



**South Downs**  
National Park Authority

**Agenda Item 9**

**Report PCI9/20-01**

Report to	<b>Planning Committee</b>
Date	<b>11 July 2019</b>
By	<b>Director of Planning</b>
Local Authority	<b>Lewes District Council</b>
Application Number	<b>SDNP/19/00921/FUL</b>
Applicant	<b>Network Rail</b>
Application	<b>Closure of the pedestrian level crossing and erection of a pedestrian overbridge with elevated approach walkways and walkways on approach earth embankments.</b>
Address	<b>Tide Mills Level Crossing, Mill Drove, Seaford, East Sussex</b>

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**Recommendation: That planning permission be granted subject to the conditions set out at section 10.1 of this report.**

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### **Executive Summary**

The proposal is for the closure of the at-grade pedestrian crossing over the Newhaven to Seaford rail line and the construction of a pedestrian bridge with ramped access. The walkways will be 2.5m wide, firstly on earth embankments and then supported by slim steelwork columns, with the bridge itself widening to 5m at the southern end, to allow views of the coast to the south and Downs to the north.

The flat and open landscape means the bridge structure will be very visible and a conscious decision has been taken by the applicant to embrace that and create a design which responds positively and characteristically to the area.

The bridge provides an opportunity to enhance biodiversity through the introduction of appropriate planting on the embankments, and improved habitat management. The bridge also enables new views and interpretation of the lost village of Tide Mills, which is an area of significant archaeological interest. The project overall provides a new experience of the natural beauty and cultural heritage of the area, which is sensitively designed.

There has been a significant number of objections raised to the proposal, which include doubt that a bridge in this location is necessary and the perceived harm to the character of the area and people's enjoyment of Tide Mills. Network Rail are clear in their justification for the bridge on safety grounds, which offers a step free solution, with no direct interaction with the trains using the line.

The application is brought before Planning Committee for consideration owing to the level of objection received from third parties.

## **I Site Description**

1.1 The level crossing is one of three access points for pedestrians to Seaford Bay across the Newhaven Harbour to Seaford railway Line. It comprises a metal kissing gate on each side of the line, which are permanently accessible, and metal 5-bar vehicular access points that have restricted access. This is a well-used public right of way (footpath), and is considered to be a 'high usage' crossing; the busiest in terms of footfall on the South East rail route. The right of way links the A259 to the north with the wide shingle beach, which bridges the gap between chalk cliff-faces at Seaford and Newhaven, to the south.

1.2 The site is part of the lower end of the Ouse River Valley and is part of the Major River Floodplains, specifically Ouse Floodplain as identified in the South Downs Integrated Landscape Character Assessment (SDILCA). It was noted as being an 'integral part of the wider downland landscape' by the Inspector designating the SDNP. Key characteristics of this LCA that are relevant to the site include:

- A landscape of apparent large and expansive scale;
- Periodically waterlogged silty soils that support permanent pasture, giving it a lush, pastoral character;
- Absence of woodland and general low incidence of trees resulting in large, extensive views across the floodplain.

The area also hosts vegetated shingle habitat, which is a globally rare habitat, as well as the small saline lagoon inland of the beach. The area is part of an SNCI and has been identified as part of a Zone of Undeveloped Coast as part of the South Downs Local Plan (SDLP).

1.3 Immediately to the south of the rail line lies the 'lost village' of Tide Mills, where a village grew up around a tidal mill formed in the 18<sup>th</sup> Century, which was later connected to the railway. It became a seaplane base in 1917 and later included a hospital for sick children. Following the onset of World War II, the villagers were evacuated by 1941 and it was then used for military training. At the end of World War II what remained of the settlement was removed. Land within the application site incorporates part of this, including the remnants of the old platform (Bishopstone Beach Halt) and the Station Masters Cottage. Excavations at the site have been carried out by the Sussex Archaeological Society since 2006. The site is deemed of local and regional archaeological importance based on its industrial heritage and relationship to transportation through the ages.

## **2 Relevant Planning History**

2.1 SDNP/15/03131/DULP – Installation of a footbridge. Status: Withdrawn 17 August 2015, following comments from case officer, which advised that the scheme as proposed was not sympathetic to the sensitive character of the application site and would result in a development that would severely inure the amenity of the neighbourhood.

2.2 SDNP/15/04268/PRE – Installation of a footbridge. Status: Pre-app response sent 25 May 2018, which advised that it was evident that the development of the bridge design had now taken account of its context and the character of the area, resulting in a concept which would moderate the effect of the bridge on both landscape character and in views. The DRP were very complimentary of the approach taken, and offered advice regarding the integration of the structure under the bridge into the design (even though it might remain 'ordinary') and the importance of the approach to the bridge (i.e. continuity of design). Despite these largely positive comments, the formal application needed to be accompanied by robust justification for why the bridge is being proposed.

