

EXAMINATION IN PUBLIC

CUMBRIA AND LAKE DISTRICT JOINT STRUCTURE PLAN

Held At:

Lake District National Park Authority
Murley Moss
Oxenholme
Kendal LA9 7RL

Panel Members:

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| Panel Chair: | ADRIAN SMITH |
| Panel Member: | SIMON GIBBS |
| Panel Secretary: | FRANK HEWSON |

ISSUE 5.1, 5.2 and 5.3

Areas of National and International Importance
County Landscapes
The Coast

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ISSUE 5.1 - AREAS OF NATIONAL AND INTERNATIONAL
CONSERVATION IMPORTANCE

THE CHAIRMAN: Good morning. We are going to be talking about areas of national and international conservation importance, county landscapes and the coastal zone.

(Introductions made)

THE CHAIRMAN: Frank has pointed out an addition to text which the two Authorities have provided. It is in addition to ST3 principle 6, and it concerns nature conservation. This is something we discussed last week, and we asked the two Authorities if they would bring forward some additional text, which they have now done. So that is going round the table and it will obviously go into the library as well. If you want to raise a particular question on this, Frank is suggesting perhaps do it after coffee break when you have had time to look at it, but if there is anything pressing which has relationship to what we are specifically discussing, feel free to bring it in. The focus for the first part of our discussion is Policy O34 on page 51.

AUTHORITIES: I just wanted to make one point about the proposed text that we have conditionally agreed with English Nature, and the condition was that the nature conservation principles that we allude to in that text are set out in detail in the agreed supplementary guidance on the sustainability policies, and the two Authorities are more than willing to do that. So it is a conditional agreement.

The other point I would like to make is the wording picks up on a number of aspects in RPG ER5 and in particular restoration and re-establishment. So we have tried in the text to make the link with the RPG passing.

MR GIBBS: Sorry, could you repeat and explain the conditionality of it. I did not quite follow that and it may be everybody else is perfectly clear what you meant by being conditionally agreed.

AUTHORITIES: Right. English Nature wanted more detail about two nature conservation principles relating to safeguarding of sites and species and habitats. In our discussions we agreed that E34 adequately covered the sites, and this particular policy was about the practicalities to do with implementing sustainability. So those two principles relating to sites and habitats and species we did not consider appropriate for ST3, but we are quite willing, in explaining the details of the sustainability policies, to include a much fuller reference to these principles in the supplementary planning guidance.

THE CHAIRMAN: Again, just for the record, that guidance is not complete yet; that is something you are working on at the present time with English Nature and other parties?

AUTHORITIES: Correct, Chairman.

THE CHAIRMAN: If we could then turn to the first question. The first issue is 5.1. It concerns areas of national and international conservation importance. The first two questions A and B: "Does the policy E34 properly reflect PPS7, and should a criteria be added to the policy"? I think we can take those together and possibly deal with those fairly quickly. I would like to refer to a document that was circulated on the 20th September. It is under issue 5.1. It is the document 21.1, and it sets out some additional criteria to go into policy E34. Actually what it does is modify Criteria 2 and it adds two further criteria, 3 and 4, and some explanation as well.

This additional text has been produced following discussion between the two Authorities, English Nature and the Friends of the Lake District. As a way of addressing the concerns of those organisations in particular as to whether Policy 34, as we have it in the structure plan document, properly reflected the requirements of legislation, I think particularly European legislation. It is quite a technical area, and I did not really want us to spend a lot of time picking over quite technical details in this session, so I specifically asked if that meeting could take place and something could be presented to us which dealt with those particular points which have been raised. I don't have any specific questions or matters to raise on the suggested changes. Maybe I should ask the two Authorities just to say a few brief words about it first, and then I would like to pick up any comments people have who have not been involved in that process.

AUTHORITIES: Basically the changes that have been made to our proposed Policy E34 were made to reflect guidance in PPG9 with regard to the relative significance of international areas of nature conservation interest, European protected species and national areas of nature conservation interest which we agree with English Nature and Friends of the Lake District were not adequately covered in the proposed change to policy E34.

THE CHAIRMAN: Does anybody else want to raise any points on the suggested amendment? You are happy with it.

NATIONAL TRUST: Chairman, firstly I am happy with the changes proposed. I just want to pick up a small related point, if I may, which goes to the Joint Authorities' statement at paragraph 311, on page 7 of their document. I am just slightly concerned to make sure everything gets mopped up, I am sure it will be, but the Joint Authorities have agreed a further change to Policy E34, to refer to Grade 2 listed buildings and Grade 2 registered parks; (a) I'm happy they have agreed to make that change but (b) just to make sure it does not get missed if it does not appear with the same priority or highlights that these other changes have.

THE CHAIRMAN: You have brought in the second point I was going to make. The points you made in relation to listed buildings and parks and gardens, I think they were the only additional criteria people were specifically asking for, and, as you say, the two Authorities have now agreed to include those.

GONW: No problems with what is being said here, but I just wonder if you might bear in mind two comments. Firstly the extent to which these points are already picked up, for example in the habitats regulations, which does not mean to say the plan should not refer to them because sometimes district councils forget about those

matters, but on the other hand this does make this policy very complicated to read, I would suggest.

THE CHAIRMAN: Yes, I think I would agree with that. It is quite technical. On the other hand, I guess it is providing useful signposting service for district councils.

SIR MARTIN HOLDGATE: Whilst entirely supporting what has been proposed in both these areas, one of the difficulties I think we all face -- and I don't have a simple solution -- is that this is a highly dynamic field. Those of us who have worked in it are well aware on the European level new or amended directives issue themselves, nationally designations are subject to review -- a matter we will come on to in a moment -- and even at local level county designations that are dealt with in a later policy, in E35, are of course under continuing view as the county wildlife sites network is.

I do not know how a document of this kind, other than through regular revision, can take account of the dynamic, but if the turn of it can reflect the fact that no designation is cast in stone for all time, that is a very important point to bear in mind.

MR GIBBS: Can I just clarify that. Is your concern about types of designation that get removed or further designations that get added, because on the whole it tends to be a question of adding designations rather than removal of them?

SIR MARTIN HOLDGATE: I think it should be both. I can only speak personally from recent professional knowledge of the county wildlife networks in which I am involved as a member of the Cumbria Wildlife Trust and indeed a board member of Cumbria Wildlife Trust. The review that is currently in progress will indicate that a significant number of these sites will probably need to be removed from the list and a significant number more will need their boundaries adjusted, and some new ones will certainly come in.

We are well aware of the question of the Countryside Agency's review of landscape designations. We must recognise that it is desirable that these reviews take place and that both additions and subtractions may occur perfectly logically, and the system has to be flexible enough to accommodate them. That was my basic point, and I don't offer an amendment to the text, Chairman, but I do feel that any document of this kind should recognise that we live in a dynamic not a fixed situation.

THE CHAIRMAN: Yes, I am sure that applies to a number of other fields as well, as the Government bring out new PPSs, et cetera. Katrina Rice, is that adequately catered for, perhaps in a generic way, in the plan, the fact that there are constant changes of this kind?

AUTHORITIES: I think the way we deal with that in the structure plan is that the sites are not actually identified on the strategic plan proposals map. The sites are listed in the bullet points as World Heritage sites, as SSSIs, and also county wildlife sites are covered in E35 rather than E34, and similarly are named as county wildlife sites, so yes, it is covered.

THE CHAIRMAN: Sir Martin Holdgate, does that help?

SIR MARTIN HOLDGATE: I agree they are covered once they have been designated. The dilemma we are all in is to recognise that this is a snapshot, a frame out of a moving picture, and the approach has to be capable of recognising the dynamic, and I am not sure how clearly that is reflected in this document. It is a dilemma and I don't offer a solution.

THE CHAIRMAN: Friends of the Earth, do you want to speak on this.

FRIENDS OF THE EARTH: I just wanted to remind the company here that PPS22 has various criteria which should be considered as well with regard to renewable energy.

THE CHAIRMAN: Right, we are going to deal with renewable energy tomorrow. There is obviously a relationship between tomorrow and today. Was there a specific reference in PPS22 you wanted to refer to?

FRIENDS OF THE EARTH: I think particularly where it mentions borders of designated areas.

THE CHAIRMAN: I think to some extent we will pick this up in our discussions on county landscape areas and we will obviously talk about it again tomorrow. I am not sure I can really add anything in relation to Sir Martin Holdgate's points. It is a generic problem, not just in this field because of constantly changing regulations, government guidelines etc., but that is something to bear in mind perhaps. I think we have dealt with point A under 5.1. I think also we have dealt with point B in that the National Trust were asking for additional criteria, and the two Authorities have agreed they can be specifically referred to.

I want turn now to point C, which is: "Does the plan provide adequate protection to the setting of the two national parks, by which we mean the Lake District but also the Yorkshire Dales National Park. At this point I want to refer to the Countryside Agency's initiative. Perhaps it is a mix-up on my part, I thought they were going to be here for this session, but they are actually coming for the next session, but I think it is important we bring in this point now. We can always ask them to clarify any outstanding matters when they arrive later. I think you have a copy of further statement 5/13, which explains the process which is being followed at the present time. Maybe I could just selectively read through some of that for your benefit.

It says essentially: "The Countryside Agency is about to commission research into the quality and natural beauty of land between the Lake District National Park and the Yorkshire Dales Park." There is also a map in the library, CD148. This map which shows the study area which is being evaluated by the Countryside Agency. Essentially it extends from Penrith in the north, down to the southern boundary of the county.

As I understand it the Countryside Agency is the body which has the power to review National Park boundaries under the National Parks Act 1949. That power was passed down to the Countryside Agency. The work has not started yet. They are about to appoint consultants. The work will be undertaken during the remaining part of this

year. There will be a report to the Agency's board, and depending on the outcome of that consultancy work, the Agency will then decide whether to take this further forward, whether it needs to engage in a form of consultation process, which will include obviously extensive consultation with all interested parties. We can ask the Countryside Agency when they come later to update that and clarify that, but that is my understanding of the situation.

AUTHORITIES: I just wanted to add that as part of the process of evaluating the potential designated area between the two national parks, the Countryside Agency is putting together a technical group to oversee the process which will be carried out by consultants when they are eventually appointed. Rob Terwee of the County Council, it has been confirmed he will be a member of that technical group. I just wanted to mention that.

THE CHAIRMAN: Thank you. I suspect it will be a steering group. Just for further information; does it bring in a wider representation, for example people like the National Trust. Who will actually be on this group?

AUTHORITIES: I don't know, I can't answer that question. I think you will have to ask the Countryside Agency the same question.

THE CHAIRMAN: Moving on to a question which a number of participants have raised about maybe not the whole of this area but key parts of this area, I think the area which is often referred to as the Hobhouse area -- perhaps we can use that as a shorthand term -- which is essentially the area between the Lake District and the Yorkshire Dales National Park but not as extensive as the area now being looked at by the Countryside Agency. The Countryside Agency are looking at a greater area further south, to the south of Kendal, over and above the Hobhouse area.

A number of participants have said that because of the quality of the landscape in the Hobhouse area in particular they would like this area to be included within the scope of policy E34, maybe as an interim measure, but they would like it to be included within the scope of the policy now essentially and specifically referred to.

The two Authorities have responded to this point, saying whilst they are sympathetic to this request, this would not be possible within the scope of legislation and government guidance, so they cannot actually do this. The area is not designated, therefore it cannot be included within the scope of the policy. Obviously that situation may change, it may not change, depending on the outcome of the reviews the Countryside Agency have now started.

So I would like to go back to those participants who made this request -- friends of the Lake District, Mr Woolmore and Sir Martin Holdgate -- just though see if they are happy with the position the County are taking, which is clearly set out in their statement.

FLD: Happy may not be the right word. Understanding might be better.

THE CHAIRMAN: Content might be better.

FLD: Yes, content is not the word I would use this morning. Chairman, looking at E34 as now amended with the proposals that we have had before us today for nature conservation aspects, we have in the plan a curious inconsistency. That is now we have candidate SAC sites and tentative SBAs, I think it was, in the policy -- and I don't want to talk about the details -- in Schedule 2 we have a lot of tentative proposals in Schedule 2. So across the plan it does take concerns of a precautionary principle, if you will, of some of the candidate sites that may come up within the plan period.

We have the issue of the Hobhouse report, the area, the activity of the Countryside Agency in this field. We have also got the World Heritage site, where policy E34 covers ones which have been recognised internationally but does not mention the tentative Lake District bid, also which has been on the table since the 1980's. So we have, from our point of view, an inconsistency in approaching Policy E34, and to make that policy consistent it is our view that candidate areas for AONB or National Park designation, tentative World Heritage sites, would make that policy far more consistent and appropriate than it stands now.

