitored sport without need for NP status.
- 3.21 The landowners have repaired and installed bridleway gates and footpath gates/styles, in some cases in direct answer to requests for improvements by users. These public rights of way (PROW) are well-used but not over-used. NP status would make no difference to their public accessibility. Underlay Estate provides permissive access to Devils Bridge at Kirkby Lonsdale allowing thousands to enjoy the River Lune. However, intensive livestock rearing in the Lune Valley may not be compatible with increased use by walkers and could bring pressure for more fences to control movements.
- 3.22 YDW is not suitable for anything but very low level recreation and could not be adapted to mass usage. Where recreation opportunities exist this is because YDW is perceived as a tranquil undeveloped area, attractive for the very reason that it does not have the 'hustle and bustle' of an NP. This is a working landscape, not a Disney Park. NE does not seem to accept that designation would generate additional visitor activity as has occurred in the existing NPs. NPAs promote tourism, as the statements of the NPAs make clear, and visits to the newest National Park have increased substantially in the last ten years. Additional pressures of cars, people (including second-home owners), more activity in the shape of road dangers, noise, litter, damage, uncontrolled dog-walking, wear and tear, and erosion would destroy many of the peaceful qualities currently enjoyed by users of the YDW area. It would damage aspects of natural beauty which the landowners have done so much to nurture and improve as described above. If designation leads to an increased focus on tourism, estate owners and managers are likely to shift their management towards meeting the needs of (and defending against the impacts of) tourism rather than on sustainable land management to deliver private and public good.
- 3.23 Of the roads in this area only the A683 is wide enough to accommodate passing vehicles, so the Lune Valley is not easily accessible to walkers. Moreover, the only real parking is at Kirkby Lonsdale. The A683 is a dangerous twisting road, narrow in places, along which traffic sometimes travels too fast. The road has a bad

record of fatalities for motorcyclists, groups of which gather at the edge of Kirkby Lonsdale. Elsewhere throughout YDW vehicles can have great difficulty in passing because of the extreme narrowness of most of the lanes. This is especially so at silage times. Even cycling can be dangerous on the country lanes and cause litter eg discarded drink tubes. These issues could only be addressed by creating new car parks (with major visual impacts), imposing insensitive yellow lines in currently quiet villages, and accepting uncontrolled parking on rural verges with resulting damage to their biodiversity value. The car park at Dent (in the YDNP) provides an unfortunate example of the unnatural use of a field, while a current application to use a field on the edge of Kirkby Lonsdale for a car park, café and retail outlet exemplifies the pressures that the YDW extension would bring.

- 3.24 Recreational canoeing is permitted informally on the Lune through the Rigmaden and Underley Estates. However, success relies on numbers being limited; increased pressure though NP status would create problems in trying to maintain the current delicate balance between recreational pursuits such as canoeing, fishing, and wildlife (eg the local otter population). Fishing rights are exercised by riparian owners in co-operation with the Yorkshire Fly-Fishing Club and the tranquil setting is prized.
- 3.25 Issues identified by NE concerning the recreational potential of the area are merely aspirations for the future, not current ones needing to be addressed. The infrastructure and expense necessary to provide a nature trail along the Lune would be vast and the high banks, steep drops and deep water could cause health and safety issues (IS 3150.7).
- 3.26 Overall, the achievement of the second NP purpose would come at too high a cost in damage to the first. As it is natural beauty which takes statutory priority it is not especially desirable to designate.
- 3.27 Since the first NPs were established under the 1949 Act, legislation and policy has caught up with the need to conserve and enhance natural beauty, including wildlife and cultural heritage. A wide range of bodies including NE, English Heritage and local authorities have statutory responsibilities and programmes covering these matters, and the CROW Act has been passed. Designation is not now 'especially desirable' and would damage the area rather than conserve it.
- 3.28 As has happened in the existing NPs, an influx of inexperienced and unsympathetic visitors will undermine the well-being of the natural wildlife, cause serious erosion of footpaths and summits (so requiring expensive reinstatement works). The NFU shares similar concerns (IS 3214/1) and refers to the phosphate pollution that can arise from detergents used in hotels, B&Bs, holiday cottages, overloaded rural septic tanks and sewerage systems, now necessitating the 'Love Your Lakes' project focussing on this issue.

- 3.29 On the alleged benefits of designation in securing a 'strategic approach' to the two NP purposes in relation to the Lune Valley, an NPA is an unnecessary, cumbersome alternative. There is already evidence of cross-estate working and there are other proven methods of achieving strategic management such as the Solway and Morecambe Bay Partnerships. Current management and policy frameworks in YDW are perfectly adequate and it has been shown by experience that landowners can work collaboratively with agencies and the community to deliver stewardship, encourage conservation and enhancement, manage recreation, and promote local economic activity. The Yorkshire Dales Millennium Trust has already applied some of its funds outside the designated area and could do more locally if necessary.
- 3.30 Whereas the landowners have demonstrated the level of investment that they make and will continue to make, it is not obvious that the management or condition of land in YDNP is better than that of YDW. YDNP funding is being reduced and YDNPA is clearly frustrated in the progress it is making with Defra to secure the funding it considers necessary to take on the responsibilities of an area increased by 25%.
- 3.31 The NFU (IS 3214/1) also questions the socio-economic benefits of designation, suggesting that most of the work generated by designation is low-paid, part-time or seasonal and done by foreign migrants. At the same time it attracts people to move to the area, especially retired people with the time and resources to get involved in local Councils and other groups who thereby have an unbalanced influence over the lives of the local community.
- 3.32 Cumbria CC (IS 2427/1&2) 62 years elapsed between the Hobhouse Report in 1947 and NE's decision in 2009 that these areas are still worthy of designation. Therefore the present conservation and land management arrangements must have been sufficient to maintain the special character of the extension areas, without designation. Continued conservation of these areas simply requires the present regulatory and farming regimes to continue. This view is shared by J Pighills (2277) and G Wilson (2383).
- 3.33 The various functions, projects and initiatives which an NPA can perform are already (or can be) offered on a like for like basis by similar services and statutory bodies. Some records to which the NPA needs access (eg archaeology and biodiversity) are held by CCC. The extension areas include many commons for which CCC is the Commons Authority. Such land is very well protected through complex legislation dating back to the 13th century. Commons regulation is improving through various mechanisms including the Commons Act 2006 and the imminent establishment of a Cumbria Commons Council, with support from Defra. Much of this land has been open access land since the CROW Act 2000. Over the past decade or so agri-environment schemes, including Higher Level

Stewardship (HLS) schemes (already covering much of the land in the extension areas) have enabled farmers to improve the management of heritage and biodiversity assets within their holdings. The large number of other designations (eg SSSI, SAC, Ancient Woodlands, Listed Buildings, Conservation Areas, Scheduled Monuments, Town & Village Greens) enables a far higher degree of protection and understanding, without NP designation, than was available in 1947. As a result there is far less need (and no convincingly argued case) for designation now.

- 3.34 Although it can be argued that designation will potentially bring greater resources for NP purposes by closer targeting of grant assistance, this will compromise existing resources available to authorities in the area, especially those available in the non-designated environment. The SEA undertaken by NE concludes that quite minor positive effects for the extended NPs could cumulatively become significant ones over time but there is little evidence for this. Historic environmental and biodiversity assets are managed by their responsible authorities to the same standards both inside and outside NPs. With regard to economic benefits, the SEA was inconclusive. Other studies have also been unclear on this point. At best, the slight benefits for tourist-related businesses may be offset by disbenefits for others.
- 3.35 The LDS area is already sensitively managed in relation to its landscape assets, cultural heritage, biodiversity and recreational potential, much of it by the National Trust. This begs the question why it is especially desirable to designate it. Designation is unlikely to make much difference one way or the other. The only farming benefits likely to be secured here are those resulting from the area's inclusion in the new MBNIA which will ensure a focus on improving biodiversity. NP status may attract more cars onto the local quiet lanes currently enjoyed by walkers and cyclists and make them less accessible to such users. NE has not convincingly explained why designation is especially desirable in the above respects.
- 3.36 It is unnecessary to designate the LDE area to secure its longer term conservation management. There is no threat to the natural beauty of the area. The Winash Windfarm proposal was dismissed without NP status and the Cumbria Wind Energy Supplementary Planning Document (SPD) anyway finds the LDE landscape inappropriate for large scale wind energy development. The landscape is already well protected, much being common land and CROW land and 20% covered by national/international wildlife designations. 80% benefits from a variety of agri-environment schemes. The existing two NPs already serve the open air recreational needs of nearby major population centres and increased use of LDE could endanger this fragile landscape. In practice designation would make very little difference to this area or its future stewardship, albeit that there is some local support for designation.

- 3.37 With regard to the LDNP extensions, the Lake District is 'in the ring' to be the next British candidate to be submitted (in about 2 years time) for consideration as a World Heritage Site. Adding areas to the LDNP could cause confusion in this process.
- 3.38 It is not especially desirable to designate YDN in order to secure its longer term conservation management and it is highly questionable in terms of further developing the area for outdoor recreation. It is accepted that there is no discernible difference between the designated former 'West Riding' Howgill Fells and the undesignated Langdale Fells (previously in Westmoreland) which collectively comprise the Countryside Character Area known as the Howgill Fells. They have the same scenic qualities, are mostly all registered commons, and have the same issues of erosion, relatively poor biodiversity and historic conversion from heather moor to species-poor sheep-grazed grassland. Clearly, designation has made no difference to the way in which areas on both sides of the present NP boundary have evolved. This raises questions about the desirability of designation albeit that because of the low population and the nature of upland farming, designation would not make much difference to many people or to the local economy.
- 3.39 However, the Ravenstonedale and Orton Fells area are far more populous and their local economies more diverse. In these areas designation would have an adverse impact on the viability of farming and the potential of local service centres to develop their economies. It is generally agreed that it is difficult to define the northern boundary to the Orton Fells, thus raising the potential for the non-designated areas to be afforded less protection in future.
- 3.40 About 50% of the Orton Fells extension area is registered common land, protected limestone pavement or protected wildlife designations and about 90% is covered by agri-environment schemes, so the area is already well protected. The Cumbria Wind Energy SPD identifies the area as inappropriate for large scale wind energy development. There is already access to most parts of the Orton Fells but (apart from the Coast to Coast route) the area is not especially well used for walking and the needs of the farming community and the fragility of the protected areas may restrict more robust forms of outdoor recreation. Existing NPs already serve the nearest conurbations and attract people away from the YDN area, so negating the desirability of its designation. Desired improvements such as the Pennine Bridleway can be achieved without designation.
- 3.41 It is difficult to see what designation as an NP would achieve beyond some improvements in promotional branding and way-marking. Any requirement to coordinate the management of the sensitive landscape of Orton Fells would be more cost-effectively achieved by designating them as an AONB, as suggested by Friends of the Lake District in 2007. The area is large enough to make this

viable and would retain a Cumbrian identity and focus, thus avoiding the problem of subsuming it into the YDNP with the resource, branding and other issues raised by North Yorkshire County Council and Richmondshire Council.

- 3.42 Given the lack of need to include YDN into the YDNP for NP purposes, coupled with the negative impact on infrastructure development and housing affordability and the differences in cultural identity, it would be irrational to proceed with designation.
- 3.43 Turning to YDW, designation of this area is not especially desirable because it is unnecessary to secure its longer term conservation management and there is no demonstrable need or demand for increased public access for outdoor recreation. The vast majority of the fells are registered common land and the lack of physical differentiation between the higher fells and the adjoining area of the YDNP indicates a lack of need for NP extension in order to preserve the special qualities of the landscape. Although the numerous historic environmental assets of the area have so far been poorly understood and appreciated, an English Heritage survey at Casterton Fell followed by aerial photography by CCC is likely to lead to large areas here being designated as scheduled monuments, as at Leck Fell. Much of the upland is covered by agri-environment schemes. The Cumbria Wind Energy SPD identifies the fells to the east of the Lune as inappropriate for large scale wind energy development and the Lune Valley as unlikely to be appropriate because of its close proximity to YDNP. Although the area is accessible to urban conurbations these are already served by the NPs as well as by the Arne & Silverdale and Forest of Bowland AONBs. As there are no clear conservation benefits or access needs it is unreasonable to risk the disbenefits which may accrue from designation, including infrastructure issues at the southern end of the Lune Gorge and the effects on housing affordability.
- 3.44 Overall, NE failed to offer hard evidence of ways in which designation would improve the conservation land management of the areas covered by the VOs; it offered only vague aspirations and uncommitted promises against a background of further cuts in Defra's budget. Although those supporting designation appear to expect to receive increased support from the NPA, it is questionable whether this expectation will be met.
- 3.45 At times NE wanted to 'have its cake and eat it' insisting that designation would improve the protection of the special qualities of the landscape while on the other hand claiming that it would not be especially restrictive of development, or different in planning terms to policies affecting undesignated areas. This is not so; designation acts as a ring-fence which places greater pressure on other areas and risks a reduction in the quality of their environments. The present regimes covering the VO lands have been successful in conserving them so there is no reason to alter them. Resources

should not be redirected to the designated areas while at the same time public sector cut-backs have reduced, and further threaten, the resources available to support existing programmes elsewhere, which are aimed at the same conservation objectives.

- 3.46 Much of NE's argument for designation appears to focus on the ability of an NPA to improve access by better footpath maintenance and improved signage. NPAs may be better resourced to further NP purposes and in some areas CCC's PROW network may compare unfavourably with that in NPs but in others (eg Ravenstonedale and Mallerstang) it is well-maintained and way-marked. As shown in the case of the footpath at Huck Bridge, CCC worked well with the LDNPA to prioritise repair of flood damage.
- 3.47 NE focused too much on the natural environment aspects of natural beauty, downplaying the landscape's cultural dimensions, including the way in which the pattern of enclosures and cultivation can be read to interpret its evolution. It also shows that NE lacks (a) appreciation for the human links to place and market which are a key feature of the landscape, its farming community and its sense of belonging, and (b) knowledge of, and sympathy for, the cultural differences between the fells now known as the Howgills on either side of the existing YDNP boundary, once the dividing line between the West Riding and Westmoreland.
- 3.48 The Country Land and Business Association (CLBA) (IS 2447/1) has over 100 members owning 100,000+ acres in the extension areas, as well as members involved in rurally-based businesses, some in the visitor economy. CLBA's members at LDE & YDN are 50:50 for and against designation of these more 'natural' extensions. There is a feeling in these areas that upland farms cannot be sustained by farming alone. Many such farms are only kept viable by the current Single Farm Payment Scheme, the future of which is currently being debated in Europe. Farms and small business members in villages like Ravenstonedale and Orton are dependent on visitors and tend to see designation as a benefit which could lead to potential new income streams from environmental payments and diversification.
- 3.49 On the other hand, landowning members at LDS and YDW are strongly against designation. It is feared that this would offer no benefits and that any increased economic activity will go to towns just outside the designated area. Members also believe that planning decisions will be more restrictive, forcing additional delays and costs upon landowners mainly for the benefit of others. This could threaten the long-term sustainability of individual farms and businesses and have adverse effects both on the future of the protected landscapes and on Defra's drive for growth in the rural economy. Negative landscape effects are also feared from traffic, parking, signage and toilets.
- 3.50 NE, the NPAs and the KSG overstate the effect of designation on the achievement of desirable environmental outcomes from

adoption of HLS, Catchment Sensitive Farming and Peat Restoration Projects. Such schemes are also available outside NPs. Rights to walk upon CROW land rights are the same whether or not land is designated, yet there can be a perception in NPs that 'anyone can walk anywhere', which can be harmful to animals, crops and field boundaries. In relation to educational projects, it is proximity to population centres that is critical (rather than the existence or otherwise of an NPA) since schools and other educational groups are often restricted by time and finance.