## **3 Proposal**

3.1 The applicant seeks to construct a new footbridge over the Seaford Branch Line at Tide Mills, in order to address safety concerns and deliver Network Rail's commitment to reducing the number of at-grade pedestrian crossings. The bridge would comprise sloped earth embankments, elevated walkway and lookout, which also forms the bridge over the rail line. In order to span the rail line, the bridge must be 5.1m clear of the tracks; in order to accommodate this clearance, the sloped walkway on the northern side would extend for

a length of 120m, with 110m to the south. The bridge would provide step free access over the rail line.

- 3.2 The walkways will be constructed over a raised earth embankment up to a height of 4m above the immediate ground level, which will be planted with species rich wildflower mix and supported on the rail-facing side on the southern walkway by gabion retaining walls filled with locally sourced rounded beach cobble. The walkway will be 2.5m wide, with no railing along the embankment and railing of 1.1m in height where the walkway is supported by cruciform shaped steelwork painted in a matte dark grey finish, with a single plate connection to the deck and the screened with vegetation at the base.
- 3.3 The bridge itself will have a width of 2.5m at the northern end, widening to 5m to the south, to provide a rest and view point looking south. The parapet over the bridge will be constructed from charred timber, which will vary in spacing between a solid wall directly over the rail line and open spacing at either end. The timbers will gradually slope from a height of 1.8m to 2.5m above the deck surface towards the sea.
- 3.4 The existing pedestrian level-access crossing would be closed, with fencing replacing the existing gates. The vehicular level-access crossing remaining for infrequent use by the Port Authority. The bridge and walkways will have no artificial lighting, consistent with the existing at-grade crossing.

## **4 Consultations**

### **4.1 Environment Agency**

Given the site's previous industrial use, there is a likely risk of contamination. Following the submission of further information, there is no objection raised, subject to conditions concerning contamination, piling and the decommissioning of boreholes.

### **4.2 ESCC Highway Authority**

No objection, subject to condition securing Construction Environmental Management Plan.

### **4.3 ESCC Lead Local Flood Authority**

No objection, subject to conditions securing surface water drainage designs and management of flood risk.

### **4.4 ESCC Archaeology**

No objection, subject to conditions securing the submission of a written scheme of investigation (WSI) and the completion of the work in accordance with this WSI.

### **4.5 Access and Recreation Strategy Lead**

No objection: while necessitating a longer crossing, the proposed footbridge offers easier and safer access to a wide range of non-motorised users and will enable access for some who find the current crossing difficult to negotiate. It will open up views over the landscape not currently available to the public and good opportunities to view the remains of the Tide Mills village from an elevated position. The provision of new interpretation panels is welcomed.

### **4.6 Ecology Officer**

No objection: whilst the application document has not met best practice standards or the requirements of the NERC Act and NPPF, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions securing biodiversity method statements, the construction environmental management plan (biodiversity), ecological design strategy and landscape and ecological management plan.

### **4.7 Landscape Officer**

Support: The need/justification for this scheme has been accepted in planning terms and in landscape terms whilst it is of course a new structure in a very open/exposed site, the approach to the scheme has always been defined based upon it being potentially perceived as an imposition in the landscape. As a result the rationale behind the design was therefore to

create a beautifully designed bridge, which could become a destination in its own right. The scheme is positive in that it makes the most of the opportunities borne out of the necessity for a safer rail crossing – for example, a destination from which to provide unique views and experiences of the landscape, and its cultural heritage. The rationale was never to make the bridge disappear into the landscape or minimise its visual harm, or create a standard, engineered solution. Rather it became about designing something unique, sensitive to its local landscape context and importantly based upon landscape evidence. With this approach in mind it is considered seeing/experiencing the bridge is not a negative and its colour – tones of dark grey, using characteristic materials is appropriate to its location.

#### 4.8 **Design Officer**

Support: Our greatest civil engineering achievements are celebrated because of the drama they create within the landscape. It is a crafted structure; an enhancement of the landscape in a very sensitive location. It is also a design in which reference to and visual cues of the landscape have transformed the simple purpose of crossing a railway line. You don't just negotiate a level crossing, you traverse a whole landscape; an experience in which history, culture and landscape can unfold before you. The design has been subject to an iterative design process with SDNPA Design and Landscape Officers and the SDNP Design Review Panel. Conditions are recommended to provide further information regarding the parapets, means of enclosure at the existing crossing, details of the earthworks and surfacing materials.

##### Design Review Panel Comments

Supportive of this exemplar project and the architect's concepts of place making and making the 'beautiful ordinary'. The bridge manages to minimise the presence of the railway, while performing the functional purpose of providing the pedestrian crossing point on the railway. Invite inclusion of interpretation through the delivery of the scheme and ensuring that gates/fences at the crossing are included as part of the remit of the scheme.

#### 4.9 **Conservation Officer**

Support.

