

Agenda Item 7
Report PC20/21-29

Report to	Planning Committee
Date	11 February 2021
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/20/02390/FUL
Applicant	Mr C Patrick
Application	Repair, reconstruction and extension of existing sea defences
Address	1 - 2 Cuckmere Cottages South Hill Cuckmere Haven Seaford East Sussex BN25 4AR

Recommendation: That planning permission be granted subject to the conditions as set out in paragraph 10.1 of this report.

Executive Summary

The application seeks planning permission for the repair, reconstruction and extension of the existing sea defences located to the west of the Cuckmere Estuary.

Consultation responses have been received from the Environment Agency, Archaeology and drainage who have raised no objection subject to the imposition of appropriate conditions to control the development. A letter of support was received from the Parish Council in addition to 114 letters of support from the public, the majority of which referenced the importance of the cottages locally, nationally and internationally.

Objections have been raised by Natural England, Ecology, West Sussex Wildlife Trust and Landscapes with two objections raised through public representations. These objections have focused upon the proposals impacts upon ecology, biodiversity and geology within the Site of Special Scientific Interest (SSSI) and Marine Conservation Zone (MCZ).

The key consideration in the determination of this application is the balance of the ecological impacts of the development against the cultural value of the cottages. It must also be noted that the Beachy Head to Selsey Bill Shoreline Management Plan (SMP) has identified an approach of 'no active intervention' which is reflected through policy SD18 of the South Downs Local Plan.

The report has identified that the proposed works to the sea defences would, subject to condition, accord with policies SD2, SD4, SD5, SD6, SD7, SD12 and SD16 of the South Downs Local Plan (SDLP).

The view of the Seven Sisters with Coastguard Cottages in the foreground is also identified as a representative view within 'The South Downs National Park: View Characterisation and Analysis' (November 2015). Therefore, the cottages are deemed to make a significant contribution to the Sussex Heritage Coast and the repair, reconstruction and extension of the sea defences to provide certainty as to the timeframe in which to identify a more permanent solution for their retention/protection would conserve the character of the Heritage Coast.

The proposals are also deemed to sit comfortably against the existing built structures on site and as such would appear in keeping with the established character and appearance of the site in accordance with policies SD4, SD5, SD6, SD7, SD12 and SD16 of the SDLP.

It has also been identified by the applicant in their submission that the proposed defences would have a predicted lifespan of 85 years, which would mean that the defences would likely be in situ until 2105. This is in line with the existing timeframe identified within the SMP for natural processes to have been reinstated on this portion of the coastline. Therefore, subject to decommissioning the proposal would be deemed to accord with long-term objectives of the SMP and reflect policy SD18(1)(b) of the South Downs Local plan.

In terms of the ecological impact of the development it has been identified by consultees through their objections that the proposals would result in the loss of irreplaceable habitat. In this case approximately 119 and 238m² of intertidal chalk platform. The applicant has identified measures to uncover approximately 35m² of foreshore through the removal of concrete debris forward of the sea defences to partially offset the loss.

However, there is currently no certainty in terms of the precise nature of the impacts of the development upon the interest features of the SSSI and MCZ or any definitive mitigation strategy. However, the Environment Agency in their consultation response have identified that the use of an appropriately worded condition would be suitable to secure details of this mitigation strategy. It is considered that such a condition would accord with paragraph 175 of the NPPF.

Given that the proposed development would impact upon approximately 0.0576% of the SSSI and a suitably worded condition could be used to secure details of an appropriate mitigation strategy, it is considered on balance that the retention of the cottages by virtue of their cultural and historical value would outweigh the impact of the development upon the SSSI and MCZ (subject to mitigation).

Therefore, it is recommended that on balance planning permission should be granted subject to the proposed conditions.

The application has been put before the committee due to the nature of the development and its significant level of public interest.

1. Site Description

1.1 The application concerns the sea defences at Cuckmere Haven located to the west of the mouth of Cuckmere River. The existing defences consist of three parts:

- a length of steel sheet piled wall and timber breastwork originally constructed in the 1980s;
- a concrete seawall which measures approximately +10m ODN constructed in 1947; and
- a further concrete seawall measuring approximately 70m in length of a height of approximately +6m ODN, constructed in the 1980s. which protect three Georgian Coastguard Cottages and an early 20th century cable hut.

These defences protect this part of the coastline and the Georgian Coastguard Cottages situated on the cliff as well as an early C20th Century cable hut.

1.2 The application site falls within the Seaford to Beachy Head Site of Special Scientific Interest (SSSI) which is an outstanding site of national importance for its biological and geological features. The diverse range of habitats include herb-rich chalk and grassland, chalk heath, maritime grassland, foreshore and chalk cliffs, river meanders and Greensand reef. The application site also falls within the Beachy Head Marine Conservation Zone (MCZ) which protect various habitat types and their associated species.

2. Relevant Planning History

2.1 None.

3. Proposal

3.1 The proposal consists of a timber breastwork wall which will extend approximately 15m at the northernmost point of the proposed works. The wall will consist of several timber planks between steel 'H' piles driven into the chalk which underlies the beach material. The top level of the planking will be set at ground level and extend to a depth of approximately 2m below ground level, with the pile to a depth of approximately 8m.

- 3.2 The second element of the proposals will consist of steel sheet piles in front of the existing sheet piles measuring approximately 11m in length, with the top of the piles set approximately 300mm above the level of the existing steel sheet pile wall and infilled behind.
- 3.3 The final element of the proposals comprises low-level toe piles following the alignment of the existing defences, with the top of the piles aligning approximately with the existing beach, with the gap between the proposed piles and the existing defences filled with mass concrete to prevent the loss of beach material between the old and new works. The piles are intended to be to a depth of approximately 4m with the concrete infill between of a width between 0.5m and 1m.