- 3.51 National Farmers Union (3214 & IS 3214/1) Some members have 'core' farming businesses, others diversified businesses targeting tourism. The latter see the VOs as a positive idea. However, this is not the view of the majority of the significant proportion of all such businesses in the extension areas represented by NFU. There is particular opposition from members in the southern part of the YDW area (ie the area mainly farmed by members of the LVLC).
- 3.52 The need for the extensions has not been justified. Much of the land in the extension areas is already protected by SAC and SSSI designations or Environmental Stewardship. The NFU supports the LVLC concerning the likely loss of local environmental knowledge if increased restrictions lead to fewer local people being able to remain in the area. Public enjoyment and understanding is already adequately facilitated by the CROW land and the PROW network in these areas.
- 3.53 The NFU foresees tougher planning restrictions within an NP and regards this as a cause of concern. NFU members operating within NPs report greater difficulties at every stage of the process: lengthy and detailed pre-application discussions and additional restrictions on materials adding to building costs, the length of the construction phase, and future maintenance liabilities. Others express similar concerns eg G Wilson (2383) and D Murray (2438) who fears 'fundamentalist environmentalism'.
- 3.54 C Wilman (IS 3050/1) (WR) All of the NP extensions are undesirable. Designation brings no grants that are not already available, and advice on PROW management is also available already. Increased public expectations about rights to use the countryside, its PROWs and rural lanes will bring problems. No benefits can be perceived from designation.
- 3.55 V Bayliffe (IS 3215/1&2) It is not especially desirable to designate the YDN and YDW areas. These areas are not within the Yorkshire Dales Natural Area. NE's case is weak and unproven and local people are not as in favour as NE suggests. A lot of Parish Councils sat on the fence. The extension areas are adequately protected by the existing planning regime and already offer opportunities for open-air recreation. Designation does more harm than good in the modern age by attracting too many people ('causing an overbearing awareness of an area's existence'). An NPA's encouragement of

tourism creates many negative impacts - more vehicles, litter, honeypot areas, footpath erosion and crowds of people who destroy tranquillity and wildlife. Unless there is assured funding the NPA will not be able to counter the disruption to the countryside and to local towns and villages. The high number of new VAT registrations noted in NPs may be linked to short term/transient businesses that are quickly sold on.

- 3.56 The Association of Rural Communities (ARC) (IS 2389/1) The ARC was set up in 1995 as a watchdog on the activities and decisions of the YDNP.
- 3.57 Mining and quarrying have left their mark as a unifying factor in the present YDNP and have created some fascinating SSSIs. These activities are not shared with the proposed YDNP extension areas.
- 3.58 Contrary to NE's claim that designation adds no new regulatory restrictions, it recently cost a YDNP farmer £17,000 to gain permission to extend his dairy farm. It is far more costly and much harder to run a modern farm in an NP compared with the overheads faced outside. Farmers in NPs get no quicker or better access to grants and many, after bitter experience with the NPA, will never take part in an NPA scheme whatever it offers. The NPA does not always have the necessary credibility or expertise and some schemes have little uptake or impact.
- 3.59 NPAs, unlike District Councils, cannot turn to in-house building control, environmental health and other experts. District Councils, through AoNBs, can be far more effective at administering areas of special natural beauty such as Nidderdale and the North Pennines.
- 3.60 Attracting more people to visit the Dales does not benefit that many farmers as diversification into tourism diverts attention from what they do best. Tourist businesses are mainly run by recent incomers to the Dales.
- 3.61 The Three Peaks Walk used to be a way of quietly communing with nature but is now difficult to enjoy as it is so heavily used for many months of the year. Even some less-used paths on Whernside are like moving bogs. Compared with the YDNP the large tracts of open moorland and high fells in the North Pennines AoNB offer far more solitude. In view of what has happened along the Three Peaks Route the better way of protecting the Orton Fells, the Northern Howgills and Mallerstang would be to designate them as AoNBs.
- 3.62 The Association of Caravan and Camping Exempted Organisations (889) (WR) considers that designation would be counterproductive to communities, lead to a loss of tourism and a harmful effect on local economies.

- 3.63 K Smith (1270) (WR) is concerned that designation of the extension areas will make it harder for wind energy schemes to get off the ground if they are within sight of the extended boundaries.
- 3.64 F Broughton (1448) (WR), a volunteer with the YDNP, considers that extension of the NPs would lead to dilution of their landscape character, a loss of focus in the NPAs' objectives, and a thinner spreading of resources in order to cover areas not critical to the two NPs' intrinsic characters.
- 3.65 A Lewis (1717) (WR) considers that the extensions could stretch for many miles without including all the landscape of great interest. It is better to 'police' a representative smaller area rather than over-reach and create a burdensome bureaucratic nightmare.
- 3.66 J Wilson (2300) (WR) considers NPAs bureaucratic creators of a genteel Victorian 'Beatrix Potter' type of tourism. This stifles the area's natural evolution into modern activities such as adventure tourism.
- 3.67 D Murray (2438) (WR) considers that a pre-condition of designation should be legislative change to place promotion of the economy and well-being on an equal footing with environmental conservation. It seems that industrial archaeology is something to be supported but that productive creation of jobs for today, even if of a proportionate scale and well-landscaped, is frowned upon.
- 3.68 R Stephens (3152) (WR) considers that designation would cause the extension areas to lose their tranquillity and sense of continuity and become just another part of the heritage industry. LDE has some affinity with LDNP (and YDW with YDNP) but the Orton Fells have only tenuous affinity with YDNP. CCC and Eden DC are capable of conserving and enhancing the natural beauty of the Fells and the consultation did not show 'general support' for designation.

Case and response for NE

- 3.69 The main sources of material on this issue are at:

LDS extension (listed from the oldest to the most recent) CD 5.26 (p65-66), CD.5.15 (tables 4.3.1 & 4.3.2), CD5.16e (part 3), NE/3 (parts 2.3-12, 3.1-15 and 4.8-12).

LDE extension (listed from the oldest to the most recent) is found at CD 5.26 (p49-50), CD.5.15 (tables 4.3.1 & 4.3.2), CD5.16e (part 2), and NE/3 (parts 2.3-12, 3.1-15, 4.7 and 4.10-12).

YDN extension (listed from the oldest to the most recent) is found at CD.5.15 (tables 4.3.1 & 4.3.2), CD5.16e (parts 5&6), NE/3 (parts 2.3-12, 3.1-15, 4.3 and 4.10-12).

YDW extension (listed from the oldest to the most recent) is found at CD.5.15 (tables 4.3.1 & 4.3.2), CD5.16e (part 4), NE/3 (parts 2.3-12, 3.1-15, 4.3 and 4.10-12) and NE/5 part 3.2.

- 3.70 LVLC's reference to Alan Michael's letter (2004) misunderstands its purpose, which concerned whether or not to embark on a project for boundary change, not the s5 test. Anyway, the "compelling" point relates to '*evidence that the tract of land has become suitable*' for designation whereas the extension areas have always been considered suitable for some form of designation but have simply failed to achieve it.
- 3.71 The SoS's decision on the South Downs National Park in 2009 came well after Alan Michael's letter. It is clear from that decision that the letter was not regarded as affecting the substantive decision on that designation and, in any event, a Ministerial letter cannot rewrite primary legislation.
- 3.72 Statute vests NE with the discretion to make the judgement about whether designation is 'especially desirable', subject to review by the SoS. The Act does not define the factors which contribute to a decision on especial desirability. The phrase has to be given its normal meaning, albeit that the qualification 'especially' implies a high threshold (see CD5.3). Essentially, especial desirability needs to be related to the achievement of NP purposes since those are the areas in which an NPA can make the greatest difference (NE/9 paras 44-51). However, the SoS's decision on the South Downs National Park shows that the question is really one of desirability pure and simple. In that case close proximity to London was sufficient reason to make it desirable to designate (CD3.15 paras 22 & 32).
- 3.73 The inquiry was only necessary because 5 local authorities objected to the orders, but only one person spoke for all of them at the event. The authorities' written representations were superficial and had the appearance of going through the motions, perhaps because they were lost causes from the outset. Overall, the local authorities and the LVLC were only able to mount a case by misrepresenting NE's position, setting up hurdles not found in the Act and answering a case NE was not making. It is notable that South Lakeland DC and Lancaster City Council did not object. (NE/16 paras 2-10).
- 3.74 As described at NE/5 part 2.1, some objectors have misapplied the term 'especially desirable'. Cumbria CC and the LVLC (3150/1) refer to 'necessity' rather than especial desirability and seek to apply an excessive test of 'compelling evidence' or a 'burden of proof' which does not exist. Lancashire CC (2439) expresses the view that the extensions are not 'required'.
- 3.75 NE's guidance (CD5.3, table 5) provides practical pointers for considering 'especial desirability'. The 5 questions posed by the guidance include (1) Are there extensive tracts of land satisfying

the statutory tests relating to natural beauty and open-air recreation and (2) Are the tracts of such significance that NP purposes should apply to them? In both cases the answer is 'yes' (see NE/3 parts 3.11 and 3.12).

- 3.76 A 3rd question asks (see NE/3 part 3.13) what issues affect the areas' special qualities, understanding and enjoyment. These are identified as including changes in land use and enclosure patterns, risk of loss of biodiversity, eutrophication of watercourses, loss of historic structures and features including earthworks, heavy grazing of moorlands, disturbance and trampling of natural heritage interests, loss of tranquillity and risk of erosion, and loss of key vistas due to inappropriate woodland planting.
- 3.77 The 2009 assessments evaluated the management issues and pressures concerning NP purposes for the individual extension areas (CD5.15). Updated assessments of management issues, needs and opportunities for the individual areas are set out in NE/3 (see 4.3 for the YDN, 4.5 for YDW, 4.7 for LDE and 4.9 for LDS). In looking at such matters it must be remembered that designation is a long-term prospect going well beyond current plans and projects.
- 3.78 A 4th question asks (NE/3 part 3.14) whether NP purposes are best pursued through the management powers and duties coming with designation. Given the importance of the extension areas for natural beauty and open-air recreation, allied with the importance of achieving NP purposes within these areas, it is clear that work on conservation, enhancement and promotion is best done by the two NPAs. The present authorities do the best they can and undertake some good work but the NPAs are by far better suited organisations to achieving the statutory NP purposes. The two NPAs here already exist and (unlike the new designations at the New Forest and South Downs) it is unnecessary to speculate about what they could do. The existing local authorities have very large areas of responsibility, so the amount of focus and resource which they can devote to countryside management, biodiversity, heritage, PROW, tourism, and outdoor recreation etc will never be in the same league as that achievable by NPAs. Such matters are the very essence of NPAs' activities, whereas for local authorities they tend to be peripheral. It is therefore especially desirable to designate the extension areas as this would produce better, more integrated management of the landscape and recreational resources, achieving NP purposes.
- 3.79 As to the 5th question (asking whether there are other relevant factors which tend to suggest whether or not it is especially desirable to designate the area) these factors include three matters. First the s11A duty will fall on all relevant organisations. Second, national policy on biodiversity, including the 2010 Natural Environment White Paper and the subsequent 2011 Biodiversity Strategy, stresses the importance of improving connectivity across wide areas to benefit biodiversity and wildlife. A key message is that greater priority should be given to achieving sites for nature

that are better, more in number, larger in size and more joined-up. The extensions will achieve integrated NPA management over a wider area and assist Government's ambition to halt biodiversity loss by 2020. As also recognised in the Inspector's report on the re-opened South Downs NP Inquiry, there would be added benefits for sustainable development because of the consistent approach to planning which would apply over the extensive tract.

- 3.80 Although the NPAs' main financial resources come from the Defra core grant (57% in the LDNP, 79% in the YDNP), they are also very successful in gaining complementary funds from other Government Departments, charitable organisations and other sources, such as the £4m secured from the Heritage Lottery Fund towards the Fix the Fells project in LDNP. Other income is raised through the NPA's activities. NPA spending also has a local multiplier effect (see NE/3 part 2.8).
- 3.81 As indicated in the two NPAs' statements, the authorities employ staff with specialist skills relevant to NP purposes, working with local farmers, landowners and land managers as well as community and business organisations. NPAs undeniably have more available expertise to do this than the existing local authorities. This includes rangers, estates workers, land management and farm advisers, ecologists, landscape specialists, building conservation officers, woodland advisers, PROW officers, access advisers, tourism and recreation specialists, and business specialists (covering economic development generally as well as tourism and recreation). In addition, the NPAs can call upon the assistance of a very large volunteer reserve which simply does not exist elsewhere. CCC no longer has a co-ordinator of countryside management volunteers and can now only call upon a handful of informal helpers and some members of the Local Access Forum. Although Lancashire CC aims to have regular volunteer input of 10,000 hours pa, this is for the whole of the county. It is not seriously disputed that NPAs do a better job at achieving NP purposes than existing authorities. CCC accepted that it could not compete with YDNPA in terms of the intensity and coverage of its service and that NPAs are better resourced to further NP objectives.
- 3.82 An NPA's resources and expertise are applied in a concentrated way to assist land management fulfilling the statutory NP purposes. It is this integrated stewardship which makes designation so desirable. However good the current arrangements they cannot come close to the stewardship of an NPA. All actions taken or encouraged by the NPA are designed to achieve several different objectives at once, achieving the statutory purposes as well as fulfilling the statutory duty of seeking to foster economic and social wellbeing, while also getting maximum value for money from the resources employed. Overall, as the Defra 2010 NPs Circular states, (para 66) *'experience to date has shown that by harnessing the economy to environmental ends, tangible economic benefits can be delivered through the statutory purposes while at the same time enhancing*

those purposes'. The Defra working paper (May 2011) (CD1.3) identified many benefits obtained through NPAs including those concerning recreation, tourism, health and well-being, rural development, local economies, social inclusion and democracy.

- 3.83 Many objectors have unwarranted perceptions that designation will bring increased interference, regulation and bureaucracy whereas an NPA simply takes on a limited range of the functions performed by County and District Councils and performs additional work not undertaken by them, either at all or to the same extent. Other local authority functions are unaffected. NPAs work through partnership and persuasion rather than regulation; they cannot compel a landowner or farmer to follow a particular type of land use or constrain common rights or other established rights and powers.
- 3.84 It is understood that Defra's 'Better Regulation' Team does not consider that the VOs bring extra bureaucracy or regulation. Research suggests (NE/5 part 2.26) considerable gaps between perceptions of regulatory quality and their actual measurable results. Concerns may arise from businesses' failure to understand regulations as much as from regulators' inattention to economic growth. This may also be true for objectors' perceptions about NP designation. The example quoted by ARC concerning increased costs (IS 2389/1) is likely to be an example of this (see NE/5 para 2.26.3).
- 3.85 NE/2 shows that the CBLA's concerns (IS 2447/1) that designation will bring tighter planning restrictions affecting farm diversification and affordable housing are unfounded. In the year following September 2011 (NE/2 para 19.2) the approval rates for planning applications were Eden DC 95%, the two NPAs both 93%, South Lakeland 91% and Lancaster 89%.
- 3.86 NE's view is not that there will be no influence on planning arising from designation, but that there should be no real difference in planning outcomes. CCC and the CBLA do not seem to understand NE's acceptance that the landscape of the extension areas is just as protected from harmful development now as it would be if designated. The reason for expecting no change in planning outcomes is partly because NE accepts that local authorities have been making appropriate development control decisions and partly because (as summarised above) NPAs' decision-making is nowhere near as restrictive as people seem to think. It is also because (a) there is little difference in substance between the main planning policies (NE/2 part 8) and (b) the existing development plan policies will continue to apply for some time under the anticipated transitional arrangements. What policy might be in the future is unknown.
- 3.87 Another example of this level planning playing field is Government's recent changes to permitted development rights; there is generally little substantive difference in permitted development rights inside

NPs and, in practice, the system places no impediments. Of 68 prior approval applications for agricultural development in the YDNP over a period of 5 years, 63 received no objection, 3 more were approved after details were requested and 2 did not proceed.

- 3.88 The benefits of planning by an NPA identified in Defra research in 2011 were a cohesive approach to planning over the NP area and a focus on community engagement. This is not the same as saying that the approach would be more restrictive.
- 3.89 Although some said that an expectation of refusal may prevent some would-be applicants from submitting applications in NPs, this can apply anywhere, including in urban areas. There is nothing to show that this situation is worse in NPs than elsewhere. CCC accepted for the local authorities that the VO areas would be subject to the same planning framework regardless of designation.
- 3.90 The case for designation does not include any need to protect land from major development. It was common ground with CCC for the objecting local authorities that designation is not required to protect the extension areas from major developments such as wind farms. Although para 116 of the NPPF would apply to major development proposals in the extended NPs, major development would not be ruled out as this can be permitted where it is justified. Moreover, the terms of para 116 reflect the approach that would be taken to major development proposals in these outstanding landscapes in any event. The factors set out in paragraph 116 would be material considerations in planning decision-making. Development contrary to paragraph 116 of the NPPF would be unlikely to be permitted now in any event. On the other hand, if harmful development is permitted now, that should change after designation, and that would be a desirable outcome, ensuring appropriate decisions for these sensitive and outstanding environments.
- 3.91 Several objectors, including Cumbria CC and the LVLC, argue that as the extension areas are still of NP quality after 60 years without designation this must indicate that current management regimes already offer them sufficient 'protection'. However, this approach too narrowly considers conservation of the landscape, including development threats, rather than the first statutory NP purpose – conservation and enhancement.
- 3.92 Turning to farming-related issues, the NFU's concerns about 'the additional cost and restrictions inherent in NPs' were raised at the South Downs National Park inquiry. The Inspector's report (Vol 1 March 2006) stated that 'So far as agriculture is concerned, designation would have little if any detrimental impact, a point recognised by the National Farmers' Union.' Following designation of the South Downs National Park, the NFU pledged to work positively with the NPA to support profitable agriculture in the South Downs, as highlighted in the NFU report 'Why Farming Matters to the South Downs'. Designation can in fact provide

farmers with access to additional funding, such as one-off capital grants which are virtually impossible to obtain elsewhere, plus expert advice from NPA staff.