#### 4.10 **Seaford Town Council**

Objection: The proposed crossing would have a seriously adverse effect on the special character of the Tide Mills area, an important historical and archaeological site. It would be a major intrusion into the landscape and would be particularly harmful to the views across the site from Rookery Hill. Given the design of the proposed crossing, it was not accepted that it would improve access to the Tide Mills areas for the disabled.

### 5 **Representations**

5.1 The Open Space Society, South Downs Society and Sussex Industrial Archaeology Society, along with 69 individuals have raised objections to the proposed development, as raised below.

- No demand or need for an alternative to the existing crossing.
- National Park designated to protect area from future incursions; site is a refuge for people and wildlife.
- Cumulative impact of development when considered with works at Newhaven Port – will lead to more destruction, disruption and a disproportionate intrusion into the area.
- Destruction of Seaford Bay, which is the last, rare undeveloped strip of coastline.
- Proposal is out of character and would not fit with this part of the lower Ouse Valley, which is flat in contrast to the rolling Downs in the background. This will be the only above horizon structure in the area.
- Harm to remoteness, wildness and tranquillity of the area.
- Harm to the sensitive ecological area, including the impact on vegetative shingle which is a threatened habitat.

- Detrimental to the cultural industrial heritage of Tide Mills and the appreciation of the site; proposal will overshadow the Old Railway Station and access road in particular.
- 3m high dense black edifices on top of the bridge will be very visible.
- Drawings show no context for bridge or understanding of the area.
- Proposed route is too long and will have negative implications for mobility.
- Restricts beach access for those who can't climb stairs or with fear of heights.
- Will attract crime and will have no positive impact on reducing the danger and risk to life in crossing the rail line.
- Addition of audible warning signal or traffic lights more suitable.
- Underpass should be constructed instead.
- Individuals should not be prevented from using the historic route.
- Should have required Environmental Impact Assessment.
- People's time will be severely impeded by viewing and rest stops; the bridge is not a tourist destination.
- Right of Way diversion is needed and should be made prior to planning permission being granted.
- Increase in traffic generated by the proposal.
- Impact on air quality.
- Potential for proposal to supplement further development in the area.

## 6 Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan is the **South Downs Local Plan 2014-2033**. The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

### National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage,
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

## 7 Planning Policy

### National Planning Policy Framework (NPPF) and Circular 2010

- 7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 (DEFRA Circular) and The National Planning Policy Framework (NPPF) which was issued and came into effect on 24 July 2018 and further amended in February 2019. The DEFRA Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.
- 7.2 The NPPF has been considered holistically in the determination of this application, although it is considered that the following sections are of particular relevance:
- Section 2: Achieving Sustainable Development
  - Section 4: Decision-making
  - Section 8: Promoting healthy and safe communities

- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

7.3 In addition to the above, it is considered that paragraphs 7, 8, 10, 11, 47, 48, 91, 98, 102, 103, 127, 131, 148, 163, 170, 172, 175, 184, 189, 192, 193, 194 and 197 of the NPPF are particularly relevant to the determination of this application.

#### Major Development

7.4 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 172 of the NPPF (2018). Accompanying footnote 55, advises that 'major development' in designated landscapes is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

#### Development Plan Policies

7.5 The following Development Plan policies set out below, have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

7.6 The following policies of the **South Downs Local Plan** are considered relevant to this application:

- SD1 – Sustainable Development
- SD2 – Ecosystem Services
- SD4 – Landscape Character
- SD5 – Design
- SD6 – Safeguarding Views
- SD7 – Relative Tranquillity
- SD8 – Dark Night Skies
- SD9 – Biodiversity and Geodiversity
- SD11 – Trees, Woodland and Hedgerows
- SD12 – Historic Environment
- SD16 - Archaeology
- SD17 – Protection of the Water Environment
- SD18 – The Open Coast
- SD19 – Transport and Accessibility
- SD20 – Walking, Cycling and Equestrian Routes
- SD21 – Public Realm, Highway Design and Public Art
- SD23 – Sustainable Tourism
- SD25 – Development Strategy
- SD42 – Infrastructure
- SD45 – Green Infrastructure
- SD48 – Climate Change and Sustainable Use of Resources
- SD49 – Flood Risk Management
- SD50 – Sustainable Drainage Systems
- SD54 – Pollution and Air Quality

7.7 The consultation on the submission version of the **Seaford Neighbourhood Plan 2017-2030** (SNDP) is running between the 24<sup>th</sup> May and 5<sup>th</sup> July 2019. Given the stage the SDNP has reached, the policies within can currently only be afforded limited weight. The relevant policies of the SNDP are:

- SEA1 – Development Within or Affecting the South Downs National Park
- SEA2 - Design
- SEA8 – Local Green Spaces
- SEA14 – Safeguarding Future Transport Projects
- SEA18 – Seaford Planning Boundary

#### South Downs Partnership Management Plan

7.8 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications.