MR GIBBS: Just to clarify; the distinction between candidate SACs is introduced by the change of Policy E34, which was referred to by the Chairman in earlier reference under EIP document 21.1. Just so people are clear on that.

FLD: Indeed.

THE CHAIRMAN: I will take Sir Martin Holdgate first before we go back to the Authorities. Essentially it is a question of status. You don't want the inconsistency as you see it dealt with by taking things out of the policy. You want things putting into the policy. That is the first point, yes?

FLD: That is a point, chairman.

THE CHAIRMAN: Secondly, it takes us to the issue of status. The status that these candidate areas have, which are referred to in the policy, as against the area we have been talking about, we will come back for a response to that from the relevant bodies, but could I ask Sir Martin Holdgate to come in on this now.

SIR MARTIN HOLDGATE: I support what Ian Brodie has said. It is a dilemma. I think there would have to be some qualification or criterium that allowed the candidate area to be confirmed as a really serious one, and the intention is to gain time, safeguarding that area against development that might be incompatible with its future status, assuming that the candidate area subsequently became confirmed as a designated area.

I do not know whether one way round might be to add a bullet in E34; for example, to include candidate areas for designation as outstanding landscapes confirmed by the Countryside Agency as under serious consideration, or phraseology to that end. I don't know if there is a precedent elsewhere in the planning legislation. There would need to be, as I said, some fairly rigorous criterium so that the door is not left so wide open, but I do support the general thrust of what Ian Brodie is saying, and of course it

is completely consistent with proposed amendments I did submit at an earlier stage, which I know have been taken into account.

RAY WOOLMORE: I first of all concur with everything that Ian Brodie has said. I would like to add the point that there is a precedent for this historically in the sense that Circular 84/50, issued by the Ministry of Town and Country Planning in 1950 did acknowledge at that time no national parks had yet been designated, but it said that they would be and that would be the role of the National Parks Commission. Indeed, it had a duty to do so.

The circular required Local Authorities within the areas which had previously been identified by Hobhouse as candidate national parks and conservation areas which became AONBs, it asked Local Authorities to consult with the National Parks Commission on major developments in those areas.

As far as research which we have done via Lord Clarke in the House of Lords, while this circular is dormant it was never rescinded, it is still extant, and I would argue that it has set a precedent in terms of the areas which the National Parks Commission looked at. Of course the National Parks Commission was replaced by the Countryside Commission, which was then replaced by the Countryside Agency. I do think that there is a precedent here for candidate National Parks and AONBs to be looked at. These areas, of course, were looked at in the '80s, by then Countryside Commission, who were given a new role under the Wildlife and Countryside Act 1981, Section 45, to review National Park boundaries. They previously did not have that particular role under the 1949 Act. It was only the minister had that role, not the National Countryside Commission.

From that the Countryside Commission did look at the areas that we are talking about, and indeed had it not been for the lack of resources at the time, which was partly a function of public enquiries being called and staff resources being used, that would have happened in the Lake District and the Yorkshire Dales in the 1980's. So we are talking about unfinished business here. The role of the candidate areas have been there a long time, and they are not something which is new and suddenly been invented.

THE CHAIRMAN: Thank you. Let's turn first to Mr Bamber. I would like some clarification as to whether we can really refer to the area in question as a candidate area. I think the term candidate area has a specific meaning in relation to the nature conservation areas we are talking about earlier. It does carry a certain weight status. I have read some documentation on this. It has obviously been looked at a number of times, but I think people have referred to it in their statements as a candidate area, but I am not aware this has any status in the same way as a nature conservation areas.

MR GIBBS: You mean the SAC candidate status?

THE CHAIRMAN: That seems to carry some weight.

GONW: Perhaps with some humility, after that piece of historical rendition, I am wondering if you have got a copy of the Encyclopaedia of Planning Law outside. I could perhaps have a look at that circular. What I should say is that looking in the

context of recent guidance, which as it turns out may have to be read alongside that, you are right in saying there is no status for candidate National Parks, so far as one could see before just now, and if you look at PPS7 for example, it refers to nationally designated areas, it does not refer to areas that might be nationally designated. Looking at this list, it is actually problematic and really adds to the complexity of the policy, because the list is really a hybrid.

MR GIBBS: The list?

GONW: The list under policy E34. You have National Parks, with the duty to facilitate or foster economic and social well-being etc. and Areas of Outstanding Natural Beauty, where we have discussed who has the duty to do that, in other words the district councils, and those of course are areas where people live and work, people build buildings etc. and they are recognised as nationally designated areas. Then you have the World Heritage sites, which are essentially an honourific designation, which do not actually add anything in terms of protection to that afforded by English planning law. Perhaps we could discuss that. That is my interpretation.

Then we have the others, which are very much more specific and focused on generally smaller areas. The question of the candidacy special areas of conservation, I would point out that they are recognised in the European habitats and birds directives. So they do have that kind of status which recognises that they should be protected even though they are candidate areas, and that is a difference from what we are talking about in terms of the Hobhouse area.

MR GIBBS: I would like to come in after that, because my understanding of the situation is there is a difference between candidates in an international designation sense and candidates in a national designation situation. The World Heritage Site proposal for the National Park is not within the remit of the UK government; it is an international designation. Similarly, the SACs are actually a European designation rather than a UK designation, therefore there is a status that relates to it being a proposal from the United Kingdom level to go forward to an international level. Now, that is different from the situation for AONB or National Park, where it is within the remit of the nation. Now that, as I understand it, is the difference between the SAC candidates, which are formal candidates from the UK through to European level, and I would think also the Special Protection Areas, though I start being not entirely sure of my ground in that area. Now, I may be wrong, but it is just my understanding, and I am only putting it forward so as to help if there is an area of distinction. The other thing I wanted to comment on is of course what is significant here is what it says in the policy, but the policy is not everything, in that we also have the issue in relation to particular proposals and determinations of development control decisions, of taking material considerations into account, and clearly within that context the proposal that an area might become an AONB is clearly a material consideration. I think there is a similarity there between the policies that might apply in mostly green belt and interim green belt, though again that is a very, very long complex planning history. But my understanding here is that we have a question of a national candidacy for AONB, that will become a material consideration, and that can be brought forward in the context of control decisions, whereas the policy is looking at something which is more formal and within that context the candidates that are put forward are candidates at a national level towards an international designation. Now,

that is my understanding of distinction. It may be that people want to argue that that distinction does not justify making the distinction, but that is what I broadly understand to be going through. I don't know whether the joint authorities want to comment on that, or whether the Government Office also want to embrace it.

GONW: One brief comment on that. I would agree with that. I would make one qualification, which is of the international designations. The European ones relating to nature conservation are actually cascaded down into English law through regulations, which isn't, so far as I am aware, the case with the World Heritage Sites, so there is that difference.

THE CHAIRMAN: Could I bring in Mr Glading from English Nature. I am sure you can help us.

ENGLISH NATURE: I can confirm that candidate SACs do have a particular status. Candidate SACs, a Special Area of Conservation that is a candidate, that means it's been through the process of identification, evaluation by English Nature and the other nature conservation organisation in the UK, and it's been through a consultation process and been accepted by government and then submitted to the European Commission for consideration for future designation as an SAC, so that is what a candidate SAC is actually defined as. And the government has also said, and I don't have the document immediately to hand, but there is a policy statement from government that it will treat candidate SACs as if they were designated.

THE CHAIRMAN: Can I bring in Katrina Rice now for the two authorities.

AUTHORITIES: Just to help, PPG9 in paragraph C7 does actually clarify this point, and it says: "As a matter of policy the government wishes development proposals affecting potential SPAs or candidate SACs affecting them to be considered in the same way as if they had already been classified or designated", so that is Annex C, paragraph C7, PPG9. The only other point I would like to make is that obviously with regard to this area, if it was in the future designated as either National Park or AONB it would automatically be covered by E34 in that circumstance.

THE CHAIRMAN: We have talked quite a bit about the status of some of the other beaches which are actually included in the policy. The issue returns on what status the Hobhouse area has, and I think one key point is that Countryside Agency has not referred to the area as a candidate area as such; it has referred to it as study area, and, as I said at the beginning, it's a very much wider area than the Hobhouse area, it is quite an extensive area, and what they have said is clearly that they are going to look at the area as a whole and then consult on what might come forward, they have engaged a process, rather than referring to this as a candidate area as such. So I am still at the point of thinking, well, this area is not yet defined and does not yet seem to me to have the status of a candidate area. That is the kind of place I am at at the moment. Mr Brodie.

MR GIBBS: I was going to say even if that were the distinction. The distinction I was drawing was a slightly different one, whereas that even if it were a Countryside Agency candidate, because there is a national scope for dealing with that, that would add to the materiality of the consideration but wouldn't perhaps take it beyond being a

material consideration, but that is just my trying to contribute to the debate rather than—

THE CHAIRMAN: Yes. And possibly even being in a study area can be regarded as a material consideration, even though it doesn't help perhaps in defining what is (inaudible-coughing), so I would say, yes, the fact that the Countryside Agency have issued this now in the public domain must pick up that point about material considerations. Mr Brodie.

FLD: Chairman, I think the word 'candidacy' has probably clouded this debate, and I think—

THE CHAIRMAN: But we need to be clear about this, because the point—

FLD: Indeed, and I am hoping that I can find a way through this, and I accept what Katrina has said, that once society has designated it will then fall within E34, ST11, etc., etc. If, and I stress the if, the Countryside Agency decide to go ahead with some or all of the area, then it would be under very active consideration by them, but there is no protection offered by the policy, apart from the material considerations has alluded to, once the Countryside Agency has decided to progress an order, which will take a significant period of time possibly to get into designation. So it's that interim period which is the very sensitive period. I think Sir Martin's suggestion of words to the effect that once the Countryside Agency is actively considering designation, then it should trigger in full protection of ST11 if it is National Park, E34 if National Park and AONB.

THE CHAIRMAN: Firstly, I think we have got to record the fact that these areas are protected under other policies, and we are going to come on to the county landscapes policies, so they already have a degree of protection in the plan, a general degree of protection throughout the plan about landscape, but also specifically county landscape areas are identified, and we will discuss that shortly. Then there is the point that we have already drawn out that in addition to that the fact that the study is happening is a material consideration. Whether we go further than that, whether the matter progresses further than that, really depends on what comes out of the Countryside Agency's study, I would suggest, and that might take us down a number of different routes, and it will have different implications for different parts of the study area, so whether or not you can write something into the plan at this stage which tries to anticipate those outcomes, I am not sure. Perhaps I could put that question back to the two authorities. Do you want to anticipate possible outcomes in the plan in some way? I think that is what Sir Martin Holdgate is asking for.

AUTHORITIES: I think the quick answer is 'no'. As far as I am aware, and I haven't got the letter in front of me, it made it very clear that the study that was about to be carried out by the Countryside Agency was entirely without prejudice as to what the outcome would be, and there was no foregone conclusion by any means, that it is purely at this stage a study.

THE CHAIRMAN: Sir Martin Holdgate.

SIR MARTIN HOLDGATE: Very quickly, Chairman, because I think we could easily get bogged down in the minutiae here; first of all, I accept entirely what has

been said about candidate areas and I agree with Simon Gibbs; second, as far as World Heritage Sites go, and I just put a previous hat on, they are designated under an international treaty, Convention on the Conservation of the World's Cultural and Natural Heritage, which is administered by UNESCO, as is rightly identified here. Governments nominate candidate sites to that committee. UNESCO is advised on natural sites by the International Union for Conservation of Nature and Natural Sources, and on cultural sites by ICOMOS – International Commission on Monuments and Other Sites, I think. The key thing is that where a government puts a site forward and when it is approved the government undertakes obligations under an international treaty as to the management of that site. It is expected to have a management plan. That management plan, as we may come on to later, may well make provisions not only as to how the area will be cared for, but how its buffer zone will be cared for, and that becomes then a binding obligation on the government concerned. But we will come back to the buffer zone issue in a moment. Putting that aside, Chairman, I just wanted to say apropos the matter we have really got on to, the Hobhouse area, that I entirely accept that one has to focus this, and I would be perfectly happy to see a bullet referring to 'areas confirmed by the Countryside Agency as under active consideration for designation as National Parks or Areas of Outstanding Natural Beauty'. I think you are right to strike the word 'candidate' out because it has a different quasi legal meaning. It has got to be at the point far beyond where the Countryside Agency currently is I think; they have got to confirm that they are now actively considering it. This is important, Chairman, and I will end on this, because the South Downs, the New Forest and the Norfolk Broads were all areas that have been in and out of serious consideration for this kind of status for decades, and the government has taken special measures for their conservation pending an outcome, and I think it would be appropriate in this case also.

THE CHAIRMAN: I think we will seek some clarification from Countryside Agency when they come after the coffee break. Mr Woolmore.