3.93 It is the case that management of the VO areas by generations of farmers and land managers has ensured that they meet the natural beauty and recreation criteria for designation. However, as indicated below a significant proportion of land within the extension areas is not managed under Higher Level Stewardship (HLS) and Entry Level Stewardship (ELS) (see maps 4, 8, 12 & 16 of NE/3). In many cases significant areas of common land are not included in these schemes. It has proved challenging to get such commons into these schemes in Cumbria as this requires the agreement of all those with common rights.

	% land within ELS + HLS (inc Organic)	% land within ELS (inc Upland and Organic)	% land outside ELS/HLS
YDN	25%	50%	25%
YDW	31%	41%	28%
LDS	27%	30%	43%
LDE	42%	7%	51%

3.94 NE usually provides advice to landowners about stewardship schemes, using outside consultants to prepare the necessary Farm Environment Plans. However, NE has fewer staff for this purpose than NPAs and NE staff members often have less expertise and local understanding. Advice can also be sought from CWT and Cumbria Historic Environment Service, but NPA advice is more joined-up.

3.95 The way in which NPAs address enhancement of landscapes and the promotion of understanding and enjoyment is described in detail in the Update Statement on Desirability of Designation (NE/3) and in the statements provided to the inquiry by the two NPAs (3167/1 and 3172/1). Designation is ultimately for the long-term. Focus on current management fails to consider the importance of effective delivery of the purposes of designation well into the future.

3.96 The fears of farmers and landowners are similar to those raised at the inquiry into the designation of the YDNP 59 years ago (CD5.23 para 39). These include concerns about increased visitors and public access, suggestions that designation is 'unnecessary' given the then current arrangements, and arguments that nothing would be gained by designation - that it would be a waste of money. Those objections did not prevail then and should not now since experience shows them to be misplaced. In any case it is clear that not all farmers and landowners oppose designation.

- 3.97 It is hoped and expected that landowners, including members of the LVLC, will continue their long-standing stewardship of the land. NPAs are well used to working co-operatively with farmers, offering advice and assistance where it is wanted. The perception that NPAs 'interfere' in farming and land management is out-dated, if it was ever correct.
- 3.98 Although ELS and HLS are available inside and outside national landscape designations, resources are limited so NE produces target statements to identify areas of greatest potential impact. Land in NPs/AoNBs is specifically targeted in such statements and whatever happens in future it is most unlikely that land in an NP would not be given similar priority over undesignated countryside.
- 3.99 NPs are generally targeted for HLS above other areas, eg the target statement for the Howgills only includes the southern portion within the current YDNP. Similarly, the Yorkshire Dales target statement includes land in the YDNP but not the fells bordering the Lune Valley or the valley itself. Exceptions occur in areas where NE has identified specific additional target areas outside NPs focusing on places with notable SSSI designations such as the Orton Fells (in the YDN extension) and the Lake District High Fells (in the LDE extension). Designation would be likely to encourage significantly more HLS agreements on land within YDW, where only 31% of the area is now in this scheme. Local NE advisers confirm that there is land suitable for inclusion in HLS, particularly in the northern half of YDW; this land is now mostly only under ELS agreements offering considerably less scope for conservation and enhancement of natural beauty.
- 3.100 Important as they are to NP purposes, agri-environment and other grant schemes are voluntary and discretionary, not an alternative to designation. Since that is not their intended purpose it is misleading to refer to them as a reason not to designate.
- 3.101 A key difference between HLS inside and outside an NP is that HLS within an NP is focused on delivering NP purposes in collaboration with the NPA and supplemented by other complementary initiatives. HLS outcomes can therefore be far-reaching and bring multiple benefits, not just those listed under HLS Theme Statements. Beyond this, NPA involvement assists farmers and land managers to gain access to a range of other initiatives of the types referred to in the LDNP/YDNP statements as well as in the YDNPA Management Plan (CD7.7). The 2011 Defra working paper (CD1.3) also sets out benefits of NPA management.
- 3.102 Although parts of the extension areas gain protection of various kinds from a number of nature conservation and cultural heritage designations, this is no substitute for their integrated management for the statutory NP purposes. These individual designations reflect the interest and environmental value of the land, and in part why they are worthy of designation, but their purpose is focused and

narrow. There are also many natural and cultural heritage features which contribute to natural beauty but are currently undesignated. High level integrated NPA management will make the most of the contribution made by these assets to long-term conservation and enhancement.

- 3.103 Agri-environment schemes: The Defra Circular requires NPAs to work with partners both to 'promote and deliver' such schemes and to ensure that delivery of such schemes 'is properly integrated with NP objectives'. The two NPAs have been successful at this, and CCC's written representation accepted that designation could bring more resources and concentration of agri-environment grants.
- 3.104 The proportion of land in schemes in YDNP has now increased to 85% but land outside the NPs is not targeted by NE in the same way. A number of current schemes (eg Countryside Stewardship and Environmentally Sensitive Areas) are coming to an end, so that land needs to be entered into HLS if at all possible. Grant-aided areas such as YDW may lose out if they are not included in the NP.
- 3.105 Although HLS funding complements and is integrated with other projects pursuing NP purposes, it is not a substitute for designation. While all aspects of agri-environmental schemes contribute to NP purposes, the statutory purposes go beyond the scope of the schemes. The schemes are a tool, but only one among many available after designation. Although LVLC objects to designation, this would bring with it a markedly greater prospect of continuing to attract good levels of future grant funding. NPAs would work with or through these parties as in YDNP at present. Work must be done with the agreement and co-operation of farmers, who are the managers of the land, not be forced on them against their will. There is no evidence to support the LVLC's assertion that bringing the land under the stewardship of the YDNPA will lead to regression rather than enhancement in relation to National Park purposes. This is an inherently unlikely proposition, contradicted by all the evidence of achievement set out in the NPA's statement.
- 3.106 Turning to issues concerning wildlife, integrated NPA management activities will enable adoption of a joined-up landscape-led holistic approach towards management of the extended NPs and the land, water and living resources within them. NPAs' functions include improving understanding of the ecological, economic and societal implications of conservation initiatives and assisting the future provision of high levels of ecosystem management. In this they can use tools developed by Defra to value ecosystem services and demonstrate that approach in relevant policy contexts, including water quality and land use, upland areas and flood risk.
- 3.107 The Lawton report to DEFRA 'Making Space for Nature' (2010), the forerunner to Biodiversity 2020, identifies the role played by NPs in the creation and enhancement of coherent and resilient ecological networks, stating *'these areas undoubtedly provide an excellent*

base for delivering a more effective ecological network, not least because their legal standing, governance and management plans provide a basis for coordinated action to integrate effective ecological networks with landscape and other uses, including farming education, recreation, tourism and the provision of other ecosystem services'.

- 3.108 Biodiversity 2020 (CD1.5) sees NPs and AONBs as '*having the potential to be exemplars of good practice*' encouraging integrated landscape-led approaches and seeking multiple outcomes relating to NP purposes. The many initiatives under way over parts of the extension areas are short-term, ad hoc and uncoordinated, whereas an NPA can bring the coordination needed to ensure that work is done on a larger-scale and in a more joined-up, longer term way.
- 3.109 One of the main tools for achieving this kind of approach is the National Park Management Plan which sets out the objectives for the area and guides practical measures for achieving its objectives. There is no equivalent tool outside an NP. CCC saw the YDNP plan as an exemplar and LVLC found nothing wrong with it.
- 3.110 It was common ground at the inquiry that the extension areas are not without room for improvement in terms of the NP purposes. However, there is no realistic sign of any other initiatives occurring. By contrast the two NPAs are demonstrably successful. Some things can be achieved by isolated initiatives, but an NPA is more effective; this is why they were created in the first place. Until 1997 the YDNP was managed by a committee of North Yorkshire CC but Government recognised that this method would never be able to devote the same resources or achieve the same focus as an NPA. The same rationale applies to the extension areas.
- 3.111 An NPA's long-term commitment can be contrasted with the issue of the availability of resources for work of a similar kind done by other authorities. This is a long-standing issue and pre-dates the current round of public sector austerity. Objectors have claimed that Eden DC accords low priority to the natural environment. It has no ecologist and it has been an issue how far Limestone Pavement Orders have been applied on the ground. East Cumbria Countryside Project, said by CCC to undertake work similar to an NPA, ceased in about 2008 after Eden DC felt unable to continue to support it.
- 3.112 Other current projects are short-term, eg the Morecambe Bay NIA is a 3-year pilot project from 2012-15; it has no guaranteed funding beyond that. As CCC accepted, it is difficult to predict what will happen more than three years ahead. Ad hoc schemes do not add up to the determined effort of an NPA. As things stand, there is no alternative mechanism to designation. Nothing has emerged to take the place of the East Cumbria Countryside Project and things have since regressed in that there appears to be no prospect of anything able to deal in a comprehensive and integrated way

with either of the statutory NP purposes. Designation of these areas was first proposed in 2005; local authorities and landowners have not, since then, suggested any alternative comprehensive arrangements for achieving National Park purposes.

- 3.113 Referring to cultural heritage, some areas are at risk of erosion of heritage features. Eden DC has not prepared Conservation Area Character Appraisals for Maulds Meaburn, Crosby Ravensworth, and Crosby Garrett, nor for the Conservation Area covering the Settle-Carlisle Railway. This contrasts with the situation in YDNP where appraisals have been prepared for all the sections of the railway within its boundaries. There has been a loss of historic earthworks, and the character of hamlets and historic farmsteads in Eden has been damaged by development and farming practices. Two SAMs are on the English Heritage 'at risk' register for the same reasons.
- 3.114 Considering the second statutory NP purpose, it is vital to distinguish between 'promoting opportunities for the understanding and enjoyment of the special qualities of the areas by the public' and simple marketing for tourism purposes. Although the latter is undertaken by the local authorities and others, they do little for the former (very different) objective, certainly not to anything like the same extent or quality, or in the same co-ordinated way, as would be the case by an NPA. Visitors cannot gain the most enjoyment of an area without understanding the nature of its special qualities.
- 3.115 The NP Circular recognises the wide ambit of understanding and enjoyment, including learning and education as well visiting and recreation. It encourages outreach work and events assisting improvement of understanding of the environment, and learning and personal development. Research has identified benefits provided by NPAs in terms of education and training and concluded that without their co-ordination and leadership, some of this training would be unlikely to occur. The two NPAs' statements show what they do in relation to the second NP purpose, as does the YDNPA Management Plan (CD7.15). The means of pursuing this purpose is also echoed in YDNPA's integrated recreation and tourism strategy 'Special Qualities, Special Experiences' (CD7.9). The CLBA accepted that NPAs had the resources and staff to provide education on farming.
- 3.116 It is apparent that some misunderstand what NPs are intended to achieve. Many wrongly think it an NP objective to ensure that more people visit the area. If this occurred it would be a secondary and indirect consequence of achieving the NP purpose, not the outcome of a specific objective. Such an occurrence cannot be predicted with any certainty. NPA management aims to safeguard landowners, farmers and communities from the adverse effects of recreational use, so any promotion of recreational opportunities would seek to ensure balanced use, including reducing existing pressure where necessary. Where conflicts occur the s11A

Sandford Principle would apply, exemplified by YDNP's decision to use Traffic Regulation Orders to restrict vehicular use of some 'green lanes'.

- 3.117 An NPA's approach to the second NP purpose is therefore a sophisticated one. The YDNPA promotes long-distance routes in particular so that visitors can spend longer enjoying the landscape while also spending more money within the NP. The Management Plan aims to extend the season seeking more overnight stays and therefore increased spending. In this way designation can benefit tourism and recreation businesses without necessarily seeking to attract increased numbers of visitors in high season. Rather than concentrating on attracting bus loads of day-trippers, NPAs concentrate on ensuring longer stays and more understanding and enjoyment of the countryside. The statutory purpose concerns the quality, depth and duration of visitor experiences, not numbers. Objectors seemed not to understand how it is possible to secure benefits from visitor spending without increasing their numbers.
- 3.118 In any case people will want to come to these areas whether or not designation occurs. It is also apparent that there are some existing issues with visitor pressures. Although not yet in the YDNP, Barbon PC has called upon the NPA for advice about managing recreational pressures, thus demonstrating the NPA's value. Similarly, reported issues from road cyclists' behaviour are the sort of thing with which the NPAs can offer help. NPAs would be better placed to manage such pressures than the existing local authorities, while also being subject to the statutory duty in s11A and the Sandford principle.
- 3.119 The YDNPA was clear that it did not anticipate any new visitor 'honeypots' emerging in the YDNP Order land, in part because the land is already promoted for recreation by the local authorities and well used. In any case there are unlikely to be adverse impacts from increased visitor numbers in the extension areas. The Orton Fells community plainly considers that the area can easily serve additional numbers, a position accepted by CCC. Fears about the adverse effects of visitor numbers are unfounded, not only in the sense of being unsupported by evidence but also in the sense that they are most unlikely to occur in practice.
- 3.120 PROWs and access land provide the main ways in which people enjoy the special qualities of NPs, and so are crucial to the second NP purpose. PROWs in good condition and with good waymarking, including on access land, make it much easier for people to enjoy the area's special qualities and bring advantages for landowners by reducing the potential for interference with land management activities. In NPs much is done for and on behalf of landowners in this respect. It was accepted for the NFU that improved signage would help to keep people where they should be.
- 3.121 YDNPA currently works with both CCC and NYCC in relation to PROWs and acts as a broker in relation to the management of long

distance footpaths. According to information gathered by The Ramblers, CCC is the worst authority operating in this area for its management of PROWs. LCC provided a better service, LDNPA was better still, and YDNPA the best of the four. On the 'ease of use' measure YDNPA had a 20% to 40% advantage over CCC.

- 3.122 According to The Ramblers, CCC's problems do not just result from recent cut-backs; they reflect a more persistent situation. Over the years it has been necessary to place considerable pressure on CCC to get things done. CCC would take 2-3 months to clear a footpath following a reported a problem, whereas the LDNPA have more dedicated staff on the ground and would clear it within a month.
- 3.123 NE/5 part 2.7 covers NPA management of the PROW network and open access land. NPAs have access to markedly greater resources for this purpose than Local Authorities. This work is central to NP purposes (rather than peripheral as in Local Authorities) so is also likely to be a less vulnerable funding stream. A report by The Ramblers in October 2012 placed CCC on its list of 'Councils of Concern' with regard to funding PROW work - 3rd worst of those responding in the amount of funding cut and 9th worst in relation to staffing cuts. Lancashire CC was 10th worst in funding cuts and 5th worst in staffing cuts. The report stated that the number of paths which had become overgrown, blocked or fallen into disrepair in the past two years in Lancashire had more than doubled.
- 3.124 On the other hand, a study in 1993 (albeit with low response rates) found that 40% of NPAs had completed signposting of all PROWs compared with 6% of County Councils. Spending on staff and 'practical tasks' was split 61:39 in NPAs and 43:57% in County Councils. NPAs also spent a greater proportion on maintenance - 56% compared with 47%. Another survey in 2001 found that NPAs appear to have the most unified approach to management of PROW. 80% do it through a single department whereas the trend in County Councils was for greater fragmentation.
- 3.125 Erosion due to heavy use of parts of the PROW network, especially in fragile environments with high rainfall, is not unique to NPs and is influenced by factors outside designation such as the accessibility of the route and the attractiveness of the countryside. Where this problem occurs NPAs are better able to respond to it, eg through the LDNPA's Fix the Fells Project and YDNP's heavy investment on the Three Peaks route. There is no equivalent for such work in Cumbria and Lancashire County Councils.
- 3.126 NPAs also have a better record of regular maintenance of PROWs. County Councils are unlikely to be able to inspect the network so regularly or devote the necessary finances and resources to keep it in good condition for walkers, cyclists and riders. The graph below para 2.7.10 of NE/5 indicates that YDNPA consistently outperformed the two County Councils on 'ease of use' while LDNPA broadly matched Lancashire CC despite the difference in usage levels

between the two areas. This finding is not new. A study by the Countryside Agency in 2001 found that the number of problems making paths unusable was almost 60% fewer in NPs.