7.9 The following policies are considered to be of particular relevance to this application:

- General Policy 1 – conserve and enhance the natural beauty and special qualities of the landscape
- General Policy 2 – develop landscape-scale partnerships and initiatives to focus on enhancing key ecosystem services
- General Policy 3 – protect and enhance tranquillity and dark night skies
- General Policy 4 – create more, bigger, better-managed and connected areas of habitat
- General Policy 7 – joined-up and sustainable management of the coast
- General Policy 9 – significance of historic environment is protected
- General Policy 28 – improve and maintain rights of way and access land
- General Policy 29 – enhance the health and well-being of residents and visitors by supporting the use of the National Park as a place for healthy outdoor activity and relaxation
- General Policy 31 – raise awareness and understanding of National Park, that inspire and celebrate strong sense of place
- Visitor and Tourism Policy 43 – support the development and maintenance of appropriate recreation, tourism and visitor hubs

7.10 The outcomes of the SDPMP are also a material consideration. Relevant outcomes include 1, 2, 3, 4, 5 and 6.

## **8 Planning Assessment**

### Justification for Bridge

8.1 Network Rail have been seeking to close the pedestrian level crossing at Tide Mills for several years and first approached the SDNPA to seek the necessary planning permission to achieve this in 2015 through a standard railway ramped access design. Concerns were raised about this approach, with particular reference to the impact on landscape character and in views to, from and across the site, and also about the principle of closing the crossing. As part of the current application, Network Rail have provided clarity on their approach for closing level crossings nationally and also with specific reference to the Tide Mills site.

8.2 Generally, the original rail line at Seaford was built for much slower trains and crossings less heavily trafficked. Whilst barriers, signalling and other safety measures reduce the risk substantially, when road meets rail, the danger can never be completely eliminated.

For Tide Mills specifically, there are currently on average 79 trains per day, which are approximately 60m long (longer in peak times). Current safety measures, in addition to the gates include 'whistle boards', which require the train driver to sound the horn and an

audible warning device is also in place. There is good visibility towards Seaford, but it is more limited towards Newhaven. Network Rail have recorded 39 reported incidents associated with the at-grade crossing since 2008, including 12 near misses and 1 fatality. The desire for Network Rail to close the crossing is therefore understood.

Landscape Character and Visual Impact (including Design and cumulative impact with Newhaven Port)

- 8.3 The unique landscape and visual character of the site at Tide Mills means that a standard, engineered solution in this situation is not acceptable. The need for improved safety cannot be ignored, however the sensitive landscape, historical and archaeological significance and the variety of wildlife form an important and unique landscape which requires a site specific and high quality response.
- 8.4 The character of the area is that of a flat and open floodplain, with very little by way of tall vegetation and therefore any solution which goes over the rail line will be highly visible. Careful consideration of this character has been undertaken through the design process which integrates and complements to demonstrate a meaningful understanding of the context and character of the area. Firstly, the initial section of the walkways on both sides is supported by earth embankments (with a beach cobble-filled gabion supporting wall on the southern, east-facing elevation), which will be planted with species rich wildflower mix, up to a height to match the existing hedgerow and designed to blend in with this. There will be no handrails on this part of the walkway as a result of the width, gradient and overall design of the embankments. The raised walkways are designed to be slender, supported by slim steelwork columns painted matte dark grey. This is to prevent the structure reflecting the light to help fade into the background. The parapets for this section of the walkway will comprise charred timber on the rail-side of the walkway and a lighter, metal mesh on the outer edges, to both lighten the impact of the bridge in views to the structure and enable less impeded views out from the bridge.
- 8.5 The bridge itself widens from 2.5m on the northern side, to 5m on the southern end. The parapets will be constructed from charred timber increasing in height from north to south (1.8 – 2.5m); the space between slats increasing from the midpoint outwards in both directions. This will help focus views and through each stage of crossing the bridge, allow new experiences of the landscape.
- 8.6 The impact of the bridge in views has been carefully considered throughout the design stage and whilst clearly visible, it does not necessarily follow that it would be harmful in terms of visual impact. The visual impact has been assessed from both short and long distance views. In the short distance, the vegetated embankments have been proposed to blend into the landscape, and overall the construction would not prevent views to the chalk cliffs beyond. From the south, the bridge and raised walkway would sit against the backdrop of residential development. In longer distance views from the east and west, the bridge would sit back from the seaside and would not interrupt the sweeping line of the shingle beach. The bridge would be visible from the residential development to the north and possibly Rookery Hill beyond, however given the scale of the bridge and the success of the approach to integrate the structure into the route through Tide Mills it is considered that there would be no harm to visual receptors in this area.
- 8.7 Officers concur with the conclusions drawn in the Landscape and Visual Impact Appraisal submitted as part of the application, which found that although the project has unavoidable changes to the open, flat landscape character, it also improves the landscape tranquillity of the site (through the removal of the gates and the need to provide audible warnings of trains approaching). Further, it also found that despite being visible, the proposed scheme minimised potential negative effects and introduced new and unique viewpoints across the landscape, as well as different ways to experience Tide Mills. There would be no lighting proposed as part of the scheme and therefore no adverse impact on Dark Night Skies. The design approach, which results in a development of high quality, is supported by officers and is considered to conserve and enhance the existing landscape and seascape features which contribute to the character, pattern and evolution of the landscape.