RAY WOOLMORE: I should say that obviously I was using the word 'candidate' as a word, not with any quasi legal meaning. I would just like to say that there is of course another piece of government secondary legislation, namely the General Committee Development Order 1995. I don't think it has actually been through a complete revision since then, but there have been revisions of parts of it. Article 1.6 Land is described in the front pages of that document.

THE CHAIRMAN: Could you just give me the name of the document again?

RAY WOOLMORE: The General Committee Development Order 1995. It is a piece of secondary legislation. And there is in that document Article 1.6 Land, which broadly covers all national parks, but it also covered a number of areas in England and Wales outside the national parks, including parts of the North Pennines AONB, but it covered, if you look at the list of parishes, all the parishes in the northern Howgills and I believe in some of the autumn fells and in the Milestone area, and in that area there are much tighter planning restrictions on what farmers can do in extending their buildings. It's just another reflection of the fact that the government has always, through various pieces of legislation, recognised that these particular areas have a national importance, but it's a relatively minor piece of legislation, but I make the point because it's not always like that.

MR GIBBS: We are just wondering whether the historic circular, the 1950 circular, whether we have copies of that that we could look at over the coffee break.

RAY WOOLMORE: Yes. And you have got a copy of the 1995 circular?

THE CHAIRMAN: Yes. I think it would be useful perhaps if the two authorities and maybe the Government Office as well could look at the circulars over the coffee break. I think what we are trying to find out really is the extent to which they are still applicable, and also if they are enabling. Basically, the way it has come across to me from Mr Woolmore is that these provide enabling measures that can be taken. There is still the question of whether or not the relevant authorities wish to take steps under those measures. I think the first thing is to check and see to what extent they could be applied to the situation. I think it would be helpful to us to have further advice on this from the authorities and the Government Office.

MR GIBBS: I will have to go back to my records and find out if this is one of the circulars that is issued to planning inspectors. That might be quite interesting to note.

THE CHAIRMAN: It would be useful. So perhaps a bit of homework there, if you could advise us a bit further on that when we come back. So there is that point to come back to, and also I think when we have the Countryside Agency here we need to ask them a little bit more about how they see the status of the area in question from now until the outcome of the study. There is obviously a progression, a series of steps, which could result in quite a wide variation of outcomes, and I think we need to understand the status of what they are doing at the moment and to what extent that can be referred to in the plan. Any further points we can deal with on this before those two matters? Mr Woolmore, do you want to come in again?

RAY WOOLMORE: Just to say it is my understanding that both the South Lakeland and Eden District Council did take account of Article 1.6 Land in their activities, although they may not do so now, but certainly up to recent years they certainly did, because they fought very hard in 1995 for the retention of that particular Article in the order.

THE CHAIRMAN: And Frank is making sure that we do have copies of the documents available for people to look at during the coffee break. Can we move on then to a further point, still under 5.1(c), the setting of the national parks. And I want to turn to RPG13, policy ER2. In the first paragraph, this is on page 78 of the March 2004 edition, and this refers to protection for the region's landscapes, and actually, although it does refer obviously to national parks and AONBs as the sentence progresses, its introduction is more generic, wider; it talks about providing the strongest levels of protection for the North West's finest landscapes, and it also refers specifically to the importance of their settings. Now, the plan does refer to settings in a number of policies. It refers to settings in policy ST11, H21, and particularly E34 on the fourth line. I think a number of participants were concerned about the extent to which settings are adequately protected in the policy, and again I would just like to give an opportunity for people to come in on that. Mr Woodley-Stewart, this is one of your concerns?

NORTH PENNINES AONB PARTNERSHIP: This might perhaps be a point of clarification. The way that issue 5.1(c) is worded in the circulated material refers to

the setting of national parks, and given the wording of E34 am I right to assume that we are about to have a discussion about all those areas bullet pointed in E34, including of course the 3 AONBs within Cumbria? I was wondering why issue 5.1 was worded in such a way, and I would assume we are about to have a discussion on all of those nationally or internationally designated areas referred to under 5.1.

THE CHAIRMAN: Well, perhaps I could just kick this one off with a question to the two authorities. When we are talking about settings, we are not just talking about national parks, is that correct?

AUTHORITIES: No, we are definitely not.

THE CHAIRMAN: The question covers a specific issue, but there is a wider issue as well, which we can discuss certainly, the issue of settings. Is there something specifically you want to say about that in relation to the AONBs?

NORTH PENNINES AONB PARTNERSHIP: I think you yourself mentioned ST11, which refers, on page 21, just to the Lake District National Park, and given the acknowledgement in paragraph 6.4 on page 51 of the plan about the need to give equal protection to AONBs and national parks, we in the AONB world wonder whether similar treatment for AONBs might be given in policy ST11, which currently only rates the National Park, or perhaps in a companion policy. And there is a connection with E34 here, in that ST11 deals with, as you rightly identified, matters of setting and other general protection. They do seem very related, but ST11 does seem, to my reading, a much stronger policy, and given the need to provide equal protection to AONBs and national parks there might perhaps be scope for including our 3 AONBs within ST11 or a companion policy to ST11, and that is my connection between that and E34.

MR GIBBS: We are in danger of backtracking there over a debate that did take place probably on the first or second day of the inquiry.

NORTH PENNINES AONB PARTNERSHIP: You will have to forgive my lack of presence.

MR GIBBS: Well, indeed, and we obviously have heard a discussion about that, and we really don't want to reopen that debate about ST11, so I think that we are talking here about E34 and the setting relating to AONBs and national parks, and national planning guidance in that area.

NORTH PENNINES AONB PARTNERSHIP: I think I would feel happier about discussions around E34 were there the strength of policy for AONBs such as there is in ST11 for national parks, but I don't want to labour that.

MR GIBBS: Exactly. It is a different planning policy context for national parks and AONBs. Certainly in relation to landscapes, one has the equivalent landscape emphasis within AONBs as in national parks, there is an equivalence there, but national parks also have their other functions as well.

NORTH PENNINES AONB PARTNERSHIP: Whilst they have other functions they do have the same level of protection, and if this is a discussion about protection rather than functions, then I think that's...

MR GIBBS: They have the same level of landscape protection.

NORTH PENNINES AONB PARTNERSHIP: Yes.

THE CHAIRMAN: I think the question I would like to take you back to is whether that's adequately dealt with in E34, because E34 is bringing in protection in relation to the AONBs as well as obviously many other areas as well, and it's seeking to reflect policy in RPG. So rather than perhaps going over ST11 as such, I think the question is does this provide sufficient protection to the AONBs as far as you are concerned?

NORTH PENNINES AONB PARTNERSHIP: I think we argue that it does, but I was merely seeking to make a link between two obviously related policies, but I take Mr Gibbs's point.

THE CHAIRMAN: And there is no inadequacy as far as you are concerned in the protection that this would provide for the AONBs?

NORTH PENNINES AONB PARTNERSHIP: No. It seems to be reasonably robust, Chairman.

THE CHAIRMAN: Mr Bamber.

GONW: I just wanted to make the point that I am not aware of any national policy which talks about special protection being given to settings. The regional policy refers to whatever it refers to, you quoted it—

MR GIBBS: Policy ER2.

GONW: Indeed. We then have what perhaps is a problem at this stage in that the setting of the National Park or the AONBs doesn't appear to be defined, not only its extent but also what it is exactly; for example, does it mean the setting as viewed from the National Park, or as viewed from out with the National Park, or as viewed from some distance away? I mean, you can see the National Park from Lancaster, and something that happened in between Lancaster and the National Park might be said to interfere with the setting.

THE CHAIRMAN: You can see it from Blackpool Tower as well.

GONW: Yes, I daresay you can. So it's a bit difficult to talk about setting when you are not quite sure what it is, and perhaps it might be useful if some thought were given to that. Now, so far as the policies are concerned, if you start applying particular protection to the assessment of the National Park as a zone so to speak, then you are getting into the problem which is referred to in PPS22 I think about creating buffer zones, and I do wonder if the settings of these areas are perhaps dealt with by looking at the landscape character policy which has a series of criteria relating to the assessment of development, and perhaps the position of particular areas being within

the setting, however defined, should be looked at in those terms as part of its landscape character.

THE CHAIRMAN: Perhaps part of the problem is that you are saying that the plan doesn't actually provide much guidance on what it is that's being talked about, but I suppose part of the problem is that neither does RPG.

GONW: Well, sir, naturally I am going to say that you can infer from RPG that it's up to the development plan to define the setting.

THE CHAIRMAN: But there is no steer or guidance within RPG as to what kind of things the development plan should pick up and run with, or even some of the pitfalls, if you like. I think you were moving rather in favour of landscape character assessment approach rather than settings, which is really saying perhaps that's a better approach than what is suggested in ER2; were you going that far?

GONW: I am suggesting you might, sir. As you will have gathered from representations we have made, we like the landscape character approach, and perhaps that policy, or amendments to that policy, would provide a means of making sure that that factor was taken into account in assessing development in areas outside the National Park or AONBs as the case may be.

THE CHAIRMAN: So although RPG doesn't give us a definition of how to assess settings, what you are saying now is that in doing that you should use a landscape character approach rather than defining areas around other areas?

GONW: Yes.

THE CHAIRMAN: Mr Evans.

ALLERDALE BC: We do have some concerns on the issue of settings generically if you like. Whilst accepting Mr Bamber's issue of defining settings, I think there are certain pressing drivers that do raise the profile of settings and I am sanguine about E34. I have no problem with that wording and the RPG gives us a hook to look at settings per se whatever they may be but there are other issues, and I have already alluded to them last week, in terms of the renewable energy issue as well, that do highlight the issue of settings.

I want to make three points on settings that do raise them as particular issues. There is the fact that the settings of World Heritage Sites have a particular status. The management plans are supposed to look to the settings of World Heritage Sites in some way. I would like to refer to paragraph 22 of PPS7 where it deals with major developments in nationally designated areas. One of the criteria, number 2, encourages local planning authorities to consider the scope for developing outside the designated area. That to me is aiming straight for the settings of those designated areas. It is encouraging developers to think of alternatives outside those designated areas and in one particular instance in renewable energy again it seems to me that the alternative is the setting and we are experiencing that in Allerdale both in terms of AONB and the National Park.

Another minor issue that Mr Woolmore has alluded to, the Article 1(6) land. Some of the parishes on the north west side of the National Park are also Article 1(6). I would have to check that but I think they are. I think that some of the parishes just outside the National Park in Allerdale and possibly in Copeland are so designated. So I do have an issue there and whilst I am sanguine about E34 I shall be bringing up the issue of renewable energy again tomorrow in terms of settings.

THE CHAIRMAN: We will be talking about this tomorrow but in some ways as far as renewable energy is concerned it is clear what the Government policy is. It says there should be no buffer zones so settings should not be defined in terms of buffer zones. That is specifically ruled out in section 14 but it does say, and this was an addition that came in after the consultation on the PPS, that potential impacts of projects close to boundaries of designated areas will be a material consideration. I am not sure that there is a need for discussion on that point. We will see what happens tomorrow but it seems to me that it is absolutely clear how you deal with renewable energy projects close to, within the settings of National Parks. It is absolutely clear to my mind how that is dealt with in development control terms. We will discuss that tomorrow.

Can I come back to Mr Evans and say that although settings has not been defined and how you get at them is not set out, the way of assessing impact of development within settings that has been put forward generally by Mr Bamber is that you deal with this by way of character assessments and assessing sensitivity to development within different character areas. That is the approach that is coming out of Government guidance. Are you saying you are comfortable with that approach or are you arguing more for another line on the map which defines a setting?

ALLERDALE BC: No, we are not arguing for a line. I don't think we would like to try to define it. I have a certain concern about the landscape character approach. In itself fine but setting, in my opinion, and I am only speaking personally here, encompasses little more than just the character of the site and the surroundings that you are talking about. On the most simplest issue like visual impact, that doesn't necessarily come within the issue of landscape character of the particular site and area you are talking about. If you have a designated area, particularly in this area where it is a hilly area and the settings are pretty hilly as well, you could argue that there is more to it than just landscape character.

THE CHAIRMAN: In that context it may be sensible to leave it ill defined. Perhaps that's the wrong word but undefined and talk about it as settings because you might need different techniques, different ways of assessment depending on the circumstances.

ALLERDALE BC: Yes, I think local discretion would be very useful. We need a hook really. The policy does give us a hook.

THE CHAIRMAN: Yes, it provides a hook. Sir Martin Holdgate?