4. Consultations

4.1 Seaford Town Council – Support

It is acknowledged that this part of the Heritage Coast is of national importance and the natural coastline deserves the maximum level of protection. It is considered however that the Cottages contribute significantly to the character of the coastline and that the need for further works to protect the Cottages is fully made out in the application. Any detriment to the character and appearance of the coastline arising from the repair and extension of the coastal defence works is therefore outweighed by the fact that the works will preserve and protect the cottages.

4.2 Drainage – No Objection

The information provided is satisfactory and enables the Pevensey and Cuckmere Water Level Management Board (PCWLMB) and Lead Local Flood Authority (LLFA) to determine that the proposed development is capable of managing flood risk effectively.

4.3 Archaeology – No objection subject to conditions

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

4.4 Environment Agency – No objection subject to conditions

No objection subject to the inclusion of proposed conditions.

Condition 1 – Scheme for compensatory habitat creation

The site is located within the South Downs National Park (SDNP), a Site of Special Scientific Interest (SSSI) and a Marine Conservation Zone (MCZ) which are classified as sensitive areas. There are a considerable number of protected species and habitats present, plus other non-statutory protected sites. Development that encroaches on these areas in and adjacent to the Cuckmere Estuary has the potential to severely affect its ecological value.

Impacts on protected species must be avoided and/or appropriate licences obtained if applicable. If impacts to protected habitats cannot be ruled out then mitigation measures should be included. Compensatory habitat must be provided if habitat destruction cannot be avoided. This should be considered both during the construction and operational phases. Paragraph 175 of the National Planning Policy Framework (NPPF) states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The plans indicated permanent loss of and damage to sub-tidal chalk reef (section 4.1.3 of the Preliminary Ecological Appraisal), which is an irreplaceable habitat. Whilst the PEA indicates the proposed use of appropriate methods to minimise and mitigate for this, there is currently no specific plan to provide compensatory habitat, albeit there is a statement in the PEA document that an Ecological Mitigation Plan will be prepared (see section 5.4 entitled 'Enhancement' in the PEA). In March 2019 the UK Government announced that, through the new Environment Bill, biodiversity net gain would be made mandatory for all new development in England in order to leave the natural environment in a measurably better

state than beforehand. We advise that this approach is used and compensatory habitat should be provided either on-site as an appropriate coastal habitat, and/or adjacent to the site as estuarine habitat. It has been recognised that there are opportunities to provide compensatory habitat (incorporating artificial habitat as part of the works, installing vertipools as part of the sheet piling and other options such as habitat niches and using a variety of different surfaces to create diversity instead of a uniform plain surface, as well as opportunities adjacent to the site) and as such, the above condition will secure further details about the proposed plans.

Condition 2 – Landscape and ecological management plan

This condition will ensure the protection of wildlife and supporting habitat. It will also secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy – the South Downs Local Plan, adopted on 2nd July 2019 and the South East River Basin Management Plan.

The Repair, reconstruction and extension of existing sea defences proposed as part of this development could have an unacceptable effect on the ecological value of the coastal habitats at this site; Coastal Vegetated Shingle, Saline Lagoon, Lowland Calcareous Grassland, Intertidal Chalk, Maritime Cliff and Slopes, Intertidal mudflats and Deciduous Woodland. The proposal highlights the considerable heritage and visual importance of the site, therefore avoiding damage to and retaining the natural character is vitally important. An Ecological Mitigation Plan (see Sections 5.1 and 5.4 of the PEA (March 2020)) has been proposed to manage any effects, and this will require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment.

In light of the above, the proposed development will only be acceptable if the above planning condition requiring a landscape management scheme is included in any permission granted.

This approach is supported by paragraphs 170 and 175 of the NPPF which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for, planning permission should be refused.

4.5 Natural England – Objection

The development will:

- damage or destroy the interest features for which Seaford and Beachy Head SSSI has been notified.
- damage or destroy the interest features for which Beachy Head West MCZ has been notified.
- This will occur for the following reasons:
- The proposed development would result in the permanent irreplaceable loss of chalk foreshore/platform for which the site is notified as an SSSI.
- The proposed development would result in the permanent irreplaceable loss of littoral chalk which supports the littoral chalk communities for which the site is notified as an MCZ.

In addition, it is advised that the proposal will:

- have a significant impact on the purposes and objectives of the South Downs National Park Sussex Heritage Coast.

4.6 Natural England – Objection comments dated 08.01.2021

Despite the submission of additional information Natural England maintain their objections for the same reasons as above.

4.7 Ecology – Objection

The application is likely to have significant adverse impacts on biodiversity and cannot be supported from an ecological perspective and as such the application is recommended for refusal.

The proposed development is likely to have significant adverse impacts on the Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Local Nature Reserve (LNR) and Local Geological Site (LGS) and is contrary to national and local policy and the Shoreline Management Plan. It is unclear if the impacts can be mitigated/compensated. As such, the development cannot be supported from an ecological perspective.

4.8 Landscape – Objection

The defence structures seek to protect 2no. Cottages and the Cable Hut, these are valued features within this landscape which contribute significantly to the landscape character of this coastline. However, the proposal defends these structures in a way that generates significant negative effects upon coastal processes/geomorphology, rare coastal habitats and visual amenity. The application has not demonstrated that these effects are unavoidable to deliver the protection needed, or that less harmful options have been explored. Without this information, it is not possible to support the application.