### Archaeology

- 8.8 Tide Mills is significant for both its industrial heritage and relationship with the evolution of transportation (rail and aviation). There has been active investigation of the area over at least the last 13 years. Whilst not a Scheduled Monument, it remains a non-designated heritage asset.
- 8.9 The proposal would close the existing pedestrian access across the rail line and would rise up to the west before sloping back down in an easterly direction towards the Station Master's cottage, and then south to meet the point where the historic rail route met Mill Drove. Whilst the proposal does not directly affect the asset, the Heritage Impact Assessment accompanying the application advises there may be remains of interest within the site boundary. A course of mitigation, including provision of a written scheme of investigation prior to development (secured by condition), is suggested by ESCC, which officers consider to be acceptable.
- 8.10 The setting of the asset would also be affected, by virtue of the proximity of the bridge to the village. Through the design choices made, as detailed above, the route of the bridge and walkways has been carefully determined to minimise this impact and would provide additional opportunities for the Tide Mills complex to be understood through elevated views. Enabling improved and safer visitor access would allow a greater number of people to experience the village and understand its history. Any harm is therefore considered to be minor and the test in paragraph 196 of the NPPF would not be engaged in this instance. There is no impact on the setting of any designated heritage assets within the study area of 1km from the site and the proposal is considered to accord with development plan policies and the NPPF.

### Ecology

- 8.11 The site itself is within the Tide Mills Local Wildlife Site (LWS), designated on account of its importance as a feeding ground for birds, it being the best example of vegetated shingle in Lewes District and the habitat it provides for reptiles, newts and butterflies (among other species). Within 2km of the site, there are also other LWS, a Marine Conservation Zone (MCZ) designated for chalk habitat, SSSI designated for chalk cliff habitat and a Local Nature Reserve (LNR).
- 8.12 The Ecological Impact Assessment (EclA) that accompanies the application concludes there would be no impact on the MCZ, SSSI or LNR as a result of the development. It would result in the loss of approximately 0.7ha of poor-semi improved grassland, 7m of hedgerow and 0.04ha of scrub within the LWS. A scheme of mitigation is proposed through re-establishment or natural recolonization, alongside the planting of the embankments with species rich wildflower mix. The gabions would also provide habitat for other bird and reptile species.
- 8.13 Without mitigation, the EclA acknowledges there would be an adverse impact on Great Crested Newts and reptiles. Mitigation measures were originally summarised in the EclA and have been further explored in additional information submitted in May 2019, which the SDNPA Ecologist has confirmed are acceptable and should be secured by condition.
- 8.14 Despite limited information having been presented in the EclA in terms of the detail of the mitigation strategies for birds, Great Crested Newts and reptiles, it is nonetheless considered that appropriate mitigation can be secured through conditions drafted in consultation with the SDNPA Ecologist. A demonstration of biodiversity net gain has now been provided, which details measures such as improving scrub management, grassland management, the management of the reed bed and infilling gaps in the existing hedgerow. This can be further secured and detailed through the imposition of a condition requiring a Landscape and Ecological Management Plan. Overall, the scheme would retain, protect and enhance biodiversity features and would contribute to the restoration and enhancement of existing habitats, which is in accordance with development plan policies and the NPPF.

### Accessibility

- 8.15 The existing at-grade crossing is part of the existing right of way network maintained by ESCC. The introduction of a bridge is intended to replace this crossing, primarily on the grounds of safety. The route has been identified as a recreational route, where speed of crossing is less significant. On this basis, the introduction of a bridge accessed by ramps only (i.e. with no stepped access) is considered appropriate; the ramps result in a longer crossing time which is considered to have limited negative impact on users.
- 8.16 The walkway slopes would be kept low (maximum gradient of 1 in 20.5) and would incorporate rest stops along the route. The proposal would provide a greatly improved experience for users of the route, both in terms of safety and enjoyment of the area. It would also allow increased access for users who might find the existing kissing gate arrangement difficult to negotiate, thereby helping to fulfil the SDNPA's duty in terms of the Equalities Act 2010.
- 8.17 The planning application is separate to the requirement to divert the existing right of way so that it runs over the bridge rather than across the tracks. An application to divert the footpath would therefore be made under the Highways Act and determined by ESCC as highway authority. There is no requirement for this to be applied for prior to the proposal being determined, and given there would be no ability to divert without the proposal being delivered, it would be redundant to do so.
- 8.18 Concerns have been raised about the potential for the proposal to prevent people enjoying the historic route through Tide Mills. It is not the intention for the proposal to prevent users from heading north through the village towards the rail line as they currently do and the ability to do so will remain intact under the current proposal. It is further noted that the use of the route remains available to the Port Authority and emergency vehicular traffic.
- 8.19 The proposal is considered to comply with development plan policy in terms of accessibility on account of its sensitive design, which upgrades the safety of the existing route and which would contribute to the network of attractive and functional non-motorised user routes.