- 3.127 It cannot be assumed that the future condition of the PROW network will not be subject to further adverse change in future. The evidence of regular meetings between The Ramblers and Lancashire CC (Table 1 below para 2.7.13 in NE/5) shows that problems rose significantly over the two years from July 2010 while clearances reduced. Unresolved problems also increased. Graph 2 in NE/5 shows that CCC's PROW enquiries (outside NPs) fell steadily until 2010/11 but rose over the following two years coinciding with the onset of budget reductions and lower staff numbers. Numbers of 'enquiries dealt with' declined in the past two years. The track records of the two NPAs show that designation will bring chances to improve on the long-term pattern of under-investment and poor performance in making the network easy to use.
- 3.128 Turning to suggested problems caused by visitors on access land, research for YDNPA (2010) found (a) that a large majority of people using access land (88%) stayed on PROW or tracks and only 12% used open moor. 22% of people had a dog with them, of which 74% were on a lead. The LDNPA has also researched landowners' concerns arising from open access land. 80% had an unchanged view of open access since its introduction in 2005 and the same percentage reported no effect on their businesses (slightly lower than in previous years). A small minority (10%) had a slightly more negative view of open access. The most commonly reported issue for farmers was the effect of dogs on sheep. However, 94% of those who had received practical help were either fairly or very satisfied with the help given by LDNPA.
- 3.129 Although sheep worrying by visitors' dogs is a key concern amongst livestock farmers, including those with land in extension areas, this concern is widespread and not confined to designated landscapes. NFU Mutual suggests that in 2011 there were almost 700 cases of sheep worrying in the UK and put its cost at about £1m. This is an issue which the NPAs address in their work.
- 3.130 On concern over risks to public safety from cattle, especially cows with calves at foot, occupiers of land already have a duty of care towards people using PROW across their land, regardless of the numbers actually using the paths. These kinds of concern already exist in the countryside generally. Designation will not make the position worse, but an NPA will have more resources and expertise to help to tackle such issues than the present local authorities.
- 3.131 Meeting the recreation criterion for designation is not dependent on an area's current level of use, or lack of use. Indeed, lack of use may contribute to an area's tranquillity and sense of remoteness. There is no evidence to support suggestions that some will perceive designation as meaning an access free-for-all. Most visitors to NPs

behave responsibly and understand the concepts of access land, PROW and permissive access. NPAs' awareness-raising work, including visitor centres and ranger services, helps to educate visitors about responsible access and increase their respect for the countryside. These matters were raised at the South Downs National Park inquiry; in that case the Inspector disagreed that designation would lead to false expectations about such issues and agreed that the limited rights of access in NPs in the UK are generally well understood, for example, through NPAs' work in promoting responsible access.

- 3.132 CCC's question about whether it is in the best long-term interest of the landscape or the existing landed concerns to place emphasis on management for recreation (and its comment that there is no demonstrable need or demand for increased access to the YDW area) sets up tests not found in the Act and discloses a lack of understanding of NP purposes and what their delivery entails. It is impossible to predict whether, and to what extent, visitor numbers in the extension areas would change as a result of designation. This would depend partly on the NPAs' future policies and projects. Research by Sheffield Hallam University concluded that attempting to quantify demand for outdoor recreation in an NP is extremely difficult and (in the case of latent demand) virtually impossible.
- 3.133 Much of the land within the extension areas is already well-used for recreation, as indicated in many of the statements to the inquiry, and the existing opportunities are already promoted to some degree. Risks and tensions exist as they do everywhere in the countryside. Non-designation will not make the land immune from increasing visitor numbers, footpath erosion, conflicts between users and livestock management, or congestion on rural lanes. However, NPAs are better skilled and resourced to deal with such issues if they arise. The Sandford Principle and the statutory duty in s11A(2) of the 1949 Act only applies in NP. Outside NPs authorities have no duty to prioritise conservation and enhancement of the natural beauty, wildlife and cultural heritage over the interests of what can broadly be described as recreation.
- 3.134 NPA activity includes influencing visitor behaviour by making it easier for them to visit and enjoy resilient areas and managing access away from more sensitive and fragile ones. NPA staff can do this through, for example, decisions on the type and capacity of car parks, the location of stiles and gates, and the way-marking of the most suitable routes. Areas outside NPs have no comparable visitor strategies. In short, designation enables better management of recreation, resolution of current and future issues, and realisation of opportunities for enjoyment and understanding.
- 3.135 Turning to the effect of designation on the rural economy and communities (NE/5 part 2.19), the inquiry statements express considerable divergence of opinion. Richmondshire DC (2396/1) and North Yorkshire CC (2434/1) recognise the economic value of

designation when they imply that it will have a negative effect on the local economy of the existing YDNP, although it is not accepted that such an effect would occur. On the other hand some in Cumbria including CCC (2439/1 para 2/6) question whether designation brings any economic benefit. Although the s11A duty to seek to foster social and economic well-being is not a statutory NP purpose, it is a strong duty and Defra's 2010 Vision and Circular makes clear that fostering and maintaining vibrant, healthy and productive living and working communities is a priority outcome for NPAs. Defra's on-line magazine 'Landscape' recognises NPs as 'drivers for growth'.

- 3.136 Money spent during the course of about 115 million visitor days in the English NPs contributes £2.5 billion to the local economies and a similar amount in spin-off benefits for nearby towns. Government recognises that NPs contribute to the economy *'well beyond tourism and the visitor economy. Their economies are mixed and varied – like the parks themselves – and include hill farming, extractive industries, and manufacturing as well as a wide range of creative and service-sector businesses, firms using new technologies and many innovative enterprises'*. Government also recognises the importance of work undertaken by NPAs in partnership with businesses and their efforts to get much-needed investment in broadband, social housing, and local apprenticeship schemes.
- 3.137 There is no evidence to support the CLBA's sweeping statement that in some NPs investment in rural businesses that maintain the rural landscape is in steep decline. Examination of several NPs paints a very different picture (see NE/5 paras 2.19.7 to 2.19.10). Nor is there any foundation to CLBA's suggestion that businesses benefiting from designation through their sales may be limited to the visitor economy, supporting seasonal, traditionally lower paid jobs of little long term benefit to local communities. It has been found that several businesses outside the visitor economy in the Peak District National Park have a clear link to the area's NP status and gain benefit from it – businesses relating to soap making, textile producers, furniture making, timber production and ethical products. The CLBA's stance is also at odds with its own policy recognition of the value and potential of rural tourism (*'Wish you were here'*, 2013). This sees rural tourism as *'a valuable tool in the development of a cohesive and coherent society'* and recognises the role of tourism in supplying alternative supplementary income for the farming industry. Contrary to the views of Ms Bayliffe (IS 3215/1) it is evident that businesses in NPs, including the YDNP, have been established longer, on average, than those in the undesignated comparator area.
- 3.138 Alternative suggested designations, such as an AoNB for the Orton Fells, would not be a reasonable alternative (see NE/5 part 2.23). It is incorrect to assume that AoNB designation would be associated with less recreational pressure. Some AoNBs (eg North Pennines) have similar levels of recreational pressures to the YDNP but have

less funding and fewer staff to deal with them. The particular environmental sensitivities of Orton Fells make NP designation the especially desirable option.

- 3.139 Summary of NE's case with regard to the LDS area: Taking the NE case on the two s5(2) criteria (set out in part 2 of this report) together with the NE material concerning especial desirability including that at NE/3 part 4.9 and NE/5 part 3.4, it is especially desirable to include all this area in the LDNP. This area is of particular benefit concerning its 'position in relation to centres of population' while the valley also forms a quiet corridor for a cycle route into the LDNP. It has been shown that there are opportunities for making linkages in the PROW network, especially bridleways, and way-marking could be improved. The NT already owns about 20% of the existing LDNP and is very used to working in partnership with the LDNPA, so the extent of NT ownership in the LDS area offers opportunities for extending this joint working.
- 3.140 LDNPA's practice with regard to valley planning, as explained in its statement, is an important method of bringing positive advantages for landowners and could be extended to the Lyth Valley.
- 3.141 Summary of NE's case with regard to the LDE area: Taking the NE case on the two s5(2) criteria (set out in part 2 of this report) together with the material concerning especial desirability including NE/3 part 4.7 and NE/5 part 3.3, it is especially desirable to include the whole of the LDE area in the LDNP. This is a central, pivotal area in this part of upland England and one where the resources, advice and assistance of the NPA could do much to assist with helping farm diversification in relation to local food, tourism, outdoor recreation (including the improvement of access), the difficult issue of commons management, habitat management, and assisting with agri-environment schemes. This extension area has the highest percentage of land (51%) not in ELS/HLS.
- 3.142 It is clear that CCC does not perform well in looking after its PROWs so the work of the LDNPA environmental land management team and its rangers gives considerable scope for improvement in this respect. All that CCC could say, having recognised local support for designation, was that designation would make little difference. This is clearly not so and there is no doubt that the LDE area should be included within the LDNP. The bid for World Heritage status for LDNP is uncertain, as is the place of the LDNP in the pecking order. If necessary it could be progressed on its new boundaries.
- 3.143 Summary of NE's case with regard to the YDN area: Taking the NE case on the two s5(2) criteria (set out in part 2 of this report) together with the NE material on especial desirability including NE/3 part 4.3 and NE/5 part 3.1, it is especially desirable to include all this area in the YDNP.

- 3.144 The Orton Fells clearly should be designated as part of the YDNP. If they were excluded the A685 could form the boundary, albeit not a particularly satisfactory one. Ash Fell would have to be excluded, by having the boundary follow the edge of Ash Fell and the A683, so as not to cut Ash Fell in half.
- 3.145 There is no warrant for considering the separate designation of the Orton Fells as an AoNB. This would mean taking no account of its recreation features for management purposes, including the Coast to Coast path and a wealth of natural and cultural heritage features for which the fells are exceptionally important, and acknowledged as such by CCC. There would be no integrated, landscape-scale NPA management. AoNB management would require a partnership of CCC and Eden DC, yet the termination of the East Cumbria Countryside Project in around 2008 shows how difficult that would be to achieve. That project included partnership work between CCC and Eden DC on sites such as Smardale NNR, Pendragon Castle and the Gilbertine Priory but those kinds of initiatives would no longer be possible without designation and an NPA.
- 3.146 AoNB designation therefore would not be a practical alternative in the foreseeable future. It is also relevant to note that it was found inappropriate to designate the Western Weald as a separate AoNB rather than including it as part of the South Downs National Park. The same logic applies here.
- 3.147 Turning to the Howgills, it makes no sense for this distinct and distinctive Natural Area to be split part in/part outside the YDNP. There can be no rationale for divided management of this single landscape unit, with its iconic skyline features. The Howgills should be treated as a single unit with one authority responsible for its countryside management.
- 3.148 YDN as a whole is a complex area, with a high level and range of interests. An integrated NPA-style approach to its management would therefore be extremely beneficial. Orton Fells has a very high level of features of interest (landscape, wildlife, cultural heritage and recreation) all of which are closely inter-woven. The special qualities of the YDN area include the natural beauty of the landforms and features, the historic pattern of the landscape in the valleys and associated intact historic settlements, a wide variety of cultural heritage features and wildlife interest, and open access land including commons. All these qualities are already echoed in the existing YDNP and chime with the kinds of measures included in the YDNP Management Plan.
- 3.149 The work undertaken by the YDNPA in relation to limestone pavements and Catchment Sensitive Farming are examples of the types of activity which would be readily transferable to the YDN area. The geology of YDN, and many of its special qualities, are consistent with the existing YDNPA and there would be benefits from being able to consider the wider area as a whole. The farming

activities in YDN, and the issues affecting them, are also echoed in the YDNP.

- 3.150 There is much that could be achieved by the NPA in the YDN area. For example, only 25% of it is in HLS. This could in part be overcome by the NPA helping to broker agreements amongst commoners for the common land to be entered into HLS, as it has successfully done elsewhere. The benefits arising from proper strategic planning of recreation in YDN would also be considerable, including in relation to the Coast to Coast route and road cycling. The Coast to Coast route is important because, although it is well-used and more than qualifies as a national trail, it is not recognised as such and does not attract the funding given to national trails.
- 3.151 YDN is easily accessible by public transport and contains many interesting features, as well as having a requirement for co-ordinated management. There can be little doubt that it is especially desirable to extend the YDNP to include the whole of the YDN area.
- 3.152 Summary of NE's case with regard to the YDW area: Taking the NE case on the two s5(2) criteria (set out in part 2 of this report), together with the NE material concerning especial desirability, including NE/3 part 4.5 and NE/5 part 3.2, show that it is especially desirable to include all this area in the YDNP.
- 3.153 As already discussed under part 2, the boundary of the YDNP must logically be moved westwards in order to overcome the political fudge behind the original designation. Considering the second NP purpose, some of the access allowed by members of the LVLC is either for country sports or for one-off events in agreement with individual clubs. Access to the River Lune for canoeing and fishing is by arrangement with particular groups, associations or clubs. However, Canoe England said in 2012 that the access agreement (which anyway only covered the Lune south of Rigmaden) had collapsed because it was considered too restrictive. Canoeists are now told to 'make their own decisions about whether to paddle' on this stretch of the Lune. Tellingly, the landowners were unaware of this and did not even know if the agreement was in writing. These are precisely the circumstances in which an NPA, as an independent third party, could offer to broker a more sensitive agreement as NPAs have done elsewhere.
- 3.154 Other types of things which an NPA would be likely to do were described at the inquiry eg in relation to road cycling on the quiet lanes, affording more long-term security to the LVLC members' permissive routes and ensuring that they are known to the public and (in the longer-term) restoring the functionality of the bridleway crossings of the River Lune. None of this would involve creating new rights, but rather ensuring the usability of the existing recreational infrastructure as well as increasing knowledge of it.

- 3.155 It was made clear for the LVLC that the issues affecting the land's special qualities were felt insufficient to justify designation. The difference between the landowners and NE is therefore one of weight rather than principle: ie, whether the issues are sufficient to justify designation. This is a question of judgement, as made by NE and now subject to scrutiny by the SoS.
- 3.156 There was no real disagreement between NE and the landowners about the issues to be addressed. When NE was pressed to give examples, the owners did not say that the examples stated were not issues but rather said that they were being (or could be) addressed without designation. Indeed, their written submission, says that the 'issues and threats associated with the current management of the land identified by Natural England' were 'well-known to landowners'.
- 3.157 The LVLC accepted that more could be achieved through further partnership working, that collaborative management should be more actively pursued, that there is the potential for additional and enhanced agri-environment agreements, that there is the potential for further opportunities for understanding and enjoyment, that more management of SSSIs is required, and that there is room for improvement.
- 3.158 Although the work undertaken by the landowners is acknowledged and welcomed, it is important to appreciate its limits. Permissive paths exist, but nothing appears to be done to promote them to ensure that the public are aware of and can use them. This does not fulfil the second statutory NP purpose.
- 3.159 Attempting to show the lack of need for an NPA, despite the concessions made, the LVLC referred to their current work as demonstrating partnership working. However, these are all examples of ad hoc projects, where one landowner works with one partner. There was no integration either beyond single estates or involving more than one other party. The projects were not at a scale greater than a single land holding. They were focussed on a single activity or benefit, not the multiple benefits which are the hallmark of an NPA's work. Moreover, most of the projects appear to be short-term or at least time-limited. What is being done is very different from what could be done in conjunction with an NPA.
- 3.160 It is also important to appreciate that the current picture is only a snapshot in time. Landowners' work in the recent past does not necessarily reflect what will happen in the future, especially when so much of what has been done has been funded from grants and agri-environment schemes now going through re-structuring and reform (separate from the current austerity measures). NP designation is a long-term proposition. To assess its benefits one cannot just look at what is done today. The attitudes and actions of landowners in the future cannot be predicted with confidence.