5. **Representations**

5.1 114 letters of Support have been received and these have been summarised below:

- The cottages and cable hut are an integral part of the iconic view at Cuckmere Haven.
- This iconic view is part of our national heritage and is known around the world bringing visitors to Sussex from other parts of the UK and oversea.
- Without the cottages the site will no longer attract film makers, advertisers and artists and ultimately a reduction in the number of visitors which will be detrimental to the local economy.
- The cottages and surrounding view are a major tourist attraction and cultural treasure.
- The cottages are an enhancement to this special landscape.
- Without the cottages and cable hut this iconic view would be completely changed and the landscape altered forever.
- The existing landscape must be preserved for the enjoyment of all.
- This iconic view has provided a visual recognition symbol of Sussex for generations both home and abroad and should be protected for the future.
- The buildings in combination with the cliffs and sea, form a perfect combination of history and nature which should be preserved for future generations.
- The cottages represent heritage that all should feel concerned about preserving.
- The proposals would preserve the homes, cliffs and access for another generation in a professional, sympathetic and unobtrusive way.
- The proposals will remove the unsightly remains of the previous defences which exist at present.
- Were the cottages, Cable Hut and old sea defences to be lost this would leave an unsightly gash on the landscape.
- The cottages are vital to the South Downs National Park and to lose them would be a national disgrace.
- The proposals will enhance the shoreline views and make the beach west of the river much safer.
- The proposals would be in accordance with the Purposes of the National Park and with the objections set out in the local plan.

The Friends of Cuckmere:

The application is strongly supported. This site is a national treasure and of great significance to the National Park and the Cuckmere Estuary. Its preservation will have a significant and wholly beneficial impact on natural beauty, wildlife and cultural heritage and on opportunities for the public understanding and enjoyment of the Special Qualities of the South Downs National Park. The proposed works will be sympathetic and minimally intrusive. Rejection of the application will lead to the loss of one of the UK's most iconic, internationally loved landscape features and would constitute an inexplicable act of vandalism.

5.2 1 letter of no objection which has been summarised below:

Sussex Geodiversity Partnership:

The partnership has no objection to the application, as it is replacement of an existing structure. However, the applicant has not, in the opinion of some Partnership members, given sufficient consideration to the geodiversity of the site in question. This is a case where the current lack of evidence for the survival of geological evidence does not mean that the potential impact on geodiversity need not be considered.

5.3 2 letters of Objection have been received and these have been summarised below:

- The application contradicts the intention of the Beachy Head to Selsey Bill Shoreline Management Plan 2006, which states for Cuckmere Haven “no active intervention” and “to allow dynamic process to resume”. As stated in the Plan, the current policy should be “no longer maintaining the existing defences and allowing them to fail”.
- The steel sheet piling as proposed will be unsightly and visible from miles away and the long-term effect will be the formation of a peninsula of private housing as the sea outflanks this island of steel from both east and west.
- The proposals would be unsightly and cause problems of erosion elsewhere. The application is clearly contrary to policies of the Local Plan and the Environment Agency's Shoreline Management Plan.
- It is the view of Cuckmere Haven and the Seven Sisters that is iconic. The buildings are merely familiar, because they intrude into the view and so happen to appear in many visitor's photographs.
- The existing cottages are of no historic merit and feature large, flat-roofed, modern extensions. They are incongruous to their setting.
- Creating a concrete sea defences to save the terrace is entirely unjustified. The buildings are an eyesore and the view would be greatly improved by their demolition.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the South Downs Local Plan 2014-2033 and the Lewes Neighbourhood Plan (LNP) 2015 - 2033 (11th April 2019). The relevant policies 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 of their areas;
- 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.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 24 July 2018 and revised in February 2019. The 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.

National Planning Policy Framework (NPPF) 2019

- 6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change.
- Conserving and enhancing the natural environment

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan 2014-2019

- 6.5 This is a material consideration in the determination of planning applications, as outlined in national planning practice guidance. It outlines a vision and long-term outcomes for the National Park. The following policies are relevant: to be added.

Beachy Head to Selsey Bill - Shoreline Management Plan May 2006

- 6.6 This is a material consideration in the determination of this planning application with the site falling within unit 4d03.

7. Planning Policy

- 7.1 The following policies of the South Downs Local Plan 2014-2033 are relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding views
- SD7: Relative Tranquillity
- SD9: Biodiversity and Geodiversity
- SD12: Historic Environment
- SD16: Archaeology
- SD18: The Open Coast
- SD25: Development Strategy

8. Planning Assessment

Principle of development

- 8.1 In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) this application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 8.2 In the determination of this application the development plan consists of the South Downs Local Plan (2014-33). It will first be necessary to establish the principle of the proposed development.
- 8.3 Policy SD3 of the South Downs Local Plan (SDLP) concerns major development and identifies that the Authority will consider whether development constitutes major development, by reason of its scale, character or nature and its potential to have a significant adverse impact on the natural beauty, wildlife or cultural heritage of the National Park. It is also identified under policy SD3 that planning permission will be refused for major development in the National Park except in exceptional circumstances. In this case the proposals have been considered and are deemed not to constitute major development given the existing condition of the site and extent of the existing sea defences in comparison to the scale and extent of the proposed development. Therefore, in this case the proposed development would not result in a significant impact upon the National Park beyond the current condition of the application site and as such are not deemed to constitute major development.
- 8.4 The application site is situated outside of the settlement boundary as defined by policy SD25. Policy SD25(2) identifies that development outside of settlement boundaries will be permitted in exceptional circumstances where it complies with relevant policies in the Local Plan and responds to the context of the broad area as well as according with one of the additional policy requirements. Paragraph 7.10 of the South Downs Local Plan (SDLP) identifies an example of exceptional circumstances which include particular uses relating to agriculture or countryside recreation where these uses can only function successfully in rural location. In this case as the works relate to the repair and improvement of existing sea defences (for the continued protection of property) there is clearly no other option but for this development to be situated in this location outside of the settlement boundary and as such this is considered to constitute an exceptional circumstance for the purposes of policy SD25(2). The development also relates to 'previously developed land' and therefore the development would accord with SD25(2)(b) and (d) of the South Downs Local Plan subject to the proposals accordance with other relevant development plan policies.
- 8.5 The Development Plan in this case would consist of the South Downs Local Plan. Therefore, the key policy considerations in the determination of the proposal are deemed to be SD1, SD2, SD4, SD5, SD6, SD7, SD9, SD12, SD16 and SD18 of the South Downs Local Plan.
- 8.6 A number of consultees have raised objections to the proposal on the basis of the developments impact upon the Site of Special Scientific Interest (SSSI) and a Marine Conservation Zone (MCZ). Therefore, in this case it will be necessary to consider if the ecological harm of the development can be adequately controlled, through the use of appropriately worded conditions. The harm after mitigation would then need to be balanced against the continued protection of the cottages and Cable Hut both of which are non-designated heritage assets which make a positive contribution to landscape character as well as the wider national park. It will also be necessary to consider the benefits of protecting against uncontrolled collapse of the defences in order to allow for the controlled decommissioning.