### Ground Conditions and Flood Risk

- 8.20 Further information has confirmed the proposal would pose a negligible risk to groundwater, even bearing in mind the presence of the lower aquifer. Further, there will be an area of geotechnical improvement through the introduction of granular fill, which will improve the surface water drainage quality in the area.
- 8.21 The mitigation associated with ground conditions has been considered by the Environment Agency and found to be acceptable, whilst surface water drainage has also been found appropriate and would be secured by condition.

### Other Matters

- 8.22 A draft policy in the emerging Seaford Neighbourhood Plan seeks to safeguard the future aspiration to deliver a dualling of the rail line between Seaford and Newhaven (currently this is a single line), in order to provide more efficient and regular service. The applicant has confirmed that the scheme considered here would not preclude this from occurring in the future, although there are no plans to currently deliver the additional line. Whilst the Seaford Neighbourhood Plan currently has limited weight, officers consider that the proposal would not conflict with this emerging policy.
- 8.23 Third parties have queried why the proposal is not EIA development. Officers have screened the proposal as part of the application process and the development does not fall within Schedule I of the EIA Regulations, nor any of the categories within Schedule II. Consideration has been given as to whether it would fall within an Infrastructure Project for the delivery of rail (10d) or roads (10f), however although the site is within a sensitive area, the scale and character of the development, location and type and characteristics of the impact have been considered to be not so significant as to warrant being EIA development. The impacts on landscape and ecology have been adequately and appropriately considered through the regular application assessment process.

- 8.24 The impact of the bridge in combination with works at Newhaven Port (being undertaken by ESCC and outside of the SDNP) have also been considered. Whilst within 1km of each other, they are sufficiently divorced in terms of character and use so as to limit any potential cumulative impact. Officers therefore consider the proposal is not EIA development.
- 8.25 Concerns have been raised regarding the potential increase in vehicular traffic, adverse impact on air quality and the potential for the proposal to supplement further development in the area. The introduction of a pedestrian bridge in this location is considered to have no impact on air quality and is highly unlikely to increase vehicular traffic. The purpose and use of the bridge is to improve public safety and is not to facilitate, or increase capacity for, future development in the area.
- 8.26 Network Rail have worked with officers, including the Area Ranger, to deliver further interpretation of the SDNP and of Tide Mills specifically, to sit alongside the boards already in place in the area. A condition is proposed to secure the delivery of the interpretation as part of the scheme.

## **9 Conclusion**

- 9.1 The proposed scheme represents the culmination of a detailed and collaborative pre-application phase, where the comments of officers and Design Review Panel have been considered and taken on board. The provision of the bridge in principle has been clearly justified and the overall character and appearance of the structure is considered to meet the high standards expected from the SDNPA.
- 9.2 The scheme would deliver a number of ecosystem service benefits, including the potential to conserve water resources, create better and more joined up natural habitats and provide opportunities to cultural resources. These benefits, and the high quality delivery of the scheme would be secured through the imposition of conditions as detailed below.
- 9.3 It is therefore considered that the proposal would accord with the relevant planning policies within the South Downs Local Plan 2014-2033, the NPPF, South Downs National Park Partnership Management Plan 2014-2019 and the Purposes of the National Park.

## **10 Reason for Recommendation and Conditions**

- 10.1 The proposal is recommended to be approved subject to the following conditions:
1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.  
  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended)
  2. The development hereby permitted shall be carried out in accordance with the plans and documents listed below under the heading "Plans and Documents Referred to in Consideration of this Application."  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  3. Prior to the commencement of development, including any ground works or works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate and shall include the following;
    - a) the anticipated number, frequency and types of vehicles used during construction;
    - b) the method of access and egress and routing of vehicles during construction;
    - c) the parking of vehicles by site operatives and visitors;
    - d) the loading and unloading of plant, materials and waste;
    - e) the storage of plant and materials used in construction of the development;
    - f) the erection and maintenance of security hoarding;

- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- h) the management of flood risk both on and off the site, during the construction phase;
- i) details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

4. Prior to the commencement of development (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - a) risk assessment of potentially damaging construction activities;
  - b) identification of “biodiversity protection zones”;
  - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) the location and timing of sensitive works to avoid harm to biodiversity features;
  - e) the times during construction when specialist ecologists need to be present on site to oversee works;
  - f) responsible persons and lines of communication;
  - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

5. Prior to the commencement of development an ecological design strategy (EDS) addressing the restoration and recreation of semi-natural habitats within the scheme and the restoration of coastal and floodplain grazing marsh in the wider Local Wildlife Site shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following:
  - a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location /area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures;
  - j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

6. Prior to the commencement of the development hereby permitted a detailed scheme of planting proposals shall be submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

The scheme design shall include the following details:

- a) Layout of planting to show plant species, nursery planting sizes, locations, densities and numbers
- b) Areas of grass & specification for seeding or turfing as appropriate
- c) Written specification for soil amelioration including cultivations, planting methodology, establishment maintenance operations proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc.)