- 3.161 Much of the countryside stewardship work currently undertaken by members of the LVLC in the extension areas is done with grants. For example, Henry Bowring said that woodland planting always has to be done in conjunction with a funding body. Lord Shuttleworth also explained that work done to rebuild walls and plant woodland had been done using grant schemes. It can be expected that work of this sort done by landowners would continue after designation and that landowners will continue to take advantage of any grant schemes on offer.
- 3.162 The LVLC pressed for specific evidence about what would be done on specific parts of the extension areas. However, approaching the matter in that way is to misunderstand the way in which decisions on designation are made. Nothing similar has ever previously been produced in support of an NP designation. When the YDNP was originally designated there were no plans or policies at all. The present situation, with two NPAs already working in the area, provides a far better position to consider what is likely to happen in the extension areas than was the case in the New Forest and South Downs National Parks designations where there were no pre-existing NPAs.
- 3.163 Some have sought to characterise NE's decision to designate as based simply on future hopes. However, the NPAs will, after designation, continue doing the same types of things that they already do within their current boundaries. It would be wholly impractical to set out in more detail what would be done in the extension areas after designation, nor is there any requirement to say now what proposals the NPA may make to assist specific estates.
- 3.164 NPA involvement would make considerably greater opportunities available to the LVLC, including better management of the access and recreation infrastructure, free advice and support on a raft of topics, wider and more sustainable funding sources, active management of recreational pressures where required, and the enhanced status of NP land (eg in relation to agri-environment schemes). There would be really integrated working, involving more than two parties, of greater scale and duration, with additional funding sources, and multiple integrated objectives.
- 3.165 The especial desirability of designating the YDW area derives from all that would come from designation, as summarised above and as described in the YDNPA inquiry statement. Smaller landowners and tenants in the YDW area would have more advice and assistance available to them, even if members of the LVLC decided not to make use of it. The funding and direct works provided by the YDNPA would be available to all, including funding and support for land management and restoration (for biodiversity, woodland, cultural heritage etc) going beyond that currently available. An example quoted was the additional top-up funding for woodland planting made by the Yorkshire Dales Millennium Trust which was

added to the available Forestry Commission grants and allowed so much more to be done.

- 3.166 The YDW area has a wealth of special qualities which can be understood and enjoyed by the public, as well as natural beauty and wildlife and cultural heritage features. These all link with the qualities of the YDNP. The YDNPA already faces similar issues, covers them in its Management Plan, and has the experience and skills to deal with them in the YDW extension area. For example, the YDNP already contains large estates with grouse moors and includes covers the upper Lune catchment. It also undertakes some ad hoc activities in the YDW area.
- 3.167 It is incorrect for some to suggest that there was no support for the designation of the YDW area. The 3 deposit period representations from parish councils were all supportive: Casterton PC, Killington PM and Kirkby Lonsdale TC. In the first NE consultation 73% of the 73 YDW residents who responded supported designation. It is clearly especially desirable that the YDNP should be extended to include all of the YDW area.
- 3.168 NE's summarised overall conclusion: Designation of the extension areas has been unfinished business since the Dower and Hobhouse reports. Completion of that business is now within sight, with the Secretary of State's decision on confirmation. If the VOs are not confirmed those recommendations may remain permanently unfulfilled; that should not be permitted to occur.
- 3.169 A factor relevant to the desirability of designating the four areas is that their characteristics and special qualities are outstanding and of national significance. This reinforces the especial desirability of designation. The land in these areas is distinctive and valuable in a national context and merits inclusion in the LDNP and YDNP.
- 3.170 The main issue for the inquiry was whether it is especially desirable for the extension areas to be placed under the care of an NPA. It would be a damning indictment of the 1949 Act, Government policy in relation to NPs, the whole system of NPAs and the conduct of the two existing NPAs if, for all the reasons given by NE at the inquiry and its accompanying documentation, it were to be concluded that they should not be. It is unthinkable that the two NPAs could do no better than the existing local authorities, given what little the local authorities do to achieve all aspects of NP purposes.
- 3.171 NPs are not an outdated relic of a bygone age; they are a vital tool in achieving modern, integrated, landscape-scale conservation, as confirmed by much recent Government policy. It needs to be recognised that they are as important today as they were in the immediate post-war period, albeit perhaps for different reasons.
- 3.172 The history of the YDNP designation shows that landowners, farmers and local authorities consistently oppose designation, so

their opposition here is not unexpected. On the other hand there was perhaps an unexpected degree of support from some farmers and landowners, both in written representations and at the inquiry. Notably the Councils' representative revealed in closing that the local authorities view was that *'on balance it was considered that the negatives outweighed the positives'*. If the judgement was one that was made on balance it shows how readily the opposite conclusion could be reached.

3.173 If the orders are confirmed, the land in the extension areas will be brought under the stewardship of the two NPAs with the statutory duties, management plans, focus, leadership, skills, community engagement, expertise, resources and experience that come with this. All this will be applied to help to manage the land in an integrated way and in seeking to foster the social and economic wellbeing of the local communities. The NPAs will continue to work to support stewardship, to encourage conservation and enhancement, to manage recreation, to promote opportunities for the understanding and enjoyment of the special qualities by the public, and to promote local economic activity. This landscape-led, joined-up approach to the countryside justifies the variation of the NP boundaries in this case.

3.174 In the words of Defra's terms of reference for the inquiry, it is clear that the extension areas, when taken together with the designated land to which they would be added, meet the criteria and purposes of designation as a National Park set out in the 1949 Act. Confirmation of the VOs should be recommended.

Case for the LDNPA (IS 3167/1&2)

3.175 The NPA has 185 full-time equivalent staff supplemented by more than 400 volunteers working on a wide range of activities providing about 5,000 days volunteer days per year.

3.176 The Lake District National Park Partnership (LDNPP) was established in 2006. This is a unique approach amongst NPs, producing a joint vision of the future management of the NP. LDNPP's 24 members comprise local authorities, environmental bodies, and organisations representing the interests of landowners, businesses, visitors, local communities and the voluntary sector. This 25-year Vision applies the statutory NP purposes through the 5 year Management Plans.

3.177 IS 3167/1 part 5 affirms that the statutory purposes cannot be achieved without the participation of the 1,200+ active farms in the NP. Although farming, forestry and land management have created many of the area's special qualities, a key issue is that many ESA agreements are ending and there is insufficient funding for all holders to transfer to the HLS if they wished to. The ageing workforce in upland farms is also a key issue.

- 3.178 Two of the NPA's services (Park Management and Environment and Heritage) provide knowledge and contacts to assist farmers both financially and practically. The Environmental Land Management Service agrees Conservation Plans with farmers, and has led to an additional £2.5m of grant funding to LDNP farms for environmental capital works. It has also facilitated 62 environmental stewardship schemes covering 8.4% of the NP. The aim is to offer a free service to farmers and agents considering applications for agri-environment schemes, helping to obtain the most benefit both for farms and for NP purposes. There is scope to use this expertise in LDE where more than half of the area is not yet included in environmental stewardship schemes.
- 3.179 Food initiatives are pursued with NFU and Cumbria Tourism, aiming to use the LDNP's national recognition to export high quality food to national and international markets.
- 3.180 A unique 'Fells Futures' apprenticeship programme is run, about 75% funded by the Heritage Lottery Fund.
- 3.181 A Valley Planning scheme is applied, providing a means by which LNDPP works with local communities to develop a shared vision for each valley, reflecting their particular local distinctiveness.
- 3.182 Part 7 of IS 3167/1 states that one of the key elements of the Vision for the LDNP is to achieve 'world class visitor experiences'. The overall aim is to seek a sustainable balance between the demands of visitors and the conservation of the cultural and working landscape which the tourism industry relies upon.
- 3.183 Part 7.2 summarises ways in which the NPA assists the tourism industry. Part 7.3 provides information about case studies of means by which understanding and enjoyment are promoted by regeneration of the activity centre at Brockhole and through the information service and the learning programme.
- 3.184 Part 8 summarises the NPA's approach to managing the recreation assets of the NP, the wide range of opportunities that they present, and the conflicts that can arise between competing activities. Case studies cover the management of the rights of way network, the access strategy and work to further sustainable transport. Many voluntary bodies make valuable contributions in this field, taking part in a diversity of individual policy initiatives and projects to tackle particular issues as they are identified.
- 3.185 Part 9 summarises the LNDP's approach to sustaining a spectacular landscape and wildlife and cultural heritage, including strategies devised to reflect the findings of Landscape Character Assessments and the work being undertaken on public realm enhancements, the Fix the Fells project, work with trees and woodlands, and on the historic environment and cultural heritage.

3.186 LDNPA also has considerable expertise relating to the difficult issues which can arise on common land, of which there is much in the LDE area. This is an issue often tackled by the NPA's rangers, seeking to persuade commoners to collaborate on issues which often need total agreement to work.

Case for the YDNPA (3172 & IS 3172/1)

3.187 DNP has 114 full-time equivalent staff supported by over 230 Dales Volunteers, contributing 5,000+ volunteer days across all programmes.

3.188 The NP's land management section has skilled and experienced staff, often working in partnership with NE, the Forestry Commission and the Yorkshire Wildlife Trust. YDNP has a track record of advising landowners and gaining funding from the Rural Development Programme for England. Work is done with farmers, landowners and other partners on access to agri-environment funding (including improving the condition of SSSIs and other priority habitats, such as ancient woodlands). Over 90% of YDNP is now in some form of agreement, with over half in HLS. Working with farmers (and looking for opportunities to put together funding packages) is key to achieving the objectives of the YDNP Management Plan. In one example the NPA prepared a farm environment plan for HLS, funded hay restoration, assembled funding for woodland creation, helped fund a visitor centre and permitted the conversion of redundant buildings to holiday lets.

3.189 Work is also undertaken on implementing and co-funding large 'landscape-scale' partnership projects such as the Limestone Country project, the Haytime project, Yorkshire Peat Partnership and the Dales Woodland Restoration Programme. Future work is being developed as part of the 'Northern Upland Chain Local Nature Partnership' including 4 nationally-protected landscapes (YDNP, Northumberland NP, and the Nidderdale AONB and North Pennines AONB).

3.190 Other support for farming and land management, assisting key YDNP management plan objectives, includes 'catchment sensitive farming' (especially in the Upper Lune Valley), management of woodland, maintenance of barns and walls (517 traditional farm buildings and 19.1km of walls conserved 1998-2004), 'farming and food' initiatives, support for farm diversification, the management of over 2,00km of PROW with the assistance of the Ranger Service, and various measures concerning biodiversity, landscape and geodiversity as indicated in at IS 3167/1 paras 99-111.

3.191 YDNP's sustainable development team (see IS 3167/1 paras 112-188) prepares the statutory development plan. Promotional work includes encouraging low-impact businesses, appropriate business networks, necessary infrastructure such as broadband and mobile coverage, energy schemes, apprenticeship schemes, safeguarding

local community services, meeting local housing needs, and operating the 'sustainable development fund'.

- 3.192 Work on conserving and enhancing the cultural heritage includes rolling 5-year surveys of all listed buildings/scheduled monuments. As a result of follow-up work the number of structures 'at risk' has been reduced. The 37 Conservation Areas are given priority for village enhancements, such as the current Sedburgh Townscape Project.
- 3.193 The recreation, tourism and outreach section (IS 3172/1 paras 208-242) promotes the NP as a sustainable and distinctive destination for tourism, aiming to extend the season and increase the value of tourism. 'Special Qualities, Special Experiences' (CD7.9) sets out the NPA's 'integrated tourism strategy' indicating the way in which promotion of the understanding and enjoyment of the area's special qualities is integrated with (but made subservient to) the conservation and enhancement of natural beauty, wildlife and cultural heritage in accordance with the Sandford Principle. The Sustainable Tourism Plan (CD7.11) also gives effect to these principles.
- 3.194 The 'Distinctly Dales' approach (CD7.10) encourages recognition that each part of the Dales has its uniquely different character and cultural identity, based on its own combination of geological, topographical, climatic and historic factors and makes these identities the focus of encouraging visitors to the area and 'promoting the understanding and enjoyment of the special qualities of the area'. Enlargement of the area of the Lyth Valley included in the LDNP would make it fit with this concept of 'valley-planning'.
- 3.195 Access and Recreation management (IS 3172/1 paras 243-297) is run by 7 Area Rangers and 8 Access Rangers. These staff are complemented by 2.5 externally-funded posts to manage the long distance routes through the area and 3.5 specialist rights of way and access staff. A survey in 2009 found that 90% of landowners and farmers thought the service very good or good and knew how to contact a ranger. 50% of those surveyed had been in contact with a ranger over the previous year.
- 3.196 YDNP operates a 5-year Rights of Way Maintenance Plan. In the period 2007-11 'easy to use' PROW increased from 77% to 89%, while those signposted from the edge of a metalled road increased from 91% to 98%. 13km were upgraded to make them accessible by wheelchair and 128km to enable access by people with limited mobility.
- 3.197 The CROW Act increased the proportion of access land in YDNP from 4% to 62%. Since that time information and monitoring measures have been introduced to ensure that people can enjoy their new rights without damaging the interests of farmers and

landowners, including permitted access points to CROW land, information on breeding birds and the importance of keeping dogs on a lead.

- 3.198 YDNP sought and obtained a change in the law to give traffic regulation order powers to NPAs because experience of working with N Yorkshire CC had shown that management of Green Lanes was not a priority for them. 30 routes with the highest potential sensitivity to use by motor vehicles have since been identified by a Green Lanes Advisory Group and 10 are now subject to full-time permanent orders covering recreational motor vehicles. In 9 of these cases the grounds were to conserve the natural beauty and preserve the amenity of the area. The other lanes are managed using other options such as voluntary restraint. Work is also undertaken to ensure that large-scale recreational events, such as the Yorkshire Three Peaks Challenge events, minimise any negative impacts while maximising positive benefits.
- 3.199 Promoting understanding and enjoyment of the special qualities of the Park is fundamental to YDNP's integrated management of the area and pervades everything it does. Particular means of doing so are the YDNP website and newspaper 'The Visitor', leaflets and exhibitions, the Dales Countryside Museum, and a variety of education and outreach programmes.
- 3.200 The YDNPA's back office functions are already in place, so additional funding for the extensions would be able to be applied to 'work on the ground'.

Cases for other supporters

- 3.201 Points touching on aspects of the especial desirability of designation were made as set out below.
- 3.202 Cumbria Wildlife Trust (IS 1701/1) Since the White Paper *The Natural Choice* and the Lawton Report *Making Space for Nature* more Central Government emphasis is being placed on the need for integrated land management. This requires working within a great variety of partnerships involving statutory agencies, local authorities, NPAs, voluntary organisations, local communities, farmers and landowners. The Trust's experience is that wildlife and landscape conservation can advance smoothly together under an NP regime, working in harmony with traditional farming practices.
- 3.203 One such example is the Morecambe Bay NIA, which includes the land within the LDS extension, where CWT works with partner organisations to enhance biodiversity in the wetlands, woodlands and montane grasslands and develop an integrated 'living landscape' with connected habitats. Further north CWT works in a Connectivity Project led by Cumbria Farmers Network and including the LDNPA. The aim is to join various interests together to create a prosperous, sustainable countryside which safeguards landscape,

wildlife and historical features and permits outdoor recreation to develop as a mainstay of the economy.

- 3.204 Designation will extend the opportunity for partnership working in the two NPs (para 17) into the no-less-valuable extension areas. The protection of these areas will be strengthened, as will the case for financial support for traditional farming. Prof Anne Beer (1101) raises similar points to the CWT.
- 3.205 The Ramblers (2410) consider that the NPAs have a good track record of working with communities across all areas from affordable housing to supporting farmers and ensuring the countryside is well-signposted so that visitors can enjoy and explore it responsibly and with confidence. The two NPAs are strong champions for rural community needs, helping to ensure that a fair share of economic investment and service provision is brought to these sparsely populated areas. The group also referred to its comparative survey material on PROW performance included in NE/5. NPAs have the resources to get things done, using their volunteers in some cases as compared with hard-pressed County Councils who have more pressures. YDNP was exceptional at this. PROW defects were fixed almost immediately, new suggestions were considered very quickly and issues with off-road vehicles were tackled effectively. Its PROW liaison committee was impressive.
- 3.206 Prof M Dower (290) (WR), former Director General of the Countryside Commission, contrasts the availability of the analysis underpinning the national Countryside Character Areas drawn up in the 1990s (which show the strong links between the NPs and the land that adjoins them) with the lack of such information when the original areas were designated in the 1950s when boundaries were based on far less logical considerations such as administrative boundaries and main roads.
- 3.207 G Littlejohns (336) (WR) sees the extension areas as opportunities to draw people away from over-crowded tourist honeypots to previously neglected fells and dales.
- 3.208 Sir Martin Holgate (1524) (WR) refers to the historic anomalies of the current boundaries. The bases of the local authorities' objections are unfounded. Both of the NPAs have a good record in granting soundly based applications. Public opinion is broadly in favour of designation.
- 3.209 S Etheridge (2160) (WR) objects to the stance of CCC and Eden DC in opposing designation simply because it diminishes their role in planning. P Sheehan (28), M Harris (319) and S Dey (2163) have similar views.
- 3.210 T Cousins (1306) (WR) finds it hard to understand opposition from some local politicians. The obvious bodies to protect these unique

areas are the NPAs. There is a case for making NPs more democratic and responsive but these are national assets.