Design and Landscape

- 8.7 The proposal consists of a timber breastwork wall which will extend approximately 15m to the east at the northernmost point of the proposed works. The wall will consist of several timber planks between steel 'H' piles driven into the chalk which underlies the beach material. The top level of the planking will be set at ground level and extend to a depth of approximately 2m below ground level, with the pile to a depth of approximately 8m.
- 8.8 The second element of the proposals will consist of steel sheet piles in front of the existing sheet piles measuring approximately 11m in length, with the top of the piles set approximately 300mm above the level of the existing steel sheet pile wall.
- 8.9 The final element of the proposals comprises low-level toe piles following the alignment of the existing defences, with the top of the piles aligning approximately with the existing

beach, with the gap between the proposed piles and the existing defences filled with mass concrete to prevent the loss of beach material between the old and new works. The piles are intended to be to a depth of approximately 4m in depth with the concrete infill between 0.5 and 1m in width.

- 8.10 In this case the proposed sea defences sit below the cottages and as such when viewed from the north and east will not interrupt views. Views of the proposed defences will only be in a direct relationship with the existing sea defences. This relationship means that the proposals will not interrupt views of the rolling downland landscape and will not contribute to a greater sense of clutter than is already present, nor will the proposals impact upon views to or from the cottages.
- 8.11 The application was supported by a Landscape Visual Impact Assessment (LIA) and Visual Impact Assessment (VIA) which concluded that the proposed development would result in 'minor' landscape effects and 'negligible' visual effects. These documents were considered by the Landscape Officer who considers that these documents have underestimated the effects of the development given the design life of the development and the landscape's special qualities and character and the aims and objectives of the national designations which apply.
- 8.12 It has been identified in the consultation response from the Landscape Officer that the development results in unmitigated, negative impacts, particularly on the eastern-facing defences which would be exposed to views from within the Country Park. However, it should be noted that the proposed defences will replace existing sea defences some of which are significantly damaged and as such result in detrimental impacts to the immediate setting of the landscape. The proposed development will extend approximately 1m further to the east and exceed the height of existing defences by approximately 30cm. Therefore, the proposals are not deemed to result in unacceptable adverse impacts upon the landscape character of the site and wider National Park, given the existing condition of the site.
- 8.13 It must also be noted that these works concern the continued protection of this proportion of the coastline and the existing defences to enable the retention of the cottages which are identified as vulnerable to loss from 2055 by virtue of coastal erosion. These measures are not intended to preserve the cottages indefinitely but rather provide certainty that they will not be lost to coastal erosion before measures can be implemented to better preserve or relocated them further inland.
- 8.14 The South Downs National Park: View Characterisation and Analysis (November 2015) sought to provide a foundation of evidence on view types within the National Park and its setting to;
- support development management, including being used for evidence on landscape and visual matters;
 - provide information to assist Neighbourhood Planning teams and other community planning groups, Parish Councils and Landowners with assessing the impacts of proposed land use change;
 - provide evidence to inform the delivery of the SDNP Partnership Management Plan, supporting the SDNP in working to protect and enhance the Special Qualities of the NP;
 - form part of the landscape evidence base for the South Downs National Park Local Plan which is planned for adoption during 2017;
 - provide a snapshot of the National Park as it is today as a baseline against which future landscape change could be monitored for the 'State of the Park' Reporting; and
 - provide evidence about the setting of the park and the range of potential visibility to and from the park.
- 8.15 This document includes a list of representative views which are identified as revealing the special qualities of the South Downs; are noted in the South Downs Integrated Landscape Character Assessment (SDILCA 2011) as being natural observation points from which to appreciate the landscape character of the South Downs; marked as key viewpoints on OS maps; or where facilities for the enjoyment of the landscape and views are provided.