SIR MARTIN HOLDGATE: I agree entirely that the language of E34 referring in this generic way to within their settings is sensible and I would support its retention. There are three very brief points I would like to make. It is important in this way

because you can't draw hard and fast lines that absolutely define the margins of a site, and here I defer to my colleague from English Nature, for some nature conservation sites depend very critically on the hydrology of the catchment within which they are placed. That is a material setting consideration when any development falls to be considered. For landscapes we all know that the settings or parts of them may be crucial to the maintenance of the quality within the designated area and, finally, my third point, if, for example, as Mr Evans rightly said, the Lake District National Park were to go forward for confirmation as a World Heritage Site, again UNESCO would expect compatible management within the setting of that site to be spelled out in the plan. So these are all reasons why the generic language of settings is right and it will need to be followed up by more specifically articulated policies.

MR GIBBS: Can I come in on that last point about the World Heritage Site, should it come to that. Is there a specific boundary put forward in relation to the candidate area as a World Heritage Site and do ICOMOS have a process of looking at boundaries or do they come to the view that the candidate as put forward meets their criteria or does not meet their criteria? I think National Park are in a good position to answer that.

AUTHORITIES: At the moment the boundary of the site that has been put forward for tentative status is the boundary of the National Park. As regards the actual boundary of the eventual designated site that is under consideration and we have no definite line for that. The boundary that is in the document to be put forward is the boundary of the whole National Park.

MR GIBBS: Are you saying that it is ICOMOS who take a view about the boundary that they come up with?

AUTHORITIES: I'm almost certain that we put forward that. I'd have to confirm that but—

MR GIBBS: Sir Martin Holdgate is ready to come in on that.

SIR MARTIN HOLDGATE: I can't speak for ICOMOS. I was director general of RUCN, the other formal advisory body to UNESCO for six years, and I can tell you as far as natural sites are concerned it is entirely right as has just been said that it is for the nominating government who define the boundary of the site. RUCN then look at what was happening around that site and I remember one specific case of a remote island in the South Atlantic nominated by HMG where HMG for convenience reasons made the boundary the shore line. We advised UNESCO to reject it unless the exclusive economic zone was included because the management of the coastal waters was crucial to the ecological integrity of the whole site. It is that kind of consideration that the nature of the peripheral zone would be considered uniquely in each case in relation to what was considered to be the conservation objectives or management objectives for that site. What ICOMOS does I'm sorry I can't help you.

THE CHAIRMAN: Once that boundary has been defined there wouldn't be a further buffer zone or settings boundary in addition?

SIR MARTIN HOLDGATE: Sometimes I believe that governments have been asked to review the boundaries they are proposing for a nominated site. Sometimes governments come back and ask for areas to be excluded from an already designated site. I can give you an example in both cases. There is a dynamic here that the status of all World Heritage Sites is kept under continuing review by UNESCO and if that site's management was considered in anyway to be defective the Government can be told it might go on the heritage in danger list unless certain steps were taken. This is a very delightful area we can wander into which I won't take up.

THE CHAIRMAN: Yes, don't let's do that. I will bring in English Nature.

ENGLISH NATURE: I think Sir Martin Holdgate has already made my point but the debate isn't just about landscape here. It also includes nature conservation sites and features and the wording of the policy is very important to us. Sir Martin Holdgate made the point that developments outside a site can have an impact within it through hydrology or other effects. If you refer to policy ER2, landscape character in the RPG, there is a recognition of nature conservation interests in helping to define character areas in a reference at the bottom of the blue box which refers to English Nature's natural area initiative.

THE CHAIRMAN: You are happy with the wording as it stands?

ENGLISH NATURE: Yes.

THE CHAIRMAN: Mr Hubbard for the National Trust.

NATIONAL TRUST: Firstly, I would like to draw attention to RPG policy ER3 which is on page 83 which deals with built heritage. It is policy E34 which deals with built heritage as well as natural heritage and again settings is referred to there in RPG. So the first point I would make is that the Structure Plan needs to be clear about how it is taking the question of settings forward into its own detailed policies.

MR GIBBS: Is that not covered by statutory requirement under the protection of listed buildings in their settings?

NATIONAL TRUST: In part of built heritage but not all. The point I was going to make was in terms of conservation areas, there is advice in PPG15 about conservation areas and the need to protect their settings which obviously are outside designation. The reference which you may not have is in PPG15 section 4, paragraph 4.14, which deals with the use of planning powers in conservation areas and makes reference to consideration of proposals which affect the setting of conservation areas or views into or out of the area. The point I was going to make was that from the Trust's point of view setting in part can be defined both in terms of built and natural environment in terms of landscape character and that is a very useful starting point but we also take the view that zones of visual influence are also important and it is those two things in combination which are important. Those are not matters which can be defined by a line on a plan in the Structure Plan. In our view they are matters which can be defined to give some assistance through lines on the relevant document. The setting of Salisbury, for instance, is defined in their local plan in terms of the town centre because of its particular heritage qualities.

MR GIBBS: The reference you are making to conservation areas is in order to illuminate and elucidate this point about settings? It is not suggesting that conservation areas come within the ambit of E34?

NATIONAL TRUST: It is part of the issue of the need to try to define what a setting is.

MR GIBBS: Yes, but to elucidate what we mean by setting?

NATIONAL TRUST: Yes. I think it adds to the importance which settings has both nationally and within RPG which is why we have addressed you previously, and I won't repeat that, but our view is that there should be reference in ST3 to settings where it talks about natural and built environment.

THE CHAIRMAN: You are picking up the point Mr Evans was making earlier about the importance of not just focusing on landscape character but taking in other aspects, other techniques and tools like visual influences. Mr Evans?

ALLERDALE BC: Just to remind everybody, perhaps they don't need reminding, that most of the Solway coast AONB is also a World Heritage Site including the area down as far as Maryport and the coastal defences are included in the world heritage site

THE CHAIRMAN: Carlisle?

CARLISLE CITY: On a continuation point that my colleague has made about the Hadrian's Wall Military Zone World Heritage Site, there are references and we have adopted local plan policies already to the setting of that in relation to a buffer zone and that has been defined through the management plan and the instructions from that come through ICOMOS and their concerns about the landscape or the relevant World Heritage Sites. In that instance work has been done, including work with English Heritage, in defining the boundary of that. In general terms there is also reference to an outer visual envelope which isn't defined anywhere and to some extent raises the issue that you referred to about Blackpool Tower and the extent of that but there is no definition. There is a tighter one with immediate impact to tackle the concerns raised by ICOMOS themselves.

THE CHAIRMAN: We are getting towards the end of this topic which was to explore whether policy E34 dealt adequately with the issue of settings and my feeling is that what people are saying is that it is sufficient, it can do the job and you can apply whatever techniques you need to test whether a particular proposal has an effect or does not have an effect and it is probably best to leave it set out in a very general way rather than try listing things because then you immediately start missing things off the list. That is my impression. Perhaps Mr Bamber first and then the joint authorities may want to come in for a final comment.

GONW: I just want to make a quick point of information with regard to what Alan Hubbard was talking about which was that built features are a criteria in landscape character in policy E37.

THE CHAIRMAN: Yes, we will look at that. This is landscape character and assessment and how assessments are carried out. This applies throughout the county both to National Park, AONB and the rest of the county.

GONW: The National Park is a blank on the landscape character map.

THE CHAIRMAN: We will come onto that. I have a question as to why that is the case, and I will give you a warning. Perhaps you anticipated that. The two authorities?

AUTHORITIES: Just to round up the discussion, I concur with many of the comments that have been made but basically want to reiterate that the two authorities feel it is very important to protect the settings in policy E34. It is in conformity with policy ER2 of regional planning guidance and we regard it as very important for the county as a whole.

THE CHAIRMAN: Anything else under 5.1? Yes, Countryside Agency?

COUNTRYSIDE AGENCY: Carol Davenport. I understood you wanted an update from the Agency on the designation process. You had asked us for an update back in August and that statement has been circulated.

THE CHAIRMAN: Yes, can I say what we have done so far. I have taken people through the piece of paper that was circulated and explained the process. We have had some discussion about the status or definition of the status on the area shown on the map as to whether it is a candidate area. The conclusion is you can't put that strict terminology on it. It is a study area at the present time. We did want some definition from you as to the process you are going through because from the debate so far, some of the conclusions I have drawn are that, are that, firstly, the study area is already protected in the plan. It is not in the National Park or the AONB but it is protected under other policies in the plan in terms of landscape, et cetera. The fact that you are doing this piece of work is a material consideration even though the areas can't be referred to as candidate areas at the present time and as your work progresses there will be different potential outcomes which may change the way in which the area is dealt with and it would be useful to have a bit of advice from you where you see the process going. Timescales would be helpful. A number of participants are concerned to make sure there is enough protection as soon as possible. Sir Martin Holdgate and others would like some interim protection now rather than waiting for the work to be completed. Can you help us on that?

COUNTRYSIDE AGENCY: I will try within the limitations of the Agency's position. I'm not sure if you referred to the information I supplied to the secretary last month in response to a question on updating the process in an email. It is since August. It was 23rd September. I am happy to reiterate that for the benefit of participants.

THE CHAIRMAN: Yes, please do.

COUNTRYSIDE AGENCY: This is leading on from the statement in August that I referred to. The current work is to identify an area or areas of search for land worthy of national landscape designation between the Lake District and the Yorkshire Dales National Parks and this will be undertaken by consultants who are yet to be appointed although we have gone through the advertising stage. The anticipated work will be undertaken from November to January and it is anticipated that the Agency board will consider the outcome of the work in March 2005. We do want to stress that the carrying out of this work does not indicate or imply any assumption or expectation by the Agency that any land will be designated. This is purely a first look or study into the possibility of an area being eligible for designation. So moving on to the process—

THE CHAIRMAN: Can I come in there. On the basis of what you have said so far you would not expect or recommend any change in the status in policy terms of the areas at the present time not until you have reached the point of wanting to bring forward certain areas and that is post March?

COUNTRYSIDE AGENCY: When the Agency board has had chance to look at that work.

THE CHAIRMAN: Is the board likely to make a decision at that time whether to take forward areas or not?

COUNTRYSIDE AGENCY: Not even that is clear. The process that could be adopted if they were to decide to proceed is the agency follows the process given for National Parks in section 7 of the National Parks and Access to Countryside Act 1949. That is quite summary so in addition to that the Agency undertakes public consultation and the process is basically the draft boundary would be defined, then there would be public consultation. The boundary may be revised during that consultation. Then a proposed boundary would be defined. Then there would be statutory consultation and that would include parish and town councils. The boundary may be revised following that consultation. The order would be prepared and submitted to the Minister. The Minister then consults following which the order may be confirmed. So I wanted to stress it is still a long process to be gone through after the Agency board has considered the principle of moving forward.

THE CHAIRMAN: So in treating this process as a material consideration, clearly the point at which you are at will inform how material the actual proposal or evolving proposal is at any particular point in time? It seems to me we are still in the material considerations weight but different degrees of weight depending on where you have got to in defining and what is coming back from the consultation process.

COUNTRYSIDE AGENCY: Yes, indeed.

THE CHAIRMAN: Would anybody like to put a question through me to Carol Davenport?

RAY WOOLMORE: I wonder if I might ask Carol this. I have here a letter from Colin Addison to Gary Mohammed dated 27th November 2003 which I understand is a deposit document. To my mind the Countryside Agency have already made up their

minds on at least the landscape quality of the Wigginash Beach area and indeed if I may quote the second paragraph, “The Countryside Agency objects to this proposal on the grounds it will be a major development in an area worthy of statutory landscape designation.” Then the third paragraph, the last sentence, “The designation of National Parks and AONBs in this part of the country did not proceed in practice as the Hobhouse committee envisage but this does not undermine the original argument that the Wigginash Beach is included in an area worthy of landscape designation.”

MR GIBBS: I don’t know that we need to have this discussion within the context of the Structure Plan EIP because you are getting on to the materiality of landscape considerations in the context of particular proposals, in the context of the position that the Countryside Agency can take from their current position in relation to evaluating the landscape significance of certain areas. I don’t think that is within the context necessarily of the proposal to bring forward the area to a further status.

THE CHAIRMAN: That’s right.

MR GIBBS: It is complicating matters for us rather than helping.

THE CHAIRMAN: Yes, I’m sure that’s right. There is a process which is relevant to the status of the wider area we are talking about and its relation to policy and I am clear on that and the process we are going to and the fact that it is now a material consideration. The degrees of materiality, if that is the right word, will vary as the process goes through. The Countryside Agency can also make specific comments in relation to specific proposals and that is not our business. I don’t think the fact that the Countryside Agency has done that actually detracts from the process that is still going through. It is still in a position to make that point in relation to specific proposals but we are not here today to talk about specific proposals. Is that okay?

RAY WOOLMORE: Yes.

THE CHAIRMAN: Any other points?

MR GIBBS: I have just one point. I don’t want to keep people away from coffee but we have this reference to the World Heritage Site coming down as far as Maryport and I have seen a plan with the World Heritage Site on it but it seems to me that there isn't any plan within this document which gives the world heritage site designation and I don’t know whether there is something that has been discussed between the parties. If it has, perhaps they can tell me what the resolution was. If it hasn’t been discussed, perhaps over coffee people can have a little discussion between Carlisle and Allerdale and the joint authorities and anybody else who wishes to get involved in such coffee time discussion.