- 3.211 The Joint Local Access Forum (2268) (WR) covering Manchester, Salford and Trafford considers that the extensions would assist people in its area who seek access to the countryside for their leisure pursuits.
- 3.212 The National Trust (2386) The Trust owns some 25% of the land in the LDNP and some key locations in the YDNP. Its extensive experience of working with the LDNPA shows that more can be achieved together than independently. The Trust's Lake District volunteer workforce could be drawn upon to assist with projects in the extended LDNP, compensating to some extent for the loss of CCC's volunteer coordinator. Sizergh Castle is a major visitor attraction lying at what would be the new entrance to the extended LDNP.
- 3.213 The Trust also identifies potential to improve its existing facilities at Cautley Beck in the Howgills if designation makes this a more viable proposition due increased popularity of the location and visitor numbers.
- 3.214 D Kelly (3156) (WR) observes that there have been various proposals over many decades for 'sorting out the (designation) issues in the North of England' but that no subsequent progress, probably because it is impossible to create the perfect scheme with the perfect boundaries. It is 'now time to stop debating and make some progress'. The latest proposals are the 'least bad' ones.
- 3.215 J Seddon, Chair of Helsington PC (872 & IS 872) (WR) It would be a regional benefit if the LDS were managed as a single entity with the other adjoining land in the LDNP. Inclusion of Brigsteer Park and Sizergh Castle would raise awareness, increase tourism and local economic benefits, all helping to further the enhancement of the area's natural beauty – a virtuous circle.
- 3.216 A Clifford (IS 166/1) (WR) Recreational use of LDS is often for short periods and represents important escape time for many, supporting physical and psychological well-being. This is also a poor weather alternative to the central lakes. NPA management would best serve the interests of the area and give appropriate priority to its conservation of this area, which is of the utmost importance.
- 3.217 M Fleetwood (76) (WR) reflects the comments of NE with regard to the artificiality of the LDNP boundaries in the LDS extension and to the improvements which designation would bring in terms of regular inspection and maintenance of local footpaths and to the economy of Brigsteer village. J Nash (2240) (WR) makes similar comments in connection with the illogical LDS and LDE areas, as does O Coles (2252) (WR). O Coles also sees economic benefits for Tebay without which the community would foreseeable face a

challenging struggle to attract visitors to its nearby countryside and protect it from inappropriate developments.

- 3.218 Friends of the Lake District (IS 2388/1-3) Designation is key to the medium-long term viability of hill farms in the extension areas as a large part of such farms' income derives from agri-environment schemes. In future the single farm payment will be tied to the delivery of public good such as environmental improvements, and designated areas are likely to get higher priority for subsidies in the future. Designation will bring allow better interaction between farmers and visitors and increase respect for the way the land is worked. IS 2388/2 gives details of the Lakes to Dales Business Survey organised by the KSG. NPAs have been good at facilitating co-operative deals and encouraging enterprise and designation of the extension areas will provide local farms and businesses with fresh economic opportunities.
- 3.219 Stephen Simpson of Shap Wells Hotel, for the KSG, explained that he hoped designation at LDE would enable the hotel to attract visitors who enjoy the local countryside, in addition to through-travellers, thereby helping to extend the season.
- 3.220 Hilary Fell (IS 2378/1) Designation of LDE is appropriate, albeit that some fear change, perceiving that an NPA brings 'interference'. NPAs have the expertise, time and sensitivity to get commoners to work together as well as assisting local hill-farmers with issues of diversification. The local PROW network has been subject to problems in recent years including the use by off-road vehicles of the track known as Breasthigh Road between Borrowdale and Bretherdale. The NPA is more likely to be able to address such issues than Cumbria CC who seem to accord such matters lower priority, judging by the differences between the PROW network inside and outside the current LDNP. As a hill farmer living on a very narrow road closely bounded by walls and with many gates and grids her view is that designation would not increase traffic much, even with some farms used as holiday lets, at least not beyond a level which could be accommodated with any necessary assistance of the NPA.
- 3.221 G Sinclair (2131) (WR) considers that whereas quiet designated areas (such as LDE) were once best 'best kept secrets', present day pressures and the extra need to share them make designation necessary.
- 3.222 S Conway (1362) (WR) is a voluntary ranger for LDNP. In his view NPs are better cared for - clearer of litter and with better maintained footpaths, while non-NP areas are often left to deteriorate.
- 3.223 M Farmer (1499) (WR) is concerned about the constant threat of highly visible windfarms irrevocably changing the landscape and encircling the Lake District. C Peacock (1500) (WR) also refers to

the area between the two NPs as a very lovely but very vulnerable area subject to many applications for wind turbines.

- 3.224 Michael Worrall (IS 2476/1) (WR) identifies a strong case for designation of the higher Orton Fells, Mallerstang, the northern Howgills and the YDW fells. This would enable measures to be taken to fulfil NP purposes and afford protection from certain types of damaging development. He also identifies some adjoining lower-lying areas within the YDNP VO as 'areas which might also merit inclusion in the NP'. However, these areas do not include land in the VO to the north of the higher land in the Orton Fells.
- 3.225 Dr A Watts-Tobin (1566) (WR) echoes points by NE about s5(2)(a)&(b) aspects of the Howgills, Lune Valley and Orton Fells. In his view 'these are quite lonely places and could do with being discovered. If I went for a long walk down Bowerdale in the Howgills and met 5 people instead of the usual zero, I could handle that.....These places need well-managed exploitation: the discovery and protection that NP status offers'.
- 3.226 Ian Ridell for the KSG, owner of Bessy Beck Trout Fishery at Newbiggin, below the Howgills, considers that NPA management could assist in factors such as improving water quality management and lengthening the season for local businesses. C Speakman (918) (WR) has walked and written guidebooks about the Howgills and Mallerstang and considers it absurd that they do not have the same protection as the existing NPs, considering the pressures upon them. D Holliday (1059) (WR) has similar views about the Howgills.
- 3.227 N & J Spencer (1501) (WR) strongly support the YDNPA's knowledge and skills being applied to the Lune Valley and Howgills. Such national resources should not be left entirely to the care of local landowners.
- 3.228 Yorkshire Dales Green Lanes Alliance (IS 799) The YDNP has been skilful and sensitive in managing the competing pressures and legal complexities of the use of green lanes by recreational motor vehicles and has succeeded in putting in place durable systems of inspection and regulation. Local authorities seem to accord green lanes lower priority and have been less successful. The extension areas will be better protected if they are included in the NPs.
- 3.229 Lancashire Local Access Forum (LLAF) & Lancashire Mountaineering Club (IS 2197/1) LLAF is a statutory advisory body in relation to the CROW Act. Leck Fell is a geographical outlier to the major outdoor areas of Lancashire. It is rarely visited by the County's Countryside Service and has never featured on the LLAF agenda except in relation to the designation proposals.
- 3.230 AoNB designation would be inadequate as a means of protecting the YDW area. The West Pennine Moors, although not an AoNB,

has been managed as such but the local authorities have now had to pull out and the 10-year management plan is unlikely to come to fruition. Only NP designation is likely to be able to provide long-term security for managing the competing pressures of the YDW area.

- 3.231 Although Lancashire is one of the largest counties, local historical reasons have led to only a small proportion of its PROW having bridleway or higher-rights. Outdoor activities requiring these rights, including mountain-biking, will be better served by NPA management in terms of maintenance, provision of linked routes and publicity. An NPA will also be better able to devote resources to providing suitable access for the disabled and encouraging younger people to understand the significance of the countryside.
- 3.232 A recent break-through at County Pot linked underground potholes in the systems beneath the historic counties of Westmoreland, Yorkshire and Lancashire. This underground connection and commonality would be reflected and shared by an extended YDNP.
- 3.233 C Howard (1465) (WR) refers to the Leck and Casterton Fells where the work of Ingleborough Archaeology Group has shown the wealth of inadequately recorded pre-Roman archaeological sites.
- 3.234 Friends of Eden, Lakeland and Lunesdale Scenery (IS 1857/4) Designation would confer the highest level of protection and assist the group's ongoing battles to preserve the valley from the wind farm schemes that have put both it and the Orton Fells under nearly constant pressure since 2005 (see IS 1857/5). Most of those battles have succeeded, but permission was granted for the sites at Lambrigg and Armistead and they are now in operation.
- 3.235 J Moore (1878) (WR) supports inclusion of the Lune Valley, especially the fells to the west; while the valley has largely escaped inappropriate development there are now vested interests which threaten this situation. Economically the area relies very much on tourism and its natural beauty.
- 3.236 Casterton PC (2398) supports designation of the Lune Valley, including the fells to the west of the river, in order that priority is given to its conservation and enhancement and that the YDNP ranger service and funding may be brought to bear on the PROWs in the area. Kirkby Lonsdale & District Civic Society (WR), J Kerr (3151)(WR), Southport Fell Walking Club (3153)(WR), and the Dales Way Association (3155) (WR) have similar views.

Case for other supporters – Orton Fells

- 3.237 A number of supporters commented particularly on matters concerning the especial desirability of designating the Orton Fells.

- 3.238 J Smith (IS 251) (WR) considers it crucial to designate Orton Fells for the protection of its natural beauty. One farm just outside the proposed extension has recently rooted out hedges and removed stone walls to create a single massive field having no relationship with the character of the area. Confusion arises from the current illogical boundaries to the present NPs in the YDN/LDE areas. This is a chance to clarify matters by passing management to the two NPAs who have good track records in caring for their landscapes, supporting visitors' enjoyment and understanding, working closely with communities and achieving good value for the nation.
- 3.239 Frank Nettleton (2442 & IS 2442/1) All the VO areas should be designated, but this is particularly essential to the successful conservation of Orton Fells. Cumbria CC and Eden DC have not shown that this can be achieved by the existing authorities. Eden's planning system has 'in case after case shown its complete inability to comprehend, let alone protect and conserve, the essential natural beauty of the area while totally failing to seize opportunities to promote appropriate development which would have assisted economic development in a way consistent with conservation...'. Examples are quoted in IS 2442/1. On the other hand YDNP has solid evidence of achievements, including work which would be relevant to Orton Fells on limestone pavements, kilns, historic settlement sites, and other aspects of the scenic and cultural heritage. Orton Fells are a hidden gem of the English landscape, deserving protection from unsympathetic development, neglect of its finest aspects and decay of its historic features. Programmes are required to enhance the landscape and pursue educational and recreational opportunities. Designation of the Fells as an AoNB would not be a suitable alternative.
- 3.240 J and P Cattermole (IS 813/1) (WR), owners of a B & B business in Orton, refer to the area's many attractions to guests and the potential for these to be enhanced and protected by an increased profile due to designation.
- 3.241 A Bromley (IS 137/1) (WR) The Orton Fells are less known to the public than nearby more visited areas of the NPs, yet have potential for an increase in visitors. This would benefit the area in the same way as Staveley on the periphery of the LDNP. Designation would protect the Fells' unique landscape from unsuitable development.
- 3.242 Orton PC (2394) and Orton Fells Walking Group (IS 3203/1-5) stress that the landscape of the Fells and the infrastructure of its villages have the ability and capacity to absorb a modest increase in visitor numbers without degrading the area's very special qualities. This would bring economic benefits to local businesses serving tourism, and the community is almost universally enthusiastic about designation. Neither group would support designation if it thought that local communities would be swamped by becoming excessive honeypots or that the landscape would be despoiled.

More focused governance by YDNPA can only benefit the area in managing and protecting the priceless assets of the Fells whereas the current lack of designation leaves them vulnerable to neglect, uncoordinated management and unsympathetic development. Any likelihood of alternative AONB designation is remote.

- 3.243 G Lightburn (2465), chair of Bandleyside and Colby PC (IS 3218) and a local farmer, considers designation of Orton Fells especially desirable. The things that YDNPA does to support farming are the things that are missing in the Orton Fells. Restoration of stone walls would help farming in a practical way. Farmers can be put off from applying for agri-environment schemes because forms often arrive at lambing time, so they need the kind of help that an NPA can offer to complete applications of good enough quality. Future CAP changes will squeeze available funds, so inclusion in an NP can only make grants for conservation/environmental projects more readily available over the longer term. There would also be more encouragement for visitors to appreciate the countryside, so generating more income from tourism.
- 3.244 J Burra (IS 1960/1) (WR), a retired 7th generation farmer at Raisbeck in the Orton Fells supports designation as beneficial to farming and the area as a whole.
- 3.245 J Smith (251) (WR) considers that designation would bring more protection for the still very wild and unspoiled Orton Fells.
- 3.246 W Tuer (1731) considers that designation will protect and foster the unique landscape of the area, which has experienced rapid decline in the past 15 years. NP status should offer local farmers better support with local branding and assistance in adapting to emerging changes in CAP grant conditions, thereby helping competitiveness in increasingly difficult times and bringing many other economic benefits, provided tourism is not allowed to overrun the area.
- 3.247 P Dunford (1079) (WR) refers to the ability demonstrated by NPAs in dealing with the kinds of environmental pressures occurring in the Orton Fells and the consequent benefits of designation.
- 3.248 D Holliday (1059) (WR) also considers that designation would open up this unknown area to visitors and assist the rural economy. K Capp (1883) (WR) has similar views.
- 3.249 C Barnes (1882) (WR) If the Orton Fells area is to be protected from developers and local vested interests it needs a better quality of conservation and control for the long term than the current authorities and agencies can offer.
- 3.250 K Blue (3189), for Orton PC To argue that there is no need to change the area's management because the land has been well-managed for generations is to ignore the pressures on today's countryside from power generation, agriculture and transport, even

compared with 10 years ago. There is real potential to radically change and damage the scenic appeal and wildlife value of these landscapes. They therefore need management for national well-being as they are highly accessible, yet have the potential to take some visitor pressures away from more crowded areas. A recent survey showed that many businesses in the Orton Fells are already highly sensitive to visitor numbers, so designation has the potential to create/ preserve jobs, inject new income into the local economy and preserve amenities such as shops and pubs.

Other representations of support for designation

3.251 A substantial number of additional written representations was made in support of the two VOs (see paragraph (ii) of the introduction to this report). The majority of these were in a standardised format including references that this is a once-in-a-lifetime opportunity to extend protection for two of the finest landscapes in England and the world, that the extensions will help link wildlife habitats at a landscape scale, and that designation is supported by local people and businesses as well as many from across the UK and beyond. The Government must celebrate this chance to make a difference and so strengthen the NPs and make the most of the benefits they bring to people, businesses and well-being. The NPAs both have good track records of looking after their landscapes, supporting visitors' enjoyment and understanding and working closely with their communities. The current boundaries of the two NPs are illogical, cutting major fells and dales down the middle. Correcting the boundaries will remove the confusion as to where the NPs begin and end and better reflect the character of these special landscapes.

3.252 Another large set of written representations is in the form of postcards giving particular support under printed headings referring to certain localities, particular examples being Asby, the Lune Valley from the gorge to Kirkby Lonsdale, Ravenstonedale and Orton. These generally reflect issues already recorded in this report.

Inspector's conclusions on especial desirability

3.253 I conclude in part 2 of this report (at paragraphs 2.28, 2.83, 2.167 and 2.260) that, subject to two minor exceptions, the 4 areas covered by the VOs all form wholly natural geographical extensions to the 'extensive tracts' covered by the two existing adjoining NPs in terms of the s5(2) criteria of '(a) their natural beauty, and (b) the opportunities they afford for open-air recreation, having regard to their character and to their position in relation to centres of population'. The qualities of the 4 areas are therefore on an equal footing with the national importance and significance of the existing highly-valued NPs.