- 8.16 View 20 of this document relates to South Hill/Seaford head which was selected as a representative view for the following reason “Views east towards the cliffs of Seven Sisters with cottages at Cuckmere Haven in the foreground are available from South Hill. This location provides view of some of the most iconic landscape features of the South Downs and is a popular location used for photography and painting.
- 8.17 This view is considered to be one of the best views in England as set out in The Guardian’s ‘50 Best Views in England’, and forms the front cover image for the document.’
- 8.18 Therefore, the Authority itself has previously identified that the cottages form part of this representative view within the South Downs National Park. Therefore, the proposal will preserve the visual integrity, identity and scenic quality of this iconic view within the National Park in accordance with policy SD6 of the SDLP.
- 8.19 It is accepted that consideration must be given to the geomorphology of the site and the negative impacts of development upon habitats and species within the SSSI and MCZ and this element of the development will be covered later in this report.
- 8.20 Consideration must, However, be given to the cottages and cable hut themselves and the contribution these structures make to this internationally renowned view. The important contribution that these buildings make to the National Park and the landscape character of Seven Sisters are celebrated on the first UK postage stamp of 2021 which celebrates the country’s National Parks. The view chosen for the South Downs National Park is that of Seven Sisters with the cottages at the forefront highlighting the value and importance of these structures and the contribution they make not only to the character of this area and landscape but the entire National Park.
- 8.21 Given the significant contribution that these structures make to the landscape character of the area there is considered to be value in their protection to allow time for a more sustainable method of protection to be identified and implemented.
- 8.22 Therefore, by virtue of the design of the proposals, in conjunction with the visual impact and evidence submitted in support of the proposals, the proposals on balance do not result in unacceptably adverse harm to the landscape character of the area and are deemed to accord with policies SD4, SD5 and SD7 of the South Downs Local Plan.
- 8.23 Policy SD18 of the SDLP identifies that development proposals within the Sussex Heritage Coast area of the National Park will not be permitted unless they either are appropriate to the coastal location and conserve and enhance the character of the Heritage Coast or are necessary for the operation needs of activities in support of the Heritage Coast. In this case the proposed development conserves the character of the Heritage Coast but will fail to enhance it. However, it is considered that in this case the cultural heritage which will be protected through these temporary enhancements to the sea defences outweigh the proposals conflict with policy SD18(1)(i) of the SDLP. The proposals compliance with the remainder of policy SD18 will be considered later in this report.

Ecology, Biodiversity and Geodiversity

- 8.24 Objections have been raised by the Landscape Officer, Ecologist, Natural England and the Sussex Wildlife Trust in relation to the proposed development by virtue of the harm to the SSSI and MCZ due to the permanent irreplaceable loss of chalk foreshore/platform and littoral chalk which supports the littoral chalk communities.
- 8.25 The National Planning Policy Framework (NPPF) under paragraph 170 states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing... sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity...”.
- 8.26 Policy SD9 of the South Downs Local Plan (SDLP) states that development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration and creation. Development proposals which result in the loss or deterioration of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a

suitable compensation strategy exists. Development proposals that will result in any adverse effect on the integrity of any local site which cannot be either avoided or adequately mitigated will be refused, unless exceptional circumstances outweighing the adverse effects are clearly demonstrated. Prior to determination, up-to-date ecological information should be provided which demonstrates that development proposals retain, protect and enhance features of biodiversity and geological interest and ensure appropriate and long-term management of those features; and should identify and incorporate opportunities for net gains in biodiversity.

- 8.27 Policy SD18 of the SDLP identifies that development proposals within the Heritage Coast area and the undeveloped coastline zone of the National Park will not be permitted unless they are appropriate to the coastal location and conserve and enhance the character of the Heritage Coast/undeveloped National Park coastline, or are necessary for the operational activities in support of the Heritage Coast, and are consistent with the Beachy Head to Selsey Bill Shoreline Management Plan, conserve and enhance access to/from the coast and along the coastline, and cause no adverse impact on any designated Marine Conservation Zone (MCZ) and should ensure their conservation and, where possible, enhancement.
- 8.28 The application site falls within Policy Unit 4d03 (Seaford Head) in the Beachy Head to Selsey Bill Shoreline Management Plan (SMP) for which the recommended long-term plan is to allow the unprotected cliffs to erode and allow the shoreline and coastal processes to remain free functioning with no active intervention. However, policy unit 4d03 makes no reference to the existing concrete sea walls in this location and fails to identify any decommissioning process for the existing sea defences in this location. Policy Unit 4d03 also identifies the potential loss of one residential property during the period of 2025-2055 and the potential loss of 4 residential and one commercial property between 2055-2105.
- 8.29 The proposed works are identified as resulting in the loss of between 119 and 238m² of intertidal chalk which is an interest feature of both the SSSI and the MCZ. The Preliminary Ecological Appraisal (PEA) report submitted with the application (Environmental Assessment Services Ltd, March 2020) refers to the loss of this intertidal chalk as temporary and estimates the life of the project at 25 years. However, the Outline Decommissioning Plan (Doyle, May 2020) states that the proposed defences could last for up to 85 years, which would take the defences to the end of the third epoch identified within the SMP (2105).
- 8.30 It has been identified by Natural England in their consultation response that the intertidal chalk platform should be viewed as irreplaceable habitat due to the timescales and conditions under which it was formed. Therefore, the Authorities Ecologist has advised that the loss of the intertidal chalk should be considered as permanent loss of an irreplaceable habitat, and as such identifies the works as contrary to paragraph 175 of the NPPF and policies SD9 and SD18 of the SDLP.
- 8.31 The applicant in their submission has identified the re-exposure of covered areas of the chalk platform through the removal of existing foreign material could provide some mitigation for the proposals. However, this would equate to an area of approximately 25m² which in conjunction with other measures would result in the reduction in the net loss of the chalk platform of approximately 35m².
- 8.32 Therefore, even with these mitigation measures it is anticipated that the proposal would result in the net loss of approximately 84 and 204m² of the intertidal chalk platform. In order to provide some context for the scale of the development in relation to the SSSI it should be noted that the Seaford to Beachy Head SSSI covers an area of approximately 35.3647ha (353,647sqm) and as such the proposed development would result in the loss of intertidal chalk which would equate to a percentage of between 0.0237% and 0.0576% of the total area of the SSSI.
- 8.33 Paragraph 175(a) of the NPPF identifies that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused. Currently the application identifies no specific proposals to provide compensatory habitat, but the PEA does identify that an Ecological Mitigation Plan

will be prepared should planning permission be granted (section 5.4 of the PEA). Various potential mitigation measures are identified within 'Technical Note 8' (02.11.2020) which include the use of vertipools, timber facing to the sheet pile walls; vegetated shingle habitat seeding, planting and transportation; artificial rock pools; and removal of concrete forward of the existing sea defences and from the foreshore.