THE CHAIRMAN: Mr Bamber?

GONW: Do you want to talk about it afterwards?

MR GIBBS: It would be much better informed on the discussion you have had over coffee and if you need to come back, either with a difference of opinion or agreement, it might be helpful.

THE CHAIRMAN: The circulars that were referred to by Mr Wilmore are available outside on the table so by all means look at those and we would like to be advised by the joint authorities and by Mr Bamber on the currency and the relevance of those documents when we come back after coffee which will be at 11.30.

(Short break 11.10 - 11.30 am)

THE CHAIRMAN: I think I will ask the Authorities to give us their position. Also you wanted to talk about the World Heritage sites setting, is that right.

AUTHORITIES: Yes, that's right. We have had a brief discussion on the two documents that were circulated, and we have very quickly established that the circular, numbered 84/50 and dated 15th March 1950 is now in fact regarded by the Government as defunct. A quick quote, if you like, Lord Witty, from Hansard text 25th June 2003 which refers to this. I have in fact copies of that, if you wish me to circulate them.

The quote that you now have in front of you is obviously a discussion on national parks, where Lord Clarke of Windermere asked his Majesty's government whether circular 84/50, dated 15th March 1950, regarding national park boundaries is extant, and Lord Witty answered for the Government: "Our research has been inconclusive. We have found no evidence that the circular is still in force but equally no evidence of its cancellation. As the circular dealt mainly with the immediate tasks of the then National Parks Commission, it was probably cancelled long ago. It does not appear in the main current reference works, and, even if it is still technically extant, it should certainly be regarded as defunct".

THE CHAIRMAN: Do you want to come in at all on this, Mr Bamber?

GONW: I have no wish to contradict Lord Witty. I think we should thank the Lake District solicitor who had the wit to do a search on the Web, rather than trying to trawl through the Encyclopaedia of Planning Law.

THE CHAIRMAN: Mr Woolmore, does this clarify things for you?

MR WOOLMORE: Yes, because I was very much involved in this, and I still make the point that there was no evidence of its cancellation, and indeed if one looks at the annual reports of the National Parks Commission, and subsequently the first reports of the Countryside Commission, you would see there are a number of consultations carried on in areas which at that time had not been defined as either National Parks or AONBs, so it was certainly in use for a long time. I would argue that although I go against what Lord Witty has said, the National Parks and Access to the Countryside Act 1949 dealt with the National Parks Commission's functions, but a number of the parts of that Act are still extant. So just because it dealt with a National Parks Commission, it does not follow that that it does not still apply.

THE CHAIRMAN: Anything further to add on this matter?

MR GIBBS: I don't think we often get quite such a clear statement of government policies as we seem to have had in this particular case so admirably brought forward.

THE CHAIRMAN: Yes, thank you for that. You were going to refer briefly to clarify some of the World Heritage sites as well.

AUTHORITIES: I have here a copy of the Hadrian's Wall World Heritage site management plan, which shows the monument. The World Heritage site consists of the basic monument itself, the scheduled monument, some of which is on isolated sites. The monument is continuous as far as Maryport from Wall's End, obviously on Tyneside, through to Maryport on the Cumbrian coast. You can see on the map the yellow area does stop at a point which I believe is just north of Maryport. From there, there are isolated sites down the Cumbrian coast as far as Ravenglass, but they are just isolated sites. The yellow areas on the map is described as the military zone. It is not actually described as the setting of the wall but is described as the military zone. It is the intention of the Joint Authorities to include this information on the key diagram in respect of Policy E34, which I believe we agreed to at the start of the enquiry on the Monday. I believe we agreed to it then.

GONW: Just going back to the point Mr Woolmore makes. The same can be said about the bits in the general committee development order. Even if one does regard the circular as being still extant, it does not seem to me to indicate that there is a justification for giving a special status to an area, but of course these are both, if the circular is regarded as extant then there are material considerations which would be taken into account in the normal process.

ISSUE 5.2 - COUNTY LANDSCAPES

THE CHAIRMAN: I would like to move on now to topic 5.2, which is dealing with county landscapes. That is policy E36, and we also go into E37 as well. I want to refer, of course, to PPS7 and paragraph 25. Perhaps I can just refer to that specifically. It says in paragraph 25: "Local landscape designations should only be maintained or exceptionally extended where it can be clearly shown that criteria based planning policies cannot provide the necessary protection." The plan was drafted before PPS came into force, and the plan does retain, or does continue to carry forward from the previous adopted plan, landscapes of county importance, or county landscapes, perhaps, if we could use that shorthand term. They are shown on the key diagram and the key policy which deals with E36.

PPS22 leaves the door a little bit ajar in the sense that it says it does allow planning authorities to rigorously consider the justification for retaining existing local landscape designations. So it is not a completely closed door in saying: "From now on you can't have local landscape designations". It is allowing Authorities to bring forward justification if they wish to retain them in a plan. That is how I interpret the PPS.

In the two Authorities' further statements, in paragraph 3.1 to 3.5, page 8 through to page 9, I have read that section as in a sense being the two Authorities case for keeping the landscapes of county importance in the plan. Clearly that is your intention and that is what you desire.

Maybe I could sum up the points of the case you are marking. The question I want to put around to everybody is whether or not participants feel that the two Authorities have made a sufficiently compelling case for the retention of landscapes of county importance, in terms of PPS7 paragraph 25? Has the county demonstrated adequately a case for keeping these designations in their further statements?

I think the key points you were making are as follows. The first one is that, from your point of view, and I think the districts concur with this, that this approach works well as a development control tool. It is well understood and appreciated and well used by the districts, and the three districts who are here -- Allerdale, Carlisle and South Lakeland -- confirm that and it is in their further statements as well. Secondly, the districts lack the expertise to make satisfactory routine landscape character assessments. I am not quite so sure about that.

ALLERDALE BC: Absolutely. If we ever need detailed landscape issues to be considered, say within an application, we either have to go to the consultants or get comments from the county themselves.

THE CHAIRMAN: So it is important from your point of view?

ALLERDALE BC: Yes.

THE CHAIRMAN: That was the second point. The third point is that the areas shown on the key diagram are ones that are high quality landscape and many, in the

two Authorities' views, are equivalent to National Park AONB quality, as has already come out in our discussion. The regions are protected in their own right, and in some cases they provide the setting for designated areas. That is the third point.

The fourth point is that they include the Hobhouse area, which we have already discussed. In a sense that is subsumed within the previous point. The fifth point is that the policy is not applied, in their view, in an overly restrictive way. The final point is that the county landscape areas are still needed during this transitional period, until local development documents come forward, with character based approaches, using criteria policies.

So it is seen as a kind of interim measure, retaining them, carrying them through from the previous structure plan. So it is not something new that has come in here. Carrying them through until LDDs fully take on board the approach set out in PPS7, and have criteria based policies in their LDDs.

Correct me or add to that if you wish to, or correct my interpretation, but I think that is the essence of the case the two Authorities have made for keeping the county landscape designations as against removing them and replacing them with criteria which I guess could be the criteria set out in E37, although we will come back to that later. You have got some criteria in the plan already. As I said earlier, I want to know if people agree that a substantial or sufficient case has been made for us to take a view on this.

ALLERDALE BC: We will agree to it. Yes, I think certainly a sufficient case has been made. We in Allerdale are particularly keen to retain the ability to designate locally important landscapes, and in our own local plan we have fairly extensive locally important landscape areas. The thrust of PPS7 seems to be to discourage that, and we are going to have to address that issue in time. But they remain in our adopted local plan and we find them an extremely useful tool.

There is an issue, already been alluded to, that such designations are a very useful planning control tool. If we have to rely simply on landscape character -- and as you say we do not normally have the expertise to make a rigorous landscape assessment of a particular proposal -- that is an extra burden on us.

THE CHAIRMAN: I should have gone to the two authorities first to see if I have misrepresented the position they have taken.

AUTHORITIES: I don't think I could improve on your summary of the case at all. Perhaps just to reiterate the point that I think the Joint Authorities recognise that this is in a sense an interim situation and that we entirely agree that the landscape character approach could eventually render the existence of designated landscapes unnecessary, or certainly locally designated landscapes, and I don't include national parks in that statement. Certainly we would want to see -- and this will probably be done through guidance which we will need to prepare as part of the structure plan, to assist Local Authorities in using the policy E36, and we would hope that eventually one would reach the stage where the designations could possibly become virtually defunct, as this particular piece of legislation has.

THE CHAIRMAN: And it is important as an interim measure. Perhaps it goes back a little bit to the discussion we were having before coffee, when a number of participants were asking for interim measures. Do you see this being an interim measure to deal with a Hobhouse area during the process which the Countryside Agency are following? I put that question back to Mike Smith.

AUTHORITIES: Yes, we certainly do see it as an interim measure. However, it is likely that obviously the structure plan runs through a number of years, so it will be a number of years before we would be in a position to find that these areas no longer actually need it, but certainly they need it at the present time. In the foreseeable future I think they probably will be needed.

SIR MARTIN HOLDGATE: In fact three points I was going to make have already partly been made. I would myself very strongly support the retention of this capacity to designate landscapes of county importance, and I think one could legitimately say that Cumbria does have exceptionally valuable landscapes in the national scale of things, which justifies the retention of this special approach here, certainly in the present stages of development of the process.

The second point, as has been said, Cumbria has undertaken a thorough criterium based of its landscapes, and eventually the landscape character approach may evolve into a mechanism that makes the designation of specific county landscapes a thing of the past, but in the interim it is a very valuable mechanism to have.

Thirdly, of course, is the specific case, Chairman, that you have made, that it provides a mechanism for the interim safeguarding of areas that have been recognised as potential nation park quality, and may be designated in the interim period while the Countryside Agency is deciding whether or not to embark on the full consultative process leading to designation. So I think those are three very valid reasons for retention.

ALLERDALE BC: I just want to make what is almost a philosophical point; something that arose from what Mike Smith said. If the Countryside Commission and the Government are arguing that a landscape character approach can make locally important landscape designations defunct, you could extrapolate that argument and say: "Why not with national parks and AONBs as well?" The principle is there. I don't doubt there are plenty of other good reasons why we should have national parks and AONBs but the principle is there and it is the same principle.

THE CHAIRMAN: Outside of our remit, I think.

MR GIBBS: I don't want to be unkind to government office, but could they perhaps give a bit of the background to the advice in PPS7 in this context, in the context of other Authorities bringing forward local designations. I bring that very much in the context of Martin Holdgate's point about these may be local designations but they are for national reasons and that sort of perspective -- when we get to him or now.

GONW: It arises from statements which you can see made in PPS7, paragraph 24. "Local designations that may unduly restrict acceptable, sustainable development and economic activities underpins the vitality of rural areas". The worry always is that

these things will be misused. That is one point. In fact, if I could quote something else in an earlier paragraph under Nationally Designated Areas, paragraph 21 of PPS7, and this is in nationally designated areas: "Should support suitably located and design development necessary to facilitate the economic and social well-being of these designated areas" etc. "Should support".

Now the policies we have here are very much along the lines of "development will not be permitted except". The wording philosophy of the policies is rather more negative, although I accept these policies should be read against the policies in strategy, which explain when development is acceptable.

When you get to E36 that carries on: "Development will not be permitted except", and that is one question which relates to the way the policy has to be phrased quite in that way. So there is that question whether the policy can be used negatively. You may have noted that a lot of representations on wind turbines, for example, say wind turbines should not be permitted in our area because it is a landscape of county value. So that is an illustration of the concern which underlies that.

There is also this question of where the boundaries creep. That is one of the reasons why landscapes of county value have been scrapped in other counties, because they do. The Joint Authorities' statement says it is not true that county landscape areas creep. They certainly do. One might say if they have not in Cumbria, that may well be a point in favour of the robustness and rigour behind these policies. But there was that concern. As you have hinted, they have been scrapped in some counties, including counties which adjoin national parks in some cases. So that is the background, if you like.

But the joint Authorities are arguing that there are merits in this, and of course you are listening to that. There is this question of whether perhaps landscapes of county importance are actually given some guidance as to the setting of the National Park and AONBs, for example.

So ultimately there it is. PPS7 says they may be okay, as you pointed out, if it is felt that criteria based policies would not work and the designations are based on a formal and robust assessment of landscape qualities. So I think my concern is merely that that is taken into account when you evaluate these policies.

THE CHAIRMAN: Coming back to another question, but could I check with the two Authorities first. Have the areas you defined in the key diagram changed since the adopted plan?