- 3.254 The issue here, then, is whether or not it is 'especially desirable that the necessary measures shall be taken for the purposes...' (a) of conserving and enhancing the (areas') natural beauty, wildlife and cultural heritage, and (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public', subject of course to the statutory primacy of (a).
- 3.255 Alan Michael's letter does not appear to seek to set any stricter 'standard' than 'especial desirability' and in any case the letter cannot alter the words in the Act or affect their interpretation. Nor does the Act allow for opposition to designation on the grounds that it has not been shown to be 'required', or 'necessary', or that it should be subject to a burden of 'compelling proof'.
- 3.256 NE indicates what it considers to be the issues affecting the especial desirability of designating the extension areas at CD5.15 (table 4.3.2), Annex 4 of the Board Meeting (CD5.16e), NE/3 (parts 2.3-12, 3.1-3.15 and 4.1-4.12), and at appropriate points within NE/5 and NE/16. Aspects of these were drawn out and amplified at the inquiry. Even if some of the issues identified no longer apply or are considered individually marginal, the totality of material in these sources provides a broad overall appreciation of the management issues, needs and opportunities arising in the extension areas. It also provides an appropriate comparison in a sufficient amount of detail between what could be secured under current arrangements (in terms of securing the necessary measures to meet NP purposes upon land meeting the criteria of s5(2)(a)&(b)) and what could be achieved under an NPA.
- 3.257 The LVLC appeared to expect a detailed diagnosis of current deficiencies and unfulfilled opportunities in the prevailing YDW management regime, together with a similarly detailed prescription of what the NPA would do to tackle those issues. In my view this is not practicable at this stage, nor is it necessary for the purpose of considering whether or not to confirm the VOs. Designation is for the long term and precise location-specific indications of a future NPA's plans and programmes were not required in the case of the most recent designation (South Downs National Park). In this case management for NP purposes would be undertaken by the two experienced NPAs, both of whom have solid track records in securing the necessary measures for such purposes. Both have existing structures and Management Plans geared to the achieving such objectives and the content of those plans (together with the inquiry statements of the two NPAs) give a very clear general indication of the kinds of measures and initiatives which would be extended into the enlarged parts of the two NPs and no doubt developed in greater detail in future after appropriate consultations with interested parties.
- 3.258 NPAs have a relatively limited range of functions and are able to design their policies and marshal their resources to focus tightly upon those roles. On the other hand, the County and District

Councils have a far wider policy reach and experience constant tensions between conflicting priorities, especially in the present financial climate. Plainly, all the local authorities in the area have contributed (and continue to contribute) to various aspects of the s5(1) purposes through the exercise of their functions, by running particular schemes, and by entering into partnerships of various kinds. However, it is clear that local authorities are finding it hard and sometimes impossible to maintain those contributions at a consistent level, some examples being the termination of the East Cumbria Countryside Project, the loss of the CCC co-ordinator of volunteers, the increasing disparity between the performances of CCC and the NPAs in terms of the maintenance of PROWs and the issues affecting maintenance of the cultural heritage in Eden.

- 3.259 In any case, past and present initiatives (such as the Morecambe Bay NIA) address only some of the factors relevant to NP purposes and are subject to short-term funding. By comparison the evidence produced to the inquiry, especially in the statements of the two NPAs, shows that these bodies are far more likely to be able to deliver what have been variously described as strategic 'landscape-led', 'multi-purpose', and 'joined-up' long-term programmes and initiatives of the type likely to assist the necessary measures across all aspects of the two NP purposes. In the case of the LDNP the long-term 25-year vision of the 24-member Partnership permits a very wide range of bodies to bring to bear their various powers and resources on the focused long-term achievement of the statutory purposes through the mechanism of the more frequently reviewed Management Plan. This is an indication of the ways in which, even in times of public sector cuts, NPAs will be better able to maintain a clearer focus on NP purposes, notwithstanding that their overall resources may be under pressure.
- 3.260 The terms of the objections show various misconceptions about the effects of designation and the ways in which NPAs function. Firstly, some assume that NPAs play an actively interventionist role in land management, especially farming, whereas it has been shown that the NPAs see their function as one of offering advice, services and programmes which may be taken up, or not, according to the individual choice of farmers and land managers. The evidence concerning take-up of agri-environment schemes in the extension areas indicates plenty of scope for further assistance and advice from the NPA and greater take-up of schemes would only assist the first NP purpose. Designation of the extension areas would also assure them of greater targeting for HLS schemes.
- 3.261 A second suggestion is that designation would lead to increased bureaucracy, usually in the shape of a more restrictive planning regime, leading to higher costs. However, in order to create accord with the principles of sustainable development sought by the NPPF planning authorities everywhere sometimes have to place greater demands upon applicants than they would otherwise volunteer. Suggestions of over-burdensome planning requirements in the NPs

were of the anecdotal/hearsay variety and not borne out by the statistical evidence which does not indicate that any such demands translate into materially different rates of refusal or issues raised under the prior notification procedure for agricultural buildings.

- 3.262 A third misconception is that NPAs engage in aggressive promotion of 'tourism', almost as an end in itself. This would contradict the statutory purpose which is to promote opportunities for the public understanding and enjoyment of the area's special qualities, and then only insofar as this does not conflict with the primary purpose of conserving and enhancing natural beauty, wildlife and cultural heritage. Some contrast the tranquillity of the extension areas with various management issues facing well-known honey-pot areas in the LDNP and YDNP and fear that promotion of the former would cause them to come under similar pressures.
- 3.263 Having regard to the nature of the extension areas, including their relatively few, quiet villages this appears generally unlikely. Orton PC (together with other local respondents) has indicated that it welcomes designation and considers that the village (and the Orton Fells as a whole) has the capacity and resilience to absorb without difficulty any increase in numbers resulting from suitable promotion of this relatively little-known area in accordance with s5(1)(b); any accompanying increase in economic activity would be welcomed. More generally within the 4 areas, it must be difficult to predict to what extent the act of designation, and any appropriate 'promotion' that may follow, would attract greater public attention resulting in more visitors. As for over-used honey-pots within NPs designated after WW2, it cannot be known how far this results from the fact of designation and subsequent promotion in accordance with s5(1)(b) as opposed to massive subsequent increases in personal mobility, disposable income and holiday-entitlements. Those trends have for the most part left the extension areas relatively untouched.
- 3.264 However, it is certainly the case that if designation were to lead to an uncomfortably greater number of visitors being attracted to any location in the extension areas an NPA would have the duty and resources to address the issue, giving clear precedence to the first statutory purpose of conservation and enhancement of natural beauty, wildlife and cultural heritage. The evidence of the policies and initiatives of the two NPAs demonstrates that they treat such issues very seriously. On the other hand, at present and in the future a local authority would not have the duty and resources to deal (in accordance with NP purposes) with any slow accumulation of pressures at somewhere such as Devil's Bridge.
- 3.265 Similar considerations apply to issues concerning various forms of disturbance in the countryside such as the damaging over-use and erosion of the PROW network or its inappropriate use by walkers of dogs without leads or (in places) by 4-wheel drive vehicles. The evidence suggests that NPAs are better equipped to deal with these issues if, when, and where they occur.

- 3.266 A major theme in the YDW context is that careful long-term management of the land by its owners, backed up by the current conventional regime of local authority planning control (which has been complemented since WW2 by the growth of specific systems of regulation over SAMs, listed buildings, SaCs, SSSIs etc) has been sufficient to maintain these areas' compliance with the criteria at s5(2)(a)&(b) more than 60 years after their designation was first proposed. However, NE's early studies for this project concluded that quite large parts of the area defined by Hobhouse in 1947 are no longer worthy of designation. Thus, despite NE's suggestion that it would not expect any difference in planning outcomes if designation were confirmed, it cannot simply be assumed that the current system outside NPs can be relied upon to maintain natural beauty to the same high level into the future. In any case s5(1)(a) seeks 'conservation and enhancement' of natural beauty, wildlife and cultural heritage. These concepts extend wider and deeper than the limits of town and country planning legislation, even when bolstered by the other regulatory systems referred to. The two NPAs are able to focus on these more wide-ranging objectives of s5(1)(a) in a way which local authorities cannot.
- 3.267 The estates managed by members of the LVLC, covering a large part of the YDW area, undoubtedly show a high level of consistent, careful stewardship, a record of which the owners and managers are justly proud. Their activities and one-off projects have made valuable contributions towards many individual elements of both of the statutory purposes, albeit they are not structured with those specific aims in view. As highly responsible landowners LVLC members will no doubt continue to maintain and improve their estates achieving many of the kinds of things that they have in the past, taking up grants where available. Designation would not prevent such individual initiatives but would also bring wider opportunities (if landowners so chose) to key into NPA projects and initiatives aimed at furthering and balancing the multiple benefits required to achieve NP purposes as a whole.
- 3.268 Moreover, the YDW area also includes other land and owners. Within that area as whole there is scope for enhanced agri-environment agreements to benefit NP purposes and for the resolution of some recreational issues. Taking YDW and YDN together, designation would offer the NPA an important opportunity to take a strategic view of the very high and unspoiled qualities of the Lune Valley as a whole all the way from its source and upper valley through the gorge and on to the point where it takes on a more lowland character after Kirkby Lonsdale.
- 3.269 Across the extension areas as a whole, farmers' opposition to designation is not universal. In YDN and LDE (areas characterised by upland hill farms) the CBLA's members are divided and there were individual farmers from these areas who supported NE at the inquiry. Although CBLA members are against designation at LDS

this small area has fewer farms and the National Trust has major land holdings, including tenant farms, and favours designation.

3.270 Turning briefly to the 'alternative option' of an AoNB, suggested mainly in the context of Orton Fells, that area (as discussed in part 2 of this report) has an especially rich concentration of natural beauty, wildlife and cultural heritage features intermixed with many opportunities for open-air recreation. The special qualities of all these assets need both to be preserved and enhanced and to be promoted for an appropriate level of public understanding and enjoyment. In general, those taking part in the inquiry expressed understandable concern about the future prospects for some of the above assets under present arrangements but also showed little appetite for AoNB designation as this would involve pursuing the first NP purpose to the exclusion of the second. The prevailing local view was that an NPA could perform better in serving the first purpose, including bringing conservation gains by helping to raise the low proportion of land in HLS. It was also considered that sensitive actions in pursuit of the second purpose would bring real benefits including local economic gains. Under the option of an AoNB there is no real prospect of resources being present to fulfil the second NP purpose or, indeed, significant resources for the first. I concur with these views and conclude that this is an area strongly in need of the strategic oversight and concentrated attention of an NPA.

3.271 For the above reasons my overall conclusion is that it is especially desirable for the necessary measures to be taken in respect of the land within the VOs for the purposes set out in s5(1) of the Act, and for these valuable areas (all of which form natural extensions to the existing NPs which adjoin them) to be managed by the NPAs as integral parts of enlarged, nationally important 'extensive tracts'.

PART 4

OTHER MATTERS

- 4.1 As noted at paragraph viii) of part 1 of this report, a sizeable number of representations raise issues that are arguably not directly related to the taking of 'the necessary measures' for National Park purposes (and thus to the 'especial desirability' of designation). To the extent that these matters may be deemed not directly related to 'especial desirability' they are likely to be outside the strict scope of the terms of reference of the inquiry. However, the principal Local Authorities and others expressed strong views about them and submitted that they should form part of the decision-making process followed by the Secretary of State, who should look wider than simply considering National Park purposes. I undertook to draw these matters to the attention of the Secretary of State, but without making recommendations.
- 4.2 I therefore summarise the main themes of these matters followed by the responses made by NE and any others.

Issues of public perceptions concerning the county identities and associations (and county 'brands') of Yorkshire, Lancashire, Cumbria and Westmoreland.

Views of objectors

- 4.3 The extensions would expand the area of the YDNP by just less than 25% into land entirely outside Yorkshire. Almost all of this land is in Cumbria (and was formerly in Westmoreland), although a small part is in Lancashire.
- 4.4 There is clear opposition from some to the concept of any part of Cumbria/Westmoreland or Lancashire being managed for NP purposes from any base in Yorkshire. It is stated that the extension areas share little or no common historic or modern identity with Yorkshire and are associated with Kendal and Lancaster governmentally, culturally and commercially. Examples of such views are expressed by N Gillibrand (2) (WR), Susie Charles, Lancashire County Councillor for Leck (within the YDW extension area) (7), E Houlton (5) (WR), J Meadows (9) (WR), R Murray (16) (WR), M Sandys (21) (WR), R Wilson (2248) (WR), A & J Reardon (2271) (WR), J Wilson (2300) (WR), Lune Valley Landowners' Consortium (3150), Lord Shuttleworth (3150.1) and E Wilson (3154).
- 4.5 These issues are also raised by the signatories of a 'standard' form of response from many residents in the Upper Lune Valley who state that *'The area in question has never been in Yorkshire. The vast majority has been in Westmoreland since 1092 and is now in*

Cumbria. The cultural identity of the region would be compromised. The small parish of Leck has always been in Lancashire – that has even less in common with Yorkshire. Responsibility for planning would be transferred from our region to an area of the country which is geographically, commercially and culturally remote from us. What is already a difficult process would become much more onerous and expensive.’ Eden DC (2262) also refers to the distance between the Orton Fells and the YDNP base in Yorkshire.

- 4.6 CCC (2427) considers that designation would undermine brand recognition of Cumbria and Westmoreland as destinations and suggests that members of the public have expressed an emotional opposition to being subsumed under a Yorkshire ‘badge’. D Murray (2438) (WR) fears further dismemberment of the identity and sense of place of historic Westmoreland which would not be softened by including the county’s name in the NP.
- 4.7 Another clearly-expressed strand of opinion sees this issue from an opposite ‘Yorkshire’ perspective, fearing that extending YDNP into a new and larger area of Cumbria would seriously erode the present strong, internationally-recognised and reputed ‘Yorkshire Dales’ identity and ‘brand’ which supports many jobs in tourism, recreation and the local food industry. This view is expressed by Richmondshire DC (IS 2396/1) and North Yorkshire CC (IS 2443/1) as well as Hebden PC (1766/1888) and Burton-cum-Walden PC (IS 1877/1).
- 4.8 Cllr J Blackie (IS 3216/1) has represented the Upper Dales division on North Yorkshire CC since 1997 and the Hawes & High Abbotside area on Richmondshire DC since 1995. He has been a member of Hawes & High Abbotside PC since 1995 and a member of YDNPA since 1997. He employs 20 full/part-time employees in local and tourist businesses in Hawes. Cllr Blackie reports that the 13 Upper Dales parishes all oppose the VOs. Although the landscape of the extension areas is highly rated it does not quite measure up to the internationally-renowned landscape of YDNP. Consequently the two YDNP extensions would dilute or cheapen the value of the existing NP as perceived by visitors and undermine its credibility in the hearts and minds of local residents and businesses, especially those engaged in tourism. It would also undermine local people’s ownership, pride and willingness to maintain the landscape.
- 4.9 The Upper Dales parishes fear future change to the name of an extended YDNP, particularly the removal of ‘Yorkshire’ from its title given the significant extension into Cumbria. Any such change would threaten the branding and marketing advantages associated with the iconic names of Yorkshire and the YDNP, the tourism businesses built around them, the employment they offer and the local economy’s prosperity. In a reverse situation there would no doubt be strong (very understandable) pressure for name change if 25% of Yorkshire were taken into an imaginary ‘Cumbria NP’.

- 4.10 CCC strongly shared the view that the 'Yorkshire Dales' brand should not be watered down, and would prefer the extended areas of the YDNP to be badged 'Westmoreland Dales'. The 'naming' theme is taken up by others, who do not necessarily oppose (and sometimes support) designation as such but are nonetheless concerned about the title of the extended YDNP and the loss of Westmoreland identity. WR from the Friends of Real Lancashire (1), David Nuttall MP (6), Simon Danczuk MP (8) and Roy Denny (29) consider that labelling parts of Lancashire under the Yorkshire banner would further erode the historic county, compounding the effect of the Local Government Act 1972. They suggest that any extended park should be renamed the 'Yorkshire and Western Dales National Park'.
- 4.11 As a Cumbrian, D Evans (1258) (WR) considers that the YDNP should be renamed to reflect the large portion within that county. B Marshall (4) (WR), and Roy Denny (29) (WR) are concerned that designation would give Cumbria a reduced stature in the minds of its visitors, adversely affecting tourism in the county. They both suggest 'The Dales National Park' as more accurately reflecting its trans-county boundaries, as does D Kelly (3156) (WR). Asby PC (2412) (WR) favours retaining the identity of the Westmoreland Dales. A Tattersall (2188) (WR) and N Tattersall (2190) (WR) suggest the 'Western Dales'. Sir Bernard de Hoghton (5) (WR) reflects most of the above concerns and puts forward three other names. S Lismore (2436) (WR) suggests another alternative.

View of NE

- 4.12 The issue of cultural identity, branding and naming is covered in NE/5 part 2.20, NE/9, para 90-91 and NE/16, paras 142-49. Although the NE Board recognises the importance of these issues for some local residents, the issue of naming can only be addressed by subsequent orders made by the SoS under s75 of the Environment Act.
- 4.13 These matters are not relevant to s5 of the Act and the inquiry's terms of reference. Some objectors have conflated cultural identity and cultural heritage. The latter is referred to in s5, in the context of a list of tangible things capable of conservation and enhancement, such as natural beauty and wildlife. The former is not.
- 4.14 11% of the YDNP is already in Cumbria. It is not evident that this disadvantages the identity and branding of YDNP or to the parts of Cumbria lying within it. Rather, many businesses in Cumbria and North Yorkshire make the most of both aspects in advertising and marketing their goods and services. This situation would be unchanged if YDNP covered a greater area of Cumbria. It is already apparent that reference is sometimes made to 'The Dales' National Park.