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character.

7. Prior to the commencement of development a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:
  - a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

8. Prior to commencement of development a scheme for managing any borehole / trial pits installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes / trial pits are to be decommissioned and how any boreholes / trial pits that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason: To ensure that redundant boreholes / trial pits are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the NPPF and the Environment Agency Position Statement ('The Environment Agency's approach to groundwater protection').

9. Prior to the commencement of development details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable and based on the measures outlined in the Flood Risk Statement, and details of the ongoing management and maintenance of these measures shall be submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: To ensure satisfactory surface water drainage.

10. Prior to the commencement of development the applicant shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To enable the recording of any items of historical or archaeological interest, in accordance with the South Downs Local Plan and National Planning Policy Framework 2018.

11. Prior to the commencement of the development details of the earthworks, to include existing and proposed spot levels, the proposed grading and mounding of land including the levels and contours to be formed, the nature and provenance of the material to be used and details of the relationship of the embankments to the existing vegetation and landform shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a development of high quality that reflects the character of the area and prevents harm to visual amenity.

12. Prior to the commencement of development (including any demolition, ground works, site clearance) a method statement for the rescue and translocation of reptiles and amphibians shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;

- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

13. Prior to the completion of the earth embankments and construction of the raised walkway, details of the materials and fixings for the walkway and bridge parapet, and details of the profiles, chamfering and spacing for the bridge parapet shall be submitted to and approved in writing by the Local Planning Authority. These details shall be based on the outlines provided in the Landscape and Visual Impact Appraisal and Design and Access Statement. The development shall be carried out in accordance with the approved details.

Reason: to ensure a development of high quality that reflects the character of the area and prevents harm to visual amenity.

14. Prior to the completion of the earth embankments, details of the hard landscaping including surfacing material, means of enclosure and cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a development of high quality that reflects the character of the area and prevents harm to visual amenity.

15. Prior to the completion of the earth embankments, details of the interpretation to be provided in association with the bridge shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the design and location for any panels, signage, equipment and the contents of the information to be displayed. The interpretation shall be installed in accordance with the approved details within 1 month of the bridge being brought into use.

Reason: To provide further understanding and enjoyment of the South Downs National Park and the history of Tide Mills in accordance with the purposes of the National Park.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

17. Prior to the completion of the development and the development hereby permitted being brought into use, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To ensure satisfactory surface water drainage.

18. Piling / investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the NPPF, and the Environment Agency Position Statement ('The Environment Agency's approach to groundwater protection').

19. No external lighting shall be installed on the bridge or its walkways, or within the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of night time amenity, tranquillity and protect and conserve the International Dark night Skies.

## **I 1 Crime and Disorder Implications**

I 1.1 It is considered that the proposal does not raise any crime and disorder implications. The bridge improves safety and reduces the possibility of misuse of the railway.

## **I 2 Human Rights Implications**

I 2.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **I 3 Equality Act 2010**

I 3.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010. This includes the requirement of a step free access being provided and the ability of more users being able to access Seaford Bay in this location.

## **I 4 Proactive Working**

I 4.1 The SDNPA, during the pre-application process and the consideration of the current application, has worked with the applicant to ensure a development is brought forward that conserves and enhances the natural beauty, cultural heritage and wildlife of the Park.