- 8.34 In March 2019 the UK Government announced, through the new Environment Bill, that biodiversity net gain would be made mandatory through all new development in England in order to leave the natural environment in a measurably better state than beforehand. The Environment Agency in their consultation response of the 22 July 2020 advise that this approach should be adopted and compensatory habitat should be provided either through on-site as an appropriate coastal habitat, and/or adjacent to the site as estuarine habitat and that these measures could be secured through the use of an appropriately worded condition. Whilst, this approach would ensure compliance with policy SD2 of the SDLP, policy SD9 identifies that this information should be provided prior to determination. Therefore, the use of a condition to secure this additional detail would potentially conflict with policy SD9 of the SDLP.
- 8.35 The applicant has advised that given the nature of the site (SSSI and MCZ) without formal consent for the proposed development it is difficult to justify undertaking the detailed survey and evaluation necessary to fully identify the impacts of development upon the SSSI and MCZ. Therefore, until such time as this detailed analysis has been undertaken it is not possible to identify a scheme which will fully mitigate the impact of the proposed development.
- 8.36 Therefore, given that this development will only impact upon approximately 0.05% of the Seaford to Beachy Head SSSI and that an appropriate scheme of mitigation can be secured through the use of an appropriately worded condition. It is considered that the material considerations would warrant a decision other than in accordance with policy SD9 of the SDLP.
- 8.37 The coastline in this location falls within policy units 4d02 and 4d03, with the proposed development located within unit 4d03. The SMP for unit 4d03 recommends that the unprotected cliffs are allowed to erode and the shoreline and coastal processes remain free functioning. Within the SMP it is anticipated that the cliffs will 'erode naturally' and retreat at an accelerating rate as a result of sea level rises. However, the SMP mistakenly identifies that there are no defences along this frontage stating that 'the cliffs and wave-cut platform will be free to erode at their present rate'. Given the extent of sea defences in this location without significant decommissioning works this would not be the case with the cliffs unable to erode naturally until the defences collapse. The applicant in Technical Note 4 (26.10.2020) identifies that whilst the sea defences in front of the cottages are degraded, their estimated lifespan remains approximately 75 years.
- 8.38 Technical Note 4 goes onto identify that the intention of the proposal is to provide certainty in regards to when natural processes will be reinstated by extending the life of the sea defences to ensure the protection of the cottages in the short and medium-term without significantly extending their life beyond 2105. Therefore, subject to the appropriate decommissioning of the defences proposed it would not directly contradict with the aims and objectives of the SMP. Rather it would provide additional time to explore alternative solutions, such as relocation, to avoid the loss of the cottages and cable hut through erosion in the medium-term. In this case it is not considered that the proposed works would contradict the long-term objectives of the SMP subject to the defences hereby proposed being decommissioned by 2105 and as such is deemed to accord with policy SD18(1)(b) of the SDLP.
- 8.39 As has been identified above the use of an appropriately worded condition to secure details of mitigation to offset the developments impact upon the SSSI and MCZ would conflict with policy SD9 of the SDLP which seeks to secure this information prior to determination. However, in this case it is considered that there are material considerations which would warrant a decision other than in accordance with the development plan.

- 8.40 In this case it is apparent from the documentation provided by the applicant in support of the application and the consultation response from the Environment Agency that there are potential measures which can be used to offset the impacts of development upon the SSSI and the MCZ. This approach is reflected under paragraph 175 of the NPPF whilst policy SD9 clearly establishes the principle of mitigation and compensation where development cannot be located elsewhere.
- 8.41 It should also be acknowledged that there is currently no decommissioning plan in place for the existing sea defences and their uncontrolled failure is likely to result in harm to the chalk platform and the habitats for which the SSSI and MCZ are notified. Therefore, when a balanced view is taken the ecological impact of the proposals can be adequately offset through the use of an appropriately worded pre-commencement condition whilst, the cultural contribution of the cottages to the National Park is clearly a significant consideration which should be given significant weight in the determination of this application.

Cultural and Built Heritage

- 8.42 Whilst, the proposed development does not relate specifically to the cottages and the cable hut, the development is proposed for the purpose of protecting them by delaying the further degradation of the sea defences. Therefore, the impact of the proposed development upon the cottages and their ongoing protection/retention is a material consideration in the determination of this application.
- 8.43 The Authority has received a total of 115 letters of support with only 2 letters of objection to the proposed development. This shows the cultural value and contribution that these buildings make to this iconic view and the wider South Downs National Park and the value the public place upon their preservation and protection. The cottages and these views are popular subjects for photographers and artists whilst featuring in numerous films and television shows over the years making this view not only renowned locally or nationally but also internationally.
- 8.44 The site of the coastguard cottages was first developed as a Napoleonic coastal battery and barracks for officers and men, but was adapted or redeveloped in 1810-1820 to provide accommodation for the 'Coastal Blockade' to suppress smuggling activities. The site was one of the earliest planned coastguard stations and was fully established by 1832 featuring a combined officer's quarters and guardroom, with separate cottages for lower ranks. The coastguard station was ultimately decommissioned in the 1920.
- 8.45 The surviving buildings and their associated layout is an example of a cliff-top Coastguard Station in the south-east with coastal erosion meaning that such sites will become an increasingly rarity. Therefore, the Cottages as well as the Cable Hut are deemed to constitute non-designated heritage assets.
- 8.46 Paragraph 197 of the NPPF identifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.47 Policy SD12 of the SDLP concerns the historic environment and identifies that development proposals will only be permitted where they conserve and enhance the historic environment, including the safeguarding of heritage assets and their setting. It is also identified that development proposals that affect heritage assets or their setting will be determined with regard to the significance of the asset, including the long-term conservation and enhancement of the asset.
- 8.48 In this case the proposed development to the existing sea defences is not considered to give rise to any harm to the setting or significance of the non-designated heritage assets. Indeed, the proposals are designed with the very intention of preserving them. The proposed additional features will sit against the backdrop of the existing defences and it is considered will not adversely impact upon the established character of the beach or wider landscape.