- 4.15 Most objectors are perhaps not concerned with the name of the extended NP as such, but more with how their areas are 'badged' and presented in practice on the ground. The YDNPA method of taking a localised, place-sensitive approach to 'promotion' through the Distinctly Dales programme builds upon local distinctiveness and is capable of extension to reinforce the Westmoreland identity within YDN and YDW. The importance of naming is not to be under-estimated but some objections go too far on this point.
- 4.16 NE's more detailed response to points raised by Cllr Blackie is set out at NE/7.

View of the YDNPA

- 4.17 YDNPA explained that the extensions would be 'promoted' in the same way as the other individual dales within YDNP by building upon local distinctiveness (CD7.10) and adopting a localised and place-sensitive approach. The name of an NP does not dictate how it is presented to the world and the NPA would be able to reinforce the local Westmoreland identity of YDN and YDW by extending what it already does in promoting 'sense of place' and talking to people about how they saw themselves in various ways, including ways touching upon branding and identity.
- 4.18 After the nearest YDNPA office to the extension areas (in Sedburgh) became unsuitable it was vacated and sold. When the outcome of the inquiry is known the NPA will decide on an appropriate location for a new base in the Cumbrian section of YDNP. The resources from the Sedburgh disposal would be available for that purpose and the new facility would contribute to dealing with the concerns raised by objectors on this point.

Issues concerning housing affordability and the availability and provision of affordable housing

Views of objectors

- 4.19 In CCC's view (2427 & IS 2427/1&2) the extension areas already have affordability issues, reflecting their attractive landscapes and their general proximity to good transport links. The CNP report Prosperity and Protection (CD8.2, para 20) found that house prices in NPs in the Yorkshire and Humber region are already significantly above the regional and national averages and in March 2013 the only areas showing a price increase in housing in eastern Cumbria were those being put forward for inclusion in YDN, possibly reflecting anticipation of designation and the perceived increased protection it brings. Housing prices in Crossthwaite, inside LDNP, average £70,00 more than in Brigsteer (just outside, but within the LDS extension area) and if the latter is included in the NP this could

have a knock-on effect in nearby Levens, which would then be just outside the extended NP.

- 4.20 Cumbria CC, (2427), Eden DC (2262), the NFU (3214) and other objectors including A Hamer (30) (WR), C Barrett (1046) (WR), J&J Reardon (2271) (WR), G Wilson (2383) (WR), D Murray (2438) (WR), R Stephens (3152) (WR), and V Bayliffe (3215 and IS 3215/1-3) are concerned that designation will increase competition for the limited stock of housing in the extension areas from incomers and second-home owners, thereby exacerbating the issue of affordability. The 'standard' objection signed by many in the Upper Lune Valley also raises this point: *'National Park status would increase house prices still further. This creates problems for young/local people who want to live and work in this area but are priced out.'* Such concerns are often linked with the expectation that designation would tighten restrictions on planning permissions for new housing and thereby increase the difficulty of providing new affordable housing for local residents on low incomes.
- 4.21 CBLA (IS 2447) fears that growth of second home ownership could destroy vibrant and diverse rural communities and undermine local services such as schools, shops and post offices. However, it also accepts that it is debatable how far there is clearly identifiable cause and effect between house prices and designation.
- 4.22 The Kay-Shuttleworth Estates (IS 3150.1/1) provides a modest stock of houses for rent but suggests that 'it will be harder to maintain this' if the areas is designated.
- 4.23 M Wilson (IS 3150.6/1) states that homes in NPs are on average 15% more than comparable homes elsewhere and that the incidence of second homes is also higher.
- 4.24 Turning to the future provision of affordable housing, CCC (IS 2427) and Eden DC (IS 2262) fear that this will be harder to achieve in a more 'restrictive' planning environment. Eden District states that provision of affordable housing is a key issue in its Core Strategy, especially as it is nearly impossible to achieve affordable housing for local people without an element of market led housing to make it viable. It submits that although there are designated Local Service Areas within the Orton Fells, YDNPA's policies lack the flexibility to deliver affordable housing at these places.
- 4.25 V Bayliffe IS 3215/2 refers to the numbers of permissions for, and completions of, housing in YDNP. These are now at their lowest levels for more than 10 years, and average house prices in the YDNP are 9 times higher than average incomes.
- 4.26 Ms Bayliffe's closing submission (IS 3215/3) refers to the revised NE analysis at IS NE/15 and queries whether or not the data is reliably-based.

View of NE

- 4.27 NE's main response on this issue is found at NE/5 parts 2.17 & 2.18 and NE/16 paras 99-112. The impact of designation on affordable housing is irrelevant to s5, but in any event there is no basis for objectors' fears on this issue. House prices and affordability are already issues within the extension areas. The independent CIO report (CD8.12) and NE's analysis at IS NE/14 & IS NE/15 show that prices in the extension areas are already in the top quintile for Cumbria and the LDNP, higher than in the YDNP, and higher than in the areas which would remain outside the NPs. Using the refreshed analysis on the model proposed by Ms Bayliffe, house prices in communities within the NPs approximate to the median, prices in communities not within the NPs and not within the extension areas are lower than the median, and prices in communities within the extension areas are higher than the median and higher than communities within the national parks. Ms Bayliffe's criticisms of this exercise in her closing submissions are not accepted and are baseless.
- 4.28 There is no evidence of a causal link between designation and house prices or that designation would make any difference. The extension areas are already highly sought-after both because of their exceptional environmental quality and because their relatively close proximity to the M6 and WCML railway (compared with large areas of the existing NPs) make them accessible for commuting. The YDW area already has more holiday accommodation than registered affordable homes. Regardless of anecdote or instinct there is no evidence to suppose that house prices would rise solely as a result of designation.
- 4.29 Moreover, designation is unlikely to make it more difficult to meet the existing local needs for affordable housing. It is unlikely that large numbers of houses will be built in these sparsely populated rural areas in any case. The Defra Circular on NPs (paras 76-79) recognises the affordability issue and makes it clear that an NPA's duty 'to seek to foster the economic and social well-being of local communities' within NPs requires it to 'maintain a focus' on affordable housing and support its delivery when exercising its planning powers. This has signalled a new approach by the two NPAs, as they explain. As for Lord Shuttleworth's claim, there is no evidence to suggest that designation would have an effect on a landlord's ability to provide houses for rent or sites to provide more.

Views of the two NPAs

- 4.30 LDNPA (IS 3161/1, paras 6.5-6.6) describes its approach to meeting the housing needs of the LDNP and its record in recent years in granting greater numbers of planning permissions and assisting the delivery of affordable housing. The Council's Core

Strategy is accompanied by an adopted 'Housing Provision' supplementary planning document, while delivery of affordable and local needs housing in accordance with the plan is a priority for all 24 partners in the LDNPP. This binds in housing providers as well as the NPA which, itself, can only enable provision.

- 4.31 LDNPA confirms (IS 3167/1, paras 6.6-6.7) that it now takes a more liberal, considered approach to affordable housing than may previously have been the case. This includes allocating sites for affordable housing in its emerging development plan, reflecting the aim of seeking balanced communities, highlighted in its National Park Management Plan. Plans for a community-led scheme in the LDS area in Brigsteer would be unaffected by designation.
- 4.32 Turning to the YDNPA (IS 3172/1, paras 156-167), the authority's Housing Development Plan Document (CD7.4) was found NPPF-compliant by the Inspector. The plan expresses major change in the approach to affordable housing, recognising the issue of low-affordability in the NP, the growing under-occupation of the existing housing stock and the fact that the proportion of dwellings not permanently occupied increased from 15% to 22% in 2001-11. Previous attempts to release rural exceptions sites have not generally worked; few landowners have made sites available for 100% affordable dwellings, albeit such schemes are still within the policy and it would still be open to local landowners to provide suitable sites for this purpose.
- 4.33 The YDNPA's new Housing Development Plan therefore allocates 29 sites for 230 mainly small homes, 50% to be affordable within the NPPF definition and 50% 'local market' housing restricted to those households needing to live in the NP for social and economic purposes. Allocated sites can be for as few as two units, as well as maintaining an exceptions-sites policy and allowing residential conversions in smaller hamlets. This approach is now bringing sites forward. YDNP also looks at chances for new forms of provision such as self-build, rural discount homes and live-work units.
- 4.34 The KSG (IS 2388) comment that the current approach to new housing in Eden District does not compare well with the approach described by the YDNPA.

Issues concerning the availability of resources

Views of objectors

- 4.35 North Yorkshire CC (IS 2434/1) and Richmondshire DC (IS 2396/1) are concerned that expansion of the YDNP would lead to dilution of the NPA's existing resources unless additional proportional resources are provided. They suggest that in current economic circumstances, with very tight pressures on public sector budgets, designation is inappropriate, unnecessary and extravagant.

- 4.36 The standard objection signed by many in the Upper Lune Valley states that *'Given the serious financial state the country is now in the timing and the cost implication of these proposals is highly inappropriate especially when vital services like health and education are being cut. The YDNPA has announced its worst ever financial year so why place greater and unnecessary demands on its diminishing resources?'*
- 4.37 Cllr Blackie (IS3216/1) reports the Upper Dales parishes' belief that the YDN/YDW extensions would lead to an inevitable reduction in the share of the funding that has been required to maintain the existing YDNP landscape in the Upper Dales, potentially leading to degradation of the NP's landscape value. This would tarnish the wider public image of the YDNP which, because of its international reputation, has been able to gain the NP's inclusion as part of the route of the Grande Depart of the Tour de France 2014. The enlarged YDNP would be too big and unwieldy, with too much being spent on bureaucracy and too little on servicing the landscape.
- 4.38 CCC observed that placing a total of 30% of the YDNP in Cumbria would have resource implications for the necessary reorganisation and exchange of data sources presently kept in Cumbria. Added to current budgetary constraints this was an unwelcome burden.
- 4.39 NFU members find it hard to see that the current financial climate will permit the Government and NE to offer the degree of expected additional funding. NFU refers to the cuts in the EU CAP budget. Members farming in NPs often complain that although NPAs have been good at attracting funds the monies have often been diverted to NPA interests.

Views of NE

- 4.40 NE's views on this matter are at NE/5 part 2.27. It would not be worth taking additional land into the two NPs without some increase in resources although this would not be material in relation to the overall NP budget managed by Defra. Since the existing NPAs have long-existing management structures there will be no significant start-up costs, while fixed administrative costs on matters such as personnel and finance are unlikely to increase. Those functions moving to an NPA from a local authority are likely to be cost-neutral overall. NE would expect an increase in funding for the two NPAs commensurate with the increase in size and administrative complexity involved.
- 4.41 Historically NPAs have received the levels of funding required to enable them to carry out their purposes in the national interest, reflecting the complexity of their areas.

Views of the NPAs and others

- 4.42 LDNPA (IS 3167/1) qualifies its strong support for the extended designations by referring to the need for these to be matched by additional resources. YDNPA (IS 3172/1) also makes support for the extensions dependent upon increased resources proportional to the increase in area, population and administrative complexity.
- 4.43 While supporting designation, A Ashton (754) (WR), the Yorkshire Dales Access Forum (2281) (WR), and Cumbria Tourism (2418) (WR) also consider that the resources available to the two enlarged NPs need to be increased in scale with their increased areas of responsibility, otherwise designation will be toothless.

Issues concerning 'democratic deficit' and accountability

Views of objectors

- 4.44 Eden DC (IS 2262/1), Richmondshire DC (IS 2396/1), Cumbria CC (IS 24271&2)), North Yorkshire CC (IS 2434/1), Burton-cum-Walden PC (IS 1877/1) and the CBLA (IS 2447/1) consider that the orders would lead to a 'democratic deficit' through the loss of 100% representation by elected, rather than appointed members. Similar views are held by others including N Gillibrand (2) (WR), R Cannon (925) (WR), C Barrett (1046) (WR), J Ritchie (1157) (WR), A Lowe (1893) (WR), R Wilson (2248) (WR), G Wilson (2383) (WR), D Murray (2438) (WR) and Lord Shuttleworth (IS 3150.1/1). The voice of local people would be diluted and they would lose ownership of the planning and other decisions made by the NPAs. North Yorkshire CC & others feel that since designation would entitle 3 new local authorities to at least one seat on the NPA, the overall total number of local authority members should be increased so that present YDNP authorities do not suffer reduced representation. Richmondshire DC (IS 3171/1) considers that it would be premature to increase the area of the YDNP without a firm plan for a commensurate increase in membership.
- 4.45 Cllr J Blackie (IS 3216/1) reports the concerns of the Upper Dales parishes on this issue. Prior to 1997 YDNP planning decisions were made by County Councillors, often representing communities well beyond the NP boundaries. Lack of comprehension of local issues often produced ill-informed decisions leading to disastrous enduring consequences for residents and businesses. This situation could return if local representation is stretched by the expansion of the NP. For example a Lancashire County Councillor representing the Leck area's 200 residents could replace a Yorkshire Councillor representing 6000 residents in the existing YDNP, and that same councillor could have to travel 60 miles each way to discuss a planning proposal in Arkengarthdale in the Upper Dales.

View of NE

- 4.46 This matter is not relevant to s5 of the Act (see NE/5 part 2.25). Defra is addressing the issue of representation on NPAs separately and in parallel with its consideration of the VOs. The most recent review of National Park Governance found no need for fundamental change and where changes were thought necessary they are in the process of being brought forward, so if there is any democratic deficit it is being addressed. The Local Authorities making these points did so only through superficial written statements and it is notable that South Lakeland DC and Lancaster CC did not object.

View of YDNPA

- 4.47 YDNPA (IS 3172/1) is positive about the proposals, provided that the membership of the extended authority is increased both to maintain the current level of representation within the existing parts of the NP and to reflect the political representation of the areas added to the designated area.

PART 5

Inspector's overall conclusions and recommendations

The Lake District National Park (Designation) (Variation) Order 2012

- 5.1 I conclude (paragraphs 2.38 and 2.83 above) that the land included within the two areas covered by the above order reflects appropriate overall judgements by Natural England concerning the proposed enlargements of the 'extensive tract of country' meeting the criteria in s5(2)(a)&(b) of the Act. I also conclude (paragraph 3.271 above) that it is 'especially desirable' in accordance with s5(2) of the Act that the necessary measures shall be taken in respect of the land in the order for the purposes set out in s5(1) of the Act.
- 5.2 I therefore recommend that the Secretary of State exercises his power under s5(3) of the Act to confirm the Lake District National Park (Designation) (Variation) Order 2012 without modification.
- 5.3 As indicated at paragraph 2.86 above, I consider it to be a matter for the SoS to decide whether or not he finds it necessary to issue any statement or advice on matters (a) & (b) referred to by National Grid and Natural England in their joint Statement of Common Ground, and (if so) in what form and in what terms.

The Yorkshire Dales National Park (Designation) (Variation) Order 2012

- 5.4 I conclude (at paragraphs 2.167 and 2.260 above) that, with two minor exceptions, the land included within the two areas covered by the above order reflects appropriate overall judgements by Natural England concerning the enlargement of the 'extensive tract of country' meeting the criteria in s5(2)(a)&(b) of the Act. I also conclude (paragraph 3.271 above) that it is 'especially desirable' in accordance with s5(2) of the Act that the necessary measures shall be taken in respect of the land in the order for the purposes set out in s5(1) of the Act.
- 5.5 The first minor exception concerns the boundary of the Yorkshire Dales northern extension area south of Reagill. Natural England accepts that a limited change to the boundary could be defined at this point in order to follow more permanent features on the ground (see paragraphs 2.154 and 2.168 above). I therefore recommend that Natural England carries out the necessary work to define an appropriate minor modification of the VO boundary in the relatively short stretch between the public roads south-east of Wyebourne and west of Meaburn Hall. This may or may not require consultation depending mainly upon whether or not any new land is included in the order.

- 5.6 The second minor exception concerns the small area of land at Low Gill Farm. Natural England accepts that the SoS could give effect to the omission of that site from the order without further consultation (see paragraphs 2.245-6 and 2.259-60 above) and I recommend accordingly.
- 5.7 Subject to the minor boundary modifications which would result from the changes referred to in the two preceding paragraphs, I recommend that the Secretary of State exercises his power under s5(3) of the Act to confirm the Yorkshire Dales National Park (Designation) (Variation) Order 2012 without any other modification.

Roy Foster

Inspector