AUTHORITIES: I think the areas are basically the same. I think there are some minor reviews as a result of a review we carried out in 2001 to re-evaluate the boundaries in relation to the local plans, because some of the boundaries had, I suppose the word could be wandered a little bit. The boundaries, in fact, have been pulled in a little bit, more or less to the original intended boundaries in technical paper number 5, which is referred to in the paper. No net gain.

THE CHAIRMAN: Could I come back to Mr Bamber. On the basis of the case -- I am just summarising what the two Authorities have said -- do you think they have put

forward a reasonable case for retaining the landscape areas in terms of the test that is put into PPS7, paragraph 25?

GONW: It is quite a persuasive case, certainly, although it is a little bit undermined by Mr Smith saying it will take a number of years to develop landscape character based policies to supercede them. I am not quite sure why that should be the case, particularly after Mr Evans's admission that the districts may not be geared up to take this forward if it is not developed by the county. So that is just a little caveat. But yes, the case in this statement is quite persuasive, I agree.

THE CHAIRMAN: I imagine the policies will re-emerge as criteria based policies in LDDs, LDFs in the fullness of time. They won't be coming back in a structure plan but it is a question of joint working between the districts and the county. So they will appear in your LDF time-scale. I am speaking here to the district councils. Could I go over to Mr Woodley-Stewart.

NORTH PENNINES AONB PARTNERSHIP: We would support the Joint Authorities in this. We think the arguments are well made, and, by happy accident, the county landscapes in Cumbria do provide the setting of the Arnside and Silverdale and much of the north Pennine AONB, and thorough and robust policies in those county landscapes do serve to help to conserve the setting of national protected landscapes, and if for no other reason we think that is a good thing and a point well made by the Authorities in keeping the justification for the retention of county landscapes.

COUNTRYSIDE AGENCY: The Agency would welcome the fact that the Joint Authorities obviously recognise that they are relying on the county based approach and can adequately protect those landscapes. I will come back to the timing of that in a minute. We express some disappointment they have not used the structure plan process to further develop the character area approach, and I think one of the concerns about retaining the county landscapes is that it tends to be a blanket approach, and therefore, it militates against the use of the character approach.

So, in other words, if you have got an overriding designation, then there is no impetus then to do a character appraisal in detail. An extension of that is a concern with the time-scale that it might take for character appraisal to become like a normal part of LDDs. The ambivalent approach of the structure plan does not give sufficient impetus or direction to districts drawing up their LDDs in terms of endorsing the fact that the character approach will be the norm in the future.

THE CHAIRMAN: Could I pick you up on that. I had not really read it in that way, so maybe I have missed something here. I really read E36 and E37 together as actually applying both approaches. There are areas which are designated, which are shown in the diagram, and in addition, in using the areas, a landscape and character approach would be taken, and that within the character areas, which are defined, other than in the National Park -- we will come on to that in a minute -- when areas are being looked at, there are a series of criteria against which proposals have been assessed. So I rather read this as a bit of both.

MR GIBBS: Also I would draw attention to the wording in E36, where it refers to "change detrimental to the distinctive character of landscapes designated as of county importance". Presumably that could vary from landscapes to other landscapes: Morecambe Bay to some highland area.

COUNTRYSIDE AGENCY: Yes, I think that wording slightly gets away from the approach to sustainable development which Mr Bamber was alluding to, in that it takes a separate approach to those areas.

MR GIBBS: Sorry, I don't follow that. I think it's the S word. I am not quite sure in what context you are making reference to sustainable development.

COUNTRYSIDE AGENCY: As Mr Bamber said, the E36 is phrased in a rather negative way. When the other policies ST1 and 2 are very much predicated on looking at sustainability first. If you like, in E36 there is an intervening consideration of whether something will harm the landscape character. What we are saying is landscape character is an integral part of a sustainable approach. It should not be a separate consideration.

THE CHAIRMAN: Could I ask the two Authorities to respond to that? I think you are asking, is it in the right perspective here in terms of sustainable development?

MR GIBBS: And particularly in the context of problems that we all have in the use of the word "sustainable development", or particularly sustainability, where one person's sustainability is not necessarily another person's sustainability, and one person's sustainable development is not necessarily somebody else's sustainable development.

AUTHORITIES: Well, all I can say basically on that point is that as far as I am aware there is no conflict between a sustainable development approach and approach which recognises the high quality or particular characteristics of landscape. I seem to recall in the discussion on sustainable development, particularly Friends of the Lake District, for example, did emphasise the need to consider environmental issues, and certainly landscape was one of the main issues on which an assessment of the sustainability of development should be based. I think this policy is trying to do that. As has been said, the policy E36 is not a policy which excludes development from these areas. It only excludes development that would be detrimental to the distinctive characteristics and those characteristics will vary and are defined in the guidance such as the document Landscape Character, which is referred to and which is in the library, and is a document which is referred to in the structure plan as well of course. So we don't feel that this is in any sense a blanket. Yes, it is, if you like, a negative policy, it is to stop development, but it is only to stop that development which is damaging.

THE CHAIRMAN: And in terms of where it fits in amongst that other sustainable criteria, I think that is possibly covered in ST3 point 5, but point 5 has been split into a couple, but there I think landscape is put alongside a whole range of other sustainable factors in the context of a sustainability driven policy. So just going back to Sheila Wright, there is some context here. Could I check also with Mr Smith that what I was suggesting to Sheila Wright was that you have really got a twin track

approach; you have got the character areas defined, but you have also got a landscape character approach as well with key criteria. Is that correct, or am I misreading it?

AUTHORITIES: Yes, that's quite correct. Policy 37 relating to landscape character applies to all developments in all areas, so this is an approach that we are promoting in the structure plan. It is a new policy. It wasn't in the adopted plan. And this is in a sense introducing the concept of the landscape character approach, and we hope obviously that this approach will be adopted by all the development control officers in the county, and that from this will develop procedures which will then perhaps negate the need for specific designations at a local level.

THE CHAIRMAN: So if I could go back again to Sheila Wright, picking up your concerns, this is not the final position but it's a step in the direction of landscape character assessment being the cornerstone?

COUNTRYSIDE AGENCY: Oh certainly, sir, yes, and the Agency certainly welcomes that. I think perhaps the way to move forward is to include within the explanatory text some of the tenor of this morning's discussion in that the structure plan is intended to move plan making in Cumbria towards adopting a character based approach.

THE CHAIRMAN: And I think probably you were saying that if that was in the text it would give a clear signal to the districts?

COUNTRYSIDE AGENCY: Yes.

THE CHAIRMAN: I will go to Mr Hubbard from the National Trust.

NATIONAL TRUST: Firstly, I think we are quite comfortable with the county's approach at the present time and we wish to support it. I think our concerns are that there is quite a lot of, in our view, detailed work that needs to be done in developing landscape character approach in order to produce appropriate policies which could potentially go into LDDs or could even go into SPG. I think I am right in saying that the SPG for Lancashire on landscape and heritage is in the library, and that is the sort of approach which we would support. The second point is one which I am not as qualified as others around the table to talk about in detail, but I just query, you referred to the Hobhouse area and whether or not that might be protected through the landscapes of county importance. I felt, putting what was the actual key diagram in the area which that covers, doesn't seem to me to cover the whole of the Hobhouse area, but I am open to correction on that.

THE CHAIRMAN: I am sure Sir Martin Holdgate or Mr Woolmore will be able to advise us as to whether that is the whole area or not.

SIR MARTIN HOLDGATE: We think it does, Chairman, with respect.

MR GIBBS: I think the distinction is that it covers the Hobhouse area whereas it doesn't necessarily cover the same as the study area from the Countryside Agency, but the Countryside Agency's area extends to the north and to the south as a study area understandably does.

THE CHAIRMAN: Margaret Sanders from Friends of the Earth.

FOE: There is one massive development which has been absent from our discussion this morning and is also absent from lots of the maps, and that is of course the M6, which I think really has a massive effect on the wildlife. There has been research showing that its footprint is much wider than originally thought. So I would like to ask the question, is the M6 included in the county landscape area? And the other one is, is this not giving due consideration to landscape over other considerations? I think the 'H' holistic word was banned on the first day. I would hate to see anything which favoured landscape over wildlife. Going back to the renewable energy PPS22, I believe that although it does recognise that people will designate landscape areas, they would be subject to challenge. I should have thought that the presence of something like the M62 would massively reduce one's chances of (inaudible).

THE CHAIRMAN: Yes. I think renewable energy we will deal with in depth tomorrow, so we will come on to that. I think perhaps just to help you, the key diagram is right at the back of the document, and that is the map which shows the landscape areas, and the M6 is partly within those areas and partly outside those areas, and we did have a discussion earlier in the week about the relative weight given to landscape and the sustainability balance as against other topics, so we have actually taken note of that discussion. Can I bring in Mr Brodie for the Friends of the Lake District.

FLD: I think in terms of landscape character approach there is no doubt we share the enthusiasm of Government Office and the Countryside Agency on this. In fact it is one of the issues we asked Cumbria to bring forward in the structure plan. So we are very happy with landscape character approach. But I think, Chairman, we do share your reading that there are two policies here which both need to be in the structure plan, both need to be read together, because it is our view that landscape character assessment was derived as a descriptive tool and it doesn't give any recognition of the quality of landscape, and that lack of quality, in view of what we said about the value of some of these areas within county landscape, I think it is important to recognise at this particular stage. So we support both policies being there, but recognise that in due course of time we will see landscape character approach being virtually the only approach.

THE CHAIRMAN: I think maybe we are coming towards the end of this discussion. I will ask Sheila Wright for her contribution.

COUNTRYSIDE AGENCY: It is just to say that I think that quality does come into landscape character appraisal, but also to endorse what Mr Hubbard was saying about Lancashire's way of proceeding, offering a good practice model for developing character appraisal from a descriptive tool to something which can be used to assist in implement policies.

THE CHAIRMAN: The two authorities.

AUTHORITIES: Not a great deal to add really to that interesting discussion. I just wanted to emphasise that I mentioned the landscape character document which is referred to in the structure plan under 6.9. I have got that slightly wrong; it isn't specifically referred to in 6.9, but 6.9 does refer to 'further information on landscape character has been published', so it doesn't actually refer to that direct document. But clearly we do have an intention and a recognition that further guidance needs to be

published in order to clarify these issues and assist local development planners in interpreting policy, particularly policy 37, and obviously with the recognition that there is, as Ian Brodie said, landscape quality as a factor as well in landscape character. But at present clearly the landscape character approach doesn't really recognise quality; it only recognises the characteristics of a landscape. So I think the recognition of high quality landscape is still probably going to be something that people will appreciate knowing about even if they are not actually using it in official policy, that it's quite likely that those areas would still be recognised as having those special qualities, and this can still be used but within the context of E37 rather than having a separate policy.

THE CHAIRMAN: Does anybody else want to contribute on this point? Just one final question to Mr Smith is that the last sentence in 6.9 talks about the information which you have published, which I have seen, but you have got more material to come, and I just wonder if it might be worth adding something to that effect, saying that more information will be produced to assist LDD preparation, etc.

AUTHORITIES: Yes. We could confirm that we need to take that particular document further.

THE CHAIRMAN: I would like to move on now to question 5.2(b): 'What benefits do county landscape designation bring and would these landscapes be adequately protected by relying only on the landscape character approach?' Actually, we have covered a lot of this already, but I do have one particular question in relation to the National Park, and it is for clarification really. It is a question that some of the participants have particularly raised, but it is certainly one that is in my mind. It is illustrated really by figure 8 on page 54, that as far as the rest of Cumbria is concerned outside the National Park we have got very fine grain breakdown of landscape character areas, and we have got in E39 a series of criteria to judge them on whether or not it is consistent with the character areas. Now, in the case of the National Park you don't seem to be taking the same approach. It appears that you are treating the Park as a single character area. Obviously it's an area nationally recognised as having the highest quality of landscape, but within that area there are obviously different character areas. I mean, the position is obviously picked out in the AONBs which have distinctive character areas, but again set within a nationally designated landscape area. I suppose my question is it seems almost a bit anonymous to have a very fine grain approach outside the National Park and in the AONBs, and a less fine grain approach within the National Park. I mean, that's just the way I read the plan. It seems strange. And I wonder if you could explain why. And I would like to see if other people share my view. So can I go to Katrina Rice first.

AUTHORITIES: Although the National Park is not split into character areas, the character approach is currently applied to developments within the National Park on a site by site basis, so when a planning application comes into the National Park it is assessed against criteria, one of which is the impact on the landscape character of the area. Now, the reason we are able to do that is because the National Park, unlike many of the districts, employs specialist staff and we have a conservation scheme, so we are able to do this on an application by application basis, on a site by site basis. Despite this fact, the National Park does recognise the merits of having the character area approach which is in the rest of the county at the moment, particularly in relation to cross-boundary issues with the rest of the county, because obviously character area

can cross boundaries, so therefore it is intended in the future that the National Park will adopt the character area approach, but at the moment it is dealt with on a site by site basis.