8.49 However, in this case the primary consideration rather than the impact of the development upon the setting or significance of the cottages and Cable Hut is the impact that these works would have upon the safeguarding of the heritage assets and their setting. As has been identified above the SMP identifies that the cottages are anticipated to be lost between 2055-2105. The proposals are intended to ensure that the defences survive until they can be adequately decommissioned at the end of that period.

8.50 Therefore, these works would provide some certainty as to the timeframe for the failure of the defences as opposed to the estimated 50-year period identified within the SMP. It would also provide an opportunity for the owners/occupiers of the cottages and stakeholders to identify a clear strategy for the decommissioning of the defences and the return of the coastline to one of natural management whilst ensuring the future protection of the cottages through alternative means. Therefore, the proposals are deemed to accord with policy SD12 of the SDLP.

9. Conclusion

9.1 Firstly, as identified above the site is considered to be a significant cultural and historical heritage value. Therefore, it is considered that significant weight should be given to the retention and future protection of the cottages and cable hut to provide certainty for the purposes of securing their future protection.

9.2 The proposal will retain the status-quo ensuring that the sea defences remain functional up until the end of the third epoch within the SMP. Therefore, the proposals would not conflict with the long-term objectives of the SMP but rather provide certainty of the timeframe in which alternative solutions and decommissioning measures would need to be planned and implemented to ensure the ongoing protection of the cottages and their significant contribution to the landscape character and cultural heritage of the SDNP.

9.3 There is an absence of certainty in regards to the precise nature of the impacts and the format of any compensatory measures to offset the minimal loss of the intertidal chalk platform and the impact of the development upon the notified special interest features of the SSSI and MCZ. However, in this case it is considered that by virtue of the percentage of the SSSI that is affected (approximately 0.05%) the use of an appropriately worded condition can provide sufficient certainty that the impacts of development are adequately mitigated. This approach would align with paragraph 175 of the NPPF and is supported by the Environment Agency and would ensure that the mitigation measures are adequate to off-set the impact of development.

9.4 In terms of policy SD18 the proposals will fail to enhance the character of the Heritage Coast and will only conserve. The development also conflicts with SD18(1)(d) which requires no adverse impacts to any designated MCZ whilst ensuring their conservation. However, it is considered that any detrimental impacts upon the MCZ could be avoided through an appropriate construction methodology or adequately mitigated through the use of a pre-commencement conditions.

9.5 Despite, therefore, the proposals conflicting with elements of policies SD9 and SD18 it is considered that the harm to the notified features of the SSSI and MCZ are limited and can be reasonably mitigated in accordance with paragraph 175 of the NPPF. There are also considered to be unique material considerations in this case which would warrant the approval of this unusual proposal which would protect buildings that are significant contributors to an iconic view within a designated landscape, notwithstanding that the cottages themselves are a manmade feature.

9.6 The proposed development is deemed to be in accordance with all other relevant development plan policies subject to the use of appropriately worded conditions and as such it is recommended that on balance planning permission should be granted for the proposed development subject to the below conditions.

10. Reason for Recommendation and Conditions

10.1 The application is recommended for approval subject to the below conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. No development shall take place until a scheme for the provision and management of compensatory habitat creation has been submitted to, and agreed in writing by, the Local Planning Authority.

Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: In the interests of ecology, biodiversity and geology in accordance with policies SD2, SD9 and SD18 of the South Downs Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition as it goes to the heart of the planning approval.

4. No development shall take place until a Landscape and Ecological Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the following elements:

- Details of maintenance regimes;
- Details of mitigation and enhancement schemes;
- Details of any new habitat created on site;
- Details of treatment of site boundaries and buffers around water bodies; and
- Details of management responsibilities.

The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology, biodiversity and geology in accordance with policies SD2, SD9 and SD18 of the South Downs Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition as it goes to the heart of the planning approval.

5. No development shall take place until the applicant has secured the implementation of a programmed 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.

Reason: In the interests of archaeological heritage in accordance with policy SD16 of the South Downs Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition as it goes to the heart of the planning approval.

6. 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: In the interests of archaeological heritage in accordance with policy SD16 of the South Downs Local Plan and the NPPF.

7. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a) An indicative programme for carrying out of the works;
 - b) The arrangements for public consultation and liaison during the construction works;
 - c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method for constructing foundations, the selection of plant and machinery and use of noise mitigation barrier(s);
 - d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - e) The parking of vehicles of site operatives and visitors;
 - f) Loading and unloading of plant and materials;
 - g) Storage of plant and materials used in constructing the development;
 - h) The erection and maintenance of security hoarding, where appropriate;
 - i) Wheel washing facilities;
 - j) Measures to control the emission of dust and dirt during construction;
 - k) A scheme for recycling/disposing of waste, including spoil, resulting from demolition and construction works;
 - l) Working hours.
 - m) Measures for the co-ordination with other developments taking place in the local area with a view to minimising the combined effects of construction works.
 - n) Details of the steel piling methods and machinery.