### **TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

Contact Officer: Vicki Colwell

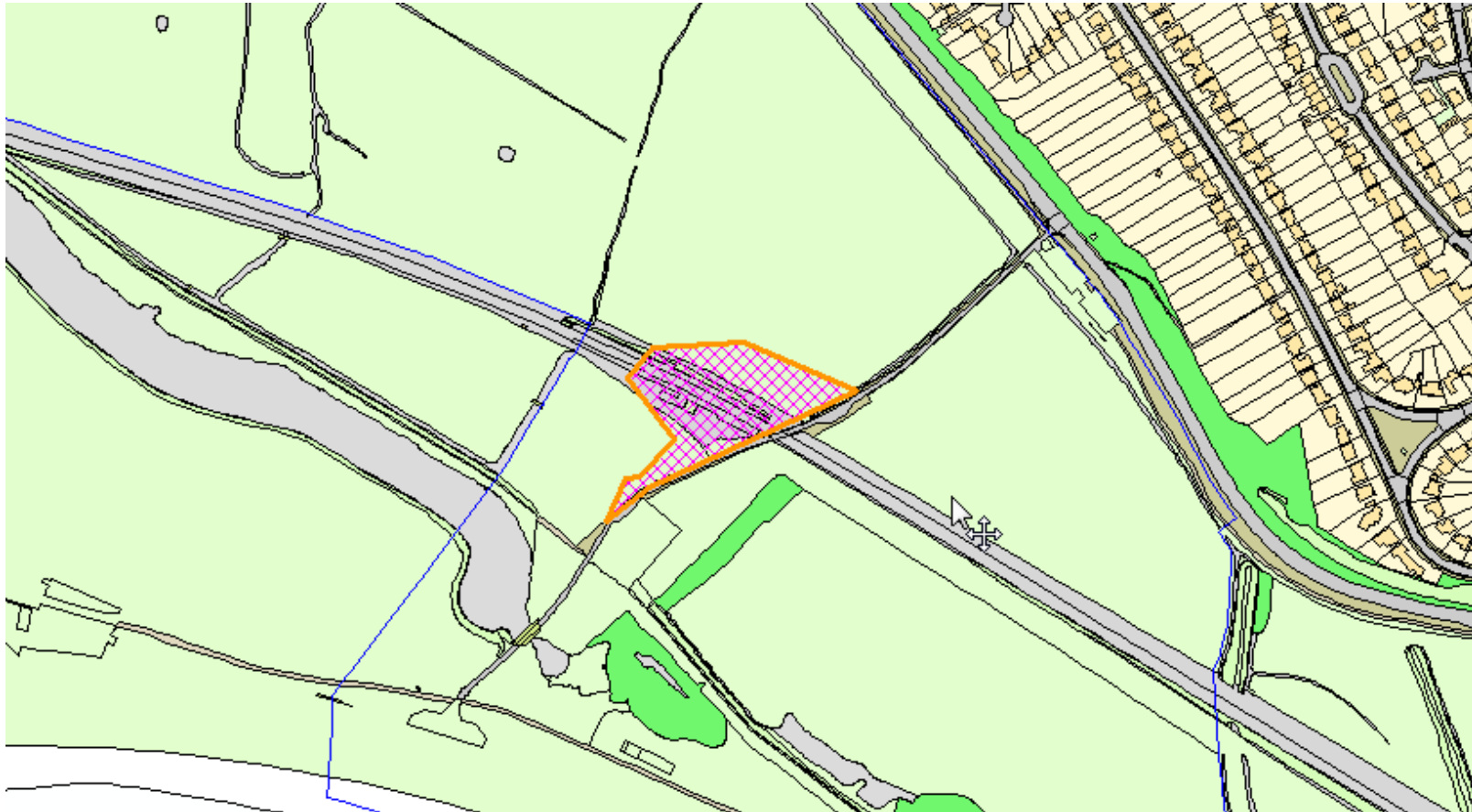
Tel: 01730 819280

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Appendices 1. Site Location Map  
2. Plans Referred to in Consideration of this Application  
SDNPA Consultees Legal Services & Major Planning Projects and Performance Manager  
External Consultees None

Background Documents [Full details of all application documents, plans and consultation responses](#)  
[National Planning Policy Framework 2018](#)  
[South Downs Local Plan](#)  
[South Downs National Park Partnership Management Plan 2014-2019](#)  
[Emerging Seaford Neighbourhood Development Plan](#)





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**Agenda Item 9 Report PC19/20-01 Appendix 2**  
**Plans Referred to in Consideration of this Application**

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans – Existing Plan	KA118TPA102		25.02.19	Approved
Plans – Location Plan	KA118TPA103		25.02.19	Approved
Plans – North Walkway Plan and Elevations	KA118TPA201		25.02.19	Approved
Plans – South Walkway Plan and Elevations	KA118TPA202		25.02.19	Approved
Plans – Bridge Plan and Elevation	KA118TPA301		25.02.19	Approved
Plans – Bridge Elevation	KA118TPA302		25.02.19	Approved
Plans – Typical Walkway Cross Section	KA118TPA401		25.02.19	Approved
Plans – Walkway Parapet Details	KA118TPA402		25.02.19	Approved
Plans – Bridge Parapet Details	KA118TPA403		25.02.19	Approved
Plans – Journey and Views	KA118TPA501		25.02.19	Approved
Plans – Views from South Looking Towards Bridge	KA118TPA502		25.02.19	Approved
Plans – Views from North Looking Towards Bridge	KA118TPA503		25.02.19	Approved
Plans – View from Main Bridge Lookout Point	KA118TPA504		25.02.19	Approved
Design and Access Statement			25.02.19	Approved
Ecological Impact Assessment			25.02.19	Approved
Heritage Impact Assessment			25.02.19	Approved
Flood Risk Statement			25.02.19	Approved
Landscape and Visual Impact Appraisal			25.02.19	Approved

**Reasons:** For the avoidance of doubt and in the interests of proper planning.