THE CHAIRMAN: So in dealing with it on a site by site basis, you don't have a sort of bottom drawer equivalent plan somewhere which you use to assess it? It's simply you look at the particular application in its context?

AUTHORITIES: Part of the National Park, most of it, is designated as an ESA. There was a landscape assessment done as a part of that work on that sensitive area. We have also got the section 3 map in the management plan which again shows areas that we look on as particularly important with regard to woodlands, mountain, moor and heath, so we use those documents, but essentially, yes, it is based on the site by site application of the landscape character technique.

THE CHAIRMAN: But the further work you have talked about would actually provide an equivalent map for the Lake District National Park and therefore an equivalent approach, is that correct?

AUTHORITIES: It is intended that the character area approach would be applied to the National Park as it is outside the National Park, yes.

THE CHAIRMAN: Right. Anybody like to come in on this? Mr Bamber.

GONW: Just a couple of comments. I would like to know what the phrase 'in the future' means. But more generally, in relation to the debate we have heard in these two weeks, on the number of occasions the National Park Authority has been accused of neglecting or undervaluing its duty to maintain the economic and social well being of its community and of being unduly negative towards development, and by the tourist authority yesterday of allowing the situation to develop where the environment and its attractions look tired, and it does occur to me that there is a bit of a worry that this is all of apiece, and this sort of exclusion of the National Park in consideration of landscape character, and of the coastal zones as we will see in a minute, is a matter that should be addressed. And I would remind you of the reference I made before to PPS7, paragraph 21, that policies in nationally designated areas should support suitably located and designed development, etc. I don't know whether it's within your power to actually insert landscape character areas that you don't have access to, but it's just a concern that I would like to flag up.

THE CHAIRMAN: Yes. I think you are making a general point, which we can. A number of cross-cutting general themes have emerged actually during the course of the EIP and we may well sort of reflect on those before getting into the detail. You are making a general point which connects to the material that we have had so far. But if I could just go back to the specifics here, are you therefore saying that you would welcome an equivalent level of information detail, maybe in transparency, if I can use that word, to the approach, because identifying landscape character areas and assessing development in relation to them and in relation to criteria does seem to me to be a more transparent approach?

GONW: Yes sir, I think that's a good point. We haven't come to a view on the National Park status in all this. I referred to it as a blanket; you could equally refer to

it as a higher plateau, given that it is dealt with by separate policy of course, and the National Park Authority, as Katrina Rice says, deals with things on a case by case basis and there may be arguments in favour of that, at least in the interim, but the transparency argument is significant because, yes, at the moment there is no basis for people to come back and say ‘On what basis are we being considered in relation to the landscape in Grizedale, or Grasmere?’, or wherever it might be.

THE CHAIRMAN: Because in a sense everything is on a case by case basis. I see the character approach again as a tool kit. It’s a way of actually dealing with things and saying ‘You are in this character area’, and there would have been some debate to get to that point and some discussion, and then ‘These are the criteria’; it makes it much clearer, it seems to me, to everybody, whoever is dealing with it. Could I bring in the National Trust.

NATIONAL TRUST: I can only speak for 25% of the National Park I guess and for our 90 tenant farmers who live and work within it, but we certainly have a vision for the National Park which very much takes on board landscape character assessment as an approach to be looked at. We have also, when we look at the bottom end in terms of producing whole farm plans for the majority of our properties, and they are also based on property management plans, which include statements of significance which actually identify what it is that is significant about those places and therefore give us a guide as to how we should be improving, developing and sustaining those properties. That approach is being developed more recently in terms of looking at a value approach in some areas where we have significant interests, and we are taking a whole value approach to looking at how farms relate to each other, and actually looking at, again to come back to the holistic word, social, economic and environmental impacts, but we are certainly taking a landscape character approach to that work, and we would want to encourage that approach to take in elsewhere in the National Park.

MR GIBBS: What I wanted to come in with follows very much on from that. I think what you are saying there is that as owner of 25% of the Park you have a particular approach. Now, I see no reason why this document shouldn’t acknowledge the fact that the National Trust is the owner of 25% of the Park and, because of its various charitable defined objectives, has particular objects. I think that would be helpful to people’s understanding of what is happening in the National Park. I don’t know whether you would be able to do that, if there is an actual statement of approach that the National Trust has to its management of its property in the National Park which is essentially expressed in a couple of sentences. As I say, it may link with your charitable objectives.

NATIONAL TRUST: It goes beyond those objectives in terms of the detail which it would provide, where we have had to say that that is under development but it is pretty well developed at the moment. We actually had a workshop in this very room a couple of months ago to discuss some of the issues which were coming out of that. I would need to refer to others in terms of where that is currently up to and to provide a statement, but I am sure the Trust would be happy to do so within the next week or so.

MR GIBBS: I think timing may be a problem for us, but it may be something that we can say we are looking to you to produce, and that the joint authorities should take note of it and see whether there is something from that that they could incorporate within their plan. I don’t know whether other people feel that makes sense. It is

trying to deal with this gaping hole, and it's picking up on the point the Government Office are making, in that at least there needs to be a statement of how the National Park address these issues. Now, as I say, the National Trust is an element of the National Park, and in this area they are able to give a more charitably inclined approach than perhaps some of the other agents within the Park. On the other hand, it may well be that one can refer to those parts of the Park which are owned by large water undertakers, for example, because similarly they will have particular management objectives. I don't know whether people think this is helpful. It's trying to address this bit about the big gap, and in a sense the big gap is a problem not because the National Park is not doing it, but because it is doing it at such a detailed level that it's difficult to draw out from that detailed level to something which is strategic, and I actually would be horrified to see what a landscape character assessment did within this area, how you define between – I am just looking at some of the characteristics – valley corridors, main valleys, gorges, different ridges, and obviously they would be so tightly bound to each other that I think it would be meaningless as a representation on this sort of scale of map. I mean, it's because you are doing more that you don't say anything, and it seems to me there is scope for doing something positive, because one of the feelings that we are having is that when the National Park is doing things that it can express those in particular language that is positive.

THE CHAIRMAN: I think if I could bring Katrina Rice in to pick up some of the questions that Simon has raised, and also the point that Chris Bamber made about timescales as well in terms of more advice on it.

AUTHORITIES: Obviously we agree with you, at the moment we are doing it on a site by site basis, we are doing it in more level of detail than many of the other districts are doing it, perhaps not publicising that enough, and that is why we are looking, as an authority, at developing the countryside area approach which is already developed outside the boundaries of the National Park. As regards timescale and doing that, we do see it as a very important short term aim, so it is not a long term ambition, it is going to be something that is looked at in the short term. And again I don't think we are disagreeing with anyone around the table, we regard the landscape character approach as very important. We use it in a different way within the National Park, but we agree that we need some consistency, and I think you used the word accountability, with regard to the rest of the county as well.

THE CHAIRMAN: Just to be more explicit really in the plan itself, when you say short term, is it something that could be included in the plan before it goes for adoption? Do you want to think about that while I go to Mr Brodie?

FLD: I think like everybody else we welcome that commitment from the authority to go down the line of character area approach. Some of the points that Mr Gibbs raised are of interesting relationship that this is a planning document, and if some of the issues on the landscape character are outside this planning document – I think probably woodland forest is one good example of that, which you obviously appreciate – and there is a National Park management plan which follows the line that Alan Hubbard has been talking about, that sometimes we need to look at the massifs of the fells, sometime they look at a whole dale approach, and using a non-controversial woodland example outside the planning system is that sometimes now we are looking at woodlands, not just the effect the changes of the Forestry

Commission would have on the landscape if certain boundary adjustments were made, or species adjustments were made, we look at the effects on the landscape of the whole valley. So it's a need to integrate how the planning system uses the character approach with the management plan which most of us are signed up to in taking an approach that covers, perhaps overlapping some of those character area boundaries, and the whole valley approach is one which we would commend to you.

THE CHAIRMAN: Sheila Wright.

COUNTRYSIDE AGENCY: I think the Agency would certainly endorse what the National Park Authority has said in terms of extending the character approach to the National Park itself. I think the point I would just like to make is that it's not an end in itself to arrive at a description of character areas within the National Park. It is how you apply those character appraisals in practise. And if I may just hark back again to Lancashire's structure plan, if I may just read out paragraph 5.41 – I know you haven't got this, but from the Lancashire structure plan it's just an indication of the kind of approach that we are seeking – it says: "Lancashire's diverse and distinctive landscape has been the subject of a detailed study. The study forms the basis of this policy. It identifies the key environmental features of each landscape character type and the particular forces for change affecting them. These determine the strategies of conservation, enhancement, restoration or creating identified for each landscape type. Development will be considered appropriate if it follows the strategy of detailed recommendations for the landscape type in which it occurs". So I think that is the kind of approach that the Agency is seeking, and I think the discussions this morning underline the need for priority to be given to guidance to be coming forward from the joint authorities on applying character appraisal assessments.

THE CHAIRMAN: Can I go to Mr Glading for English Nature, and I think probably we are coming to the conclusion of this, and I will come back to Katrina Rice for a sort of winding up.

ENGLISH NATURE: English Nature would welcome the landscape character approach initiative from the National Park Authority, but we would urge that the approach they take should be consistent with the approach taken by the rest of the county, and also it should be consistent and sort of nesting within the Countryside Agency's countryside character areas and English Nature's natural areas. Rather than overlapping, they should be nesting, that's my point.

THE CHAIRMAN: Yes, Katrina Rice?

AUTHORITIES: To come back to your point about timescale, I have been informed that a report will go to our corporate management team next month which will start the process and then our corporate management plan 2005/2006 will provide the impetus to hire consultants to carry out a certain amount of the work so it is ongoing at the moment.

THE CHAIRMAN: There will be nothing that can be put in the adopted plan but mention of it can be made?

AUTHORITIES: Definitely, yes. The only other thing I wanted to say was that I agree that we have to have a consistent approach because we won't improve on

anything if the approach to be adopted to the National Park is different to that taken outside the county. That is my only other point.

THE CHAIRMAN: Any other comments on this?

MR GIBBS: I have a general point. One of the key features of the Lake District is its compartmentalisation, its fragmentation, the breaking up of its landscape. Is there any conflict between that and a landscape character approach which tends to emphasise commonality of features within particular landscape character areas? Maybe it is the way you apply the approach rather than the approach itself because it is scale partly. So very many things are tight landscapes, very small scale points which I am sure do head towards a site by site appraisal being an efficient use of resources. I would hate to see a process which embarked on setting out with consultants to map everything which should happen in every part of the Lake District when in fact what you really need to do is respond to particular proposals that are coming forward and analyse those in detail.

AUTHORITIES: We are not saying we are going to stop the site by site approach which we currently undertake. All we are going to do is look at the overview of that approach which is the character areas within the National Park. We will continue with that next tier of assessment. Underneath that will not change.

MR GIBBS: The Countryside Agency want to come in on that. I have probably provoked them.

COUNTRYSIDE AGENCY: Not provoked on that particular point, sir. It is a point about consistency and the fact that the Cumbria appraisal is based on the Agency's older guidance and not on the most recent guidance so therefore it is important that not only the National Park take on board the more recent guidance but also the Cumbria appraisal is updated to take that into account as well.

THE CHAIRMAN: Thank you.

ISSUE 5.3 - The Coastal Zone

THE CHAIRMAN: We will move on to the final item today which is the definition of the coastal zone. Policies we need to be looking at are policy C41, which is page 60 of the changes document and RPG policies CZ1 and CZ3. CZ1 is on page 64 of March 2004 RPG. Firstly, the two authorities further statement has proposed some changes to Fig 9 which is on page 59 and that shows the extent of two kinds of coastal zone; the coastal landscape zone and the intermediate zone. It also shows sections of developed and undeveloped coast. There were some representations to the effect that that latter definition wasn't quite right and the joint authorities have said already that they recognise that Whitehaven needs to be shown as developed coast, which is isn't at the moment, and parts of Walney Island in Barrow need to be shown as undeveloped coast. That is a correction which they have already agreed to take on board.

The two main questions that have been raised are as follows; one is to do with the extent of the area that is shown on Fig 9, particularly the intermediate area, the darker green area, which extends away from the coast, and also the second point was the consistency between policy C41 and CZ1 in that CZ3 in RPG limits most development to the developed coast whereas C41 would allow development in the undeveloped coast in certain circumstances. There was a bit of concern about consistency of wording. Those are the points I picked up but I wonder if anybody would bring us in as far as they are concerned. Mr Hardman?