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition as it goes to the heart of the permission.

8. No development shall take place until a site survey has been undertaken and a plan identifying the location of all areas of exposed chalk platform in the vicinity of the works has been submitted to, and approved in writing, by the Local Planning Authority. This shall include details of how these sensitive areas will be protected during development. The development shall be undertaken in strict accordance with the details so approved.

Reason: In the interests of protecting the notified features of the SSSI and MCZ in accordance with policies SD9 and SD18 of the South Downs Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition as it goes to the heart of the approval.

9. No development shall take place until a scheme of supervision for the protection of ecology and habitats of the site and surroundings has been submitted to and approved in writing by the Local Planning Authority. The works or development shall be supervised in accordance with the approved scheme.

Reason: In the interests of protecting the notified features of the SSSI and MCZ in accordance with policies SD9 and SD18 of the South Downs Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition as it goes to the heart of the approval.

10. No development shall take place until a scheme for a temporary means of vehicular access from the proposed contractors compound to the proposed working areas has been submitted to and agreed in writing by the Local Planning Authority. The temporary means of access shall be implemented prior to first operations and shall be removed upon completion of the development.

Reason: In the interests of protecting the notified features of the SSSI and MCZ in accordance with policies SD9 and SD18 of the South Downs Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition as it goes to the heart of the approval.

11. Crime and Disorder Implication

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 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.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

TIM SLANEY

Director of Planning

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Appendices I. Site Location Map

SDNPA Legal Services, Development Manager, Director of Planning.
Consultees

Background Documents All planning application plans, supporting documents, consultation and third party responses

<https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=PMRCE7TU0GK00&activeTab=summary>

South Downs National Park Partnership Management Plan 2013

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

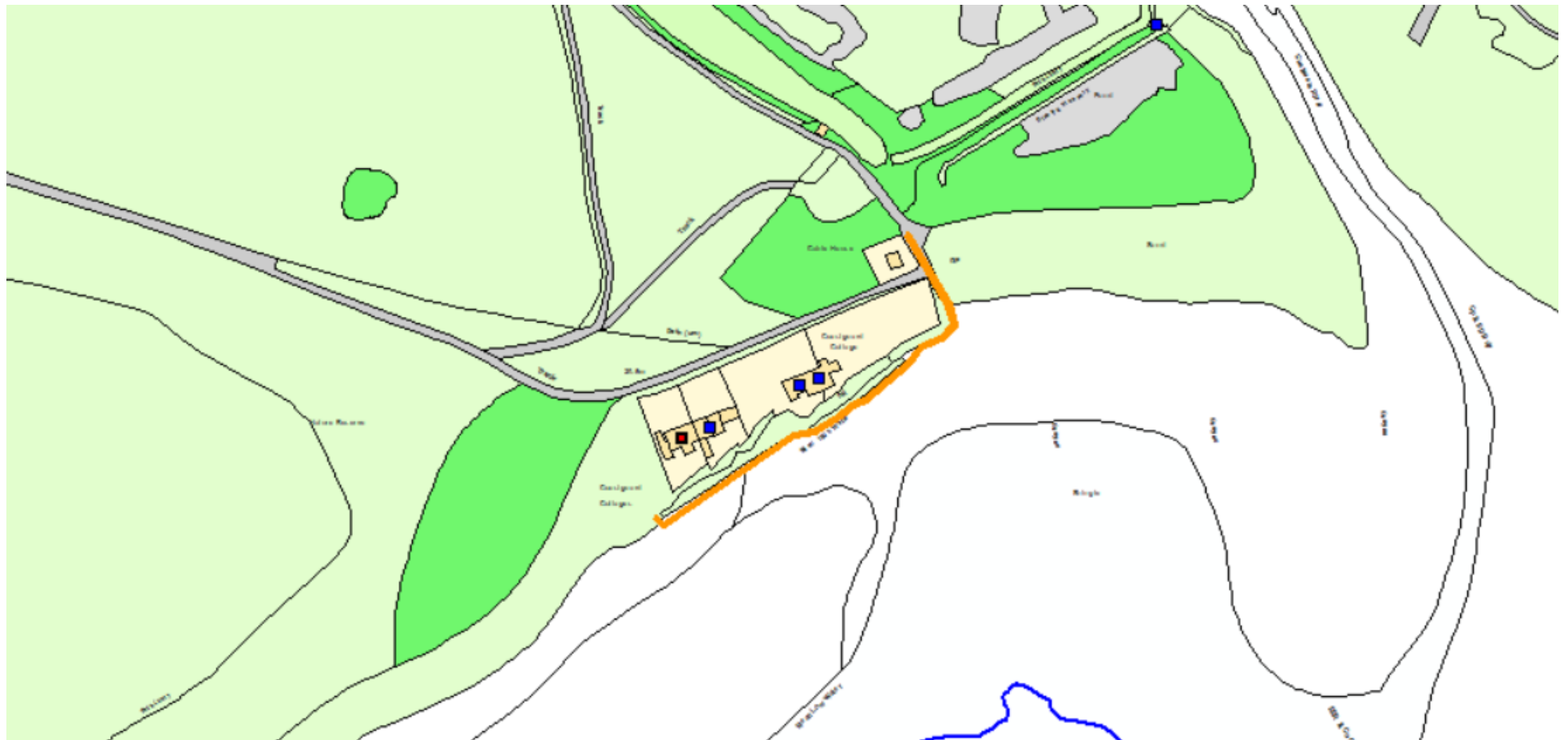
South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

SDNP Local Plan 2019

https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/

Site Location Map



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