CARLISLE CITY: It is in definition of boundaries. It is a concern about the extent of the coastal zone immediate and the coastal landscape zone. I noted reference in the response at paragraph 2.8, the immediate coastal zone refers to types 1, 2, 3 and 4 in terms of landscape types shown in Fig 8 but by comparison with Fig 8 and 9 there are discrepancies that the immediate coastal zone also includes areas of 5B and 8B in Carlisle district and also in Allerdale as well. The extent of the immediate coastal zone then has an impact on the coastal landscape zone which is a larger area so there are some discrepancies. If the definition is to be as shown in the joint authorities' response at 2.8 then I am satisfied with that definition. I am jumping between documents.

THE CHAIRMAN: Go through it more slowly.

CARLISLE CITY: The joint authorities' response at 2.8 makes reference to the immediate coastal zone based upon the landscape character types 1, 2, 3 and 4. There are discrepancies between the landscape character types shown in Fig 8 and those areas annotated in Fig 9 and if it is true to be types 1, 2, 3 and 4 then I have no objection to that but they do seem to extend into other areas. I appreciate that in paragraph 2.9 there is a reference to the whole of coastal parishes but I can't see why that is necessary given that they have the landscape character areas.

THE CHAIRMAN: You are basically arguing for a tighter definition based on these character areas and keep it at that?

CARLISLE CITY: Yes.

THE CHAIRMAN: Mr Bamber?

GONW: The genesis of all this arises as regional guidance says in paragraph 6.4 from emerging European Union policy on coastal zone management which is an attempt to look at the coast, be it offshore or onshore, physically or in its human dimensions in an integrated and comprehensive way. The regional guidance policies take that forward. The problem is that the EU's directive still hasn't emerged on that so the coastal policy here is really creating a space within which policy might emerge to give things that integrated and comprehensive dimension because what happens at sea does have implications as regards what happens on land and vice versa.

I haven't checked Chris Hardman's anomalies, but I thought they reflected the Countryside Agency's landscape character areas. I am not sure if they differ in any way from the ones in Fig 8 but there is a need for consistency and that would be my only comment on the anomaly. To my mind, the big anomaly is the exclusion of the National Park because the coast is the coast whether it is in a National Park or not.

MR GIBBS: And also in this case identification of it as undeveloped coast should not be difficult.

GONW: One would think not. Most of it is undeveloped.

THE CHAIRMAN: It is just Ravenglass, that section. Mr Smith, could you help us by describing which character areas have been used and whether the map needs tightening up.

AUTHORITIES: My statement does explain how the map was arrived at. This was done a few years ago as part of the preparation of a coastal statement which actually was never completed but it is based on, firstly, the countryside areas and the green areas coincide with those. That defines the broad coastal landscape zone on the map. Secondly, we selected the more local landscape character types to define the more tighter immediate coastal zone. That was the yellow area on which we based those. Those areas, however, are larger than the four landscape types mentioned for the reason which also has been mentioned that we have included all the coastal parishes. In other words, all the parishes which have within their area a length of coastline. The reason for doing this I would imagine is to some extent political but I can't give you precise reasons. I don't think there is a landscape justification for that but it is more a practical justification that we decided that we needed to reflect the fact which parishes did have a coastline. That has been included. That answers that immediate question.

MR GIBBS: Is this an inter-penetration with socio and economic policies for coastal zone which is what the EU directive is geared toward, as I understand it?

AUTHORITIES: I'm afraid I am not in a position to entirely answer that. I could confer and possibly give you an answer.

THE CHAIRMAN: Mr Bamber?

GONW: I think Mr Gibbs is broadly correct and there is a logic to using parish boundaries for that reason, yes.

THE CHAIRMAN: It is not just about landscape. It is about coastal communities?

GONW: Absolutely, yes.

THE CHAIRMAN: Does that help you, Mr Hardman? Maybe there is a misunderstanding here going back to your point because I read it that you are seeing this as a coastal landscape driven policy.

CARLISLE CITY: I assume that the landscape coastal elements were the rationale for the determination of the immediate coastal zone but I do accept the points raised.

THE CHAIRMAN: I will bring in Mr Evans and then Mike Smith again.

ALLERDALE BC: Just a point to support what Chris Hardman has said. When I look at the actual boundary of the immediate coastal zone and the fact that the Aspatria was in there, the effect that the criteria have, as far as I recall Aspatria's parish boundary is quite tightly drawn and I think it probably all comes within the 5A/5B landscape character zone. You can put me right on that if I'm wrong but I would find it difficult to regard Aspatria as a community within the immediate coastal zone. In our local plan we have designated a coastal zone but back in 1997/1998 it was rather crude methodology. All it basically included was mainly the parish boundaries of those parishes that abutted the coast. I have no problem with any differentiation between our adopted policy and the county's methodology. I'm sure ours was much too crude but that issue of Aspatria does worry me. I'm sure that people of Aspatria wouldn't regard themselves as a coastal community.

THE CHAIRMAN: Mr Woodley-Stewart?

NORTH PENNINES AONB PARTNERSHIP: Chairman, it was on the original programme that there would be a break before coastal issues were discussed and my colleague was going to join us this afternoon to discuss that. I am somewhat out of my depth in coastal matters. I am sure he may wish to make representations about the coastal zone. I wonder if I could make an unpopular plea for an adjournment until after lunch.

THE CHAIRMAN: I have taken advice from Frank on this because when I was preparing for this session I thought I could contain it before lunch and Frank has advised me that he did ask people to come for the session before lunch.

PANEL SECRETARY: I understood they had been warned that it might happen before lunch and would they check that they are here before lunch.

NORTH PENNINES AONB PARTNERSHIP: I will be guided by you. I can't speak for what others heard or how others responded but it is entirely up to you.

THE CHAIRMAN: We will continue and take a view in a few minutes. Mr Hubbard?

NATIONAL TRUST: It is a particular point about the definition of developed or undeveloped coast around the Whitehaven area and what the Fig 9 currently shows. We made representations on the deposit draft plan to the extent that the developed zone was too great. We are delighted by Fig 9 which shows no developed coast around Whitehaven at all. I did discuss with the county before we started today as to whether we could look at what they were going to be producing in terms of their new definition for developed coasts around Whitehaven and ideally, hopefully, (a) over lunch and (b) with Copeland.

Just looking at the point which has been made more recently, the area in question if you look at the landscape character assessment in Fig 8 the area of concern to us is shown in there as an urban area. Our view is that whilst it has urban attributes it is largely the nature of open space and not developed in terms of the land south of Whitehaven going towards St Bees Head. From that point of view we would be unhappy if the developed coast was extended to cover the whole of the area which is shown as an urban area on the landscape character assessment map. Whilst I think landscape character as a background is helpful in terms of defining developed and undeveloped coast there are other aspects to it and there are certain urban areas which provide open space which we would say was not developed coast.

THE CHAIRMAN: You are asking that the definition of urban coasts in Whitehaven is kept tightly to what is currently urban?

NATIONAL TRUST: I suspect the county may argue that open spaces fulfils a function in meeting the needs of the urban population. So they may say that it is urban land. The point I am making is that it is not developed in terms of built upon.

THE CHAIRMAN: This is something you could discuss with the county as they produce their revised map.

NATIONAL TRUST: We welcome that opportunity.

MR GIBBS: Could Allerdale come in on their point?

ALLERDALE BC: I can't speak for Copeland of course but from local knowledge it would be a short designation because it is not far south of Whitehaven that you get into the heritage coast anyway. That would be excluded.

MR GIBBS: The point that is coming to me is the extent to which the Structure Plan is the place that can identify these areas and the extent to which isn't this a LDF designation particularly in the context of somewhere like Cumbria needing a broad definition within the Structure Plan. I'm sure that in introducing this document the county council has been taking guidance and working as they understand it by PPGs and what they are meant to be doing but it does seem to me that you have some quite small stretches of developed coast set amongst some much larger stretches of undeveloped coast and whether the Structure Plan can properly identify that. I will leave that with the joint authorities.

THE CHAIRMAN: We can stop at one o'clock and take a lunch break and then round this topic off. Your colleague has something to contribute on this topic?

NORTH PENNINES AONB PARTNERSHIP: I would like to think so especially if you are going to have an adjournment.

THE CHAIRMAN: Very well, that's what we will do as I don't want to exclude anybody from the debate. Mr Glading for English Nature?

ENGLISH NATURE: Just on two points you picked up in your introduction, chairman, on the boundary definition for the coast, our particular concern was with the definition of Walney as developed coast. We are grateful for the clarification that the authorities provided in their response that that is no longer regarded as developed coast.

On a second point of consistency with C41 with CZ3 we do have outstanding concerns on this one which we expressed an objection to in that we do feel that the county policy goes further than regional policy in extending development potentially into the undeveloped coast. Although the policy does contain the reference to landscape not detrimental to landscape character, arguably that doesn't encompass all nature conservation interests that might be affected. Ideally we would like to see that part of the policy deleted or if it was to be retained it should be modified to read detrimental to the landscape character and.

THE CHAIRMAN: That is adding it to the end. Read those words again?

ENGLISH NATURE: Important nature conservation features.

THE CHAIRMAN: You are picking up the point I was referring to at the beginning. CZ3 in RPG seeks to limit most of the development to the developed coast whereas C41 allows it in certain circumstances. There isn't a huge difference between those two ways of approaching it. you could argue that C41 is a bit more positive as far as development is concerned. From your point of view if this caveat was added at the end that would cover the point you are making?

ENGLISH NATURE: Yes, it would cover our concerns.

THE CHAIRMAN: Mr Brodie?

FLD: It is a message of support for National Trust on this one. As one of those anoraks who has probably walked every inch of this course on more than one occasion it is important that we get the definitions and boundaries right. The other factor that comes in is when we look at RPG UR12 on regional parks and the Cumbria beacon sites the jigsaw won't fit together either.

THE CHAIRMAN: Yes, it is early days in terms of definition but there is an intention to have a regional park along the whole of the Cumbrian coast.

FLD: I made a reference to the Cumbrian beacon sites which are currently being looked at in detail by the county council on some of the areas which are marked as urban and some are marked as rural.

THE CHAIRMAN: Right. Mr Bamber?

GONW: Just a reference to that most unsung of policy guidance notes, PPG20 which is where a lot of this comes from in terms of developed and undeveloped coast. The addition suggested by Mr Glading is fine as far as I'm concerned. In general terms the question has been raised of whether C41 is consistent with guidance. It seemed to us that this was a reasonable exposition of the proto sequential test which is in PPG20 which stresses particularly that development on the coast and especially on the undeveloped coast should require a coastal location and that is a big safeguard. The other cannot reasonably be located in the developed coast is a sequential type statement. Generally speaking one wouldn't have thought that would be invoked very often.

Alan Hubbard's point about Whitehaven, I agree with Mr Evans that that is a matter for local consideration because there may be open spaces within or adjacent to Whitehaven which do serve an urban purpose and that might affect one's view of the extent to which use of them should require a coastal location but that is a detail consideration which can be fitted into those words.

THE CHAIRMAN: I would like to pick up the point made by Mr Bamber earlier as to why there isn't anything on the map to define areas in the areas of the park.

AUTHORITIES: Basically it is a similar point about the issue of countryside character in the sense that the National Park management plan does cover coastal issues. It was clearly felt that the National Park is an individual authority and therefore the policies are within the National Park and it would be confusing to include it within this coastal definition. On the definitions we have talked about how the areas were defined. We understand we are trying to get an integrated approach to it and it is not simply a landscape area. It has to relate to all the policies in the plan. Clearly the National Park policies are different and it is this difference which explains the exclusion of that area.

THE CHAIRMAN: One key point is the management plan is not a statutory document in the same way that the Structure Plan is. The second point is that it is this gap issue that you have a series of policies and definitions down the coast and then suddenly an area which is not covered by the same status of policy as the rest of Cumbria.

MR GIBBS: I have a similar point which is that policy CZ1 requires local authorities to define the coastal zone. It doesn't require local authorities to do it in Structure Plans and in essence what we are being told by the National Park authority is that they are not doing it in the Structure Plan, they may well do it in their LDFs or whatever. Is that what the National Park are saying?

AUTHORITIES: We don't have the character assessment data for the National Parks. We are not in a position to do that at the moment but it is something we are

looking at doing in the future and it is clear that the National Park is considered to be undeveloped coast in policy terms. We would refer you to the section 3 conservation map which is a statutory thing. That does define the coastal features and it illustrates that geographically.

THE CHAIRMAN: Which map?

AUTHORITIES: It is page 20 of the National Park Management Plan, the conservation map. Fig 9 does illustrate that the National Park is undeveloped coast for the purposes of the policy.

THE CHAIRMAN: Yes, very well. Does anybody else want to raise any further points now?

(North Pennines Partnership attended but had no points to put forward)

THE CHAIRMAN: Very well, we will conclude now and resume tomorrow at 9.30 on Renewable Energy.

(Session ended at 1.10 pm)

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