



South Downs
National Park Authority

Agenda Item 7

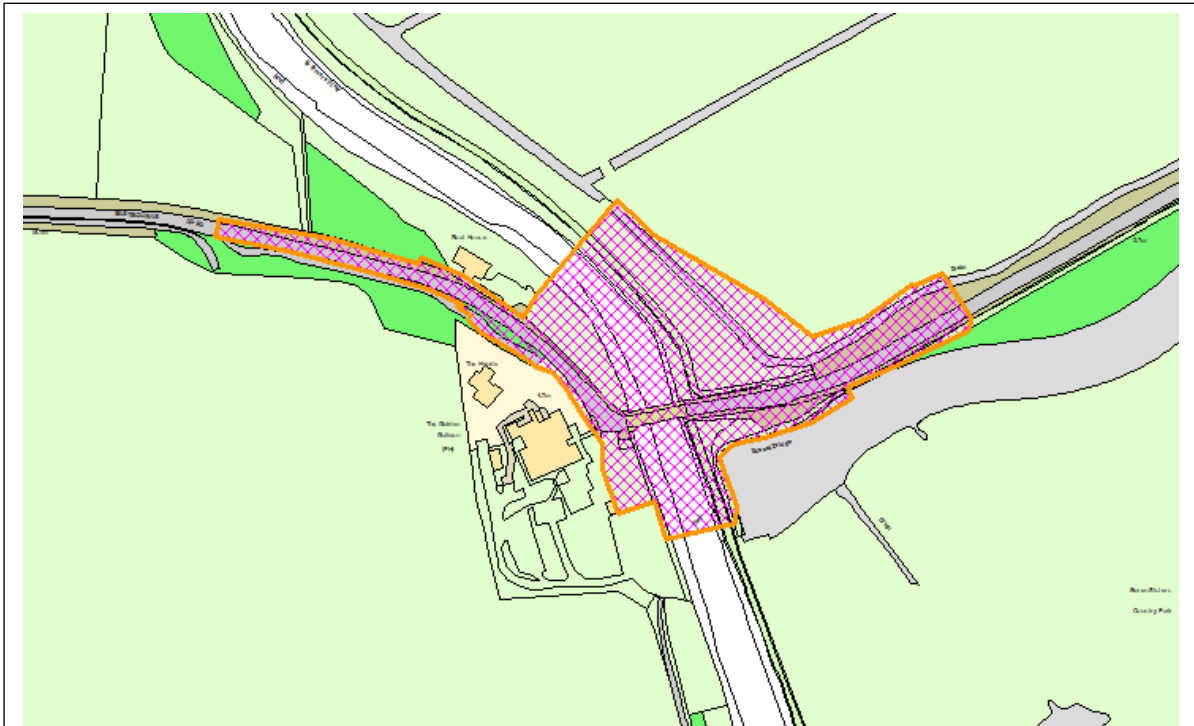
Report PC22/23-15

Report to	Planning Committee
Date	8 December 2022
By	Director of Planning
Local Authority	SDNPA (Called In Applications)
Application Number	SDNP/21/02342/FUL
Applicant	Dale Poore (East Sussex County Council)
Application	Realignment and replacement of an existing single lane bridge at the A259 over the river Cuckmere, with a new two way, two lane bridge with a footpath, including re-profiling of the river and road embankments. Proposed provision of traffic calming measures between the Seven Sisters Country Park and Seaford. Alterations to access and provision of shared surface to east of Cuckmere Inn. Provision of a habitat creation area to restore agricultural land back into wetland on the east bank of Cuckmere Valley.
Address	Exceat Bridge, Eastbourne Road, Exceat, East Sussex

Recommendation:

- I. That planning permission be granted subject to the conditions set out in Section 9 of this report and the completion of a Legal Agreement, the final form of which is delegated to the Director of Planning, to secure:**
 - i. Land to be secured as compensatory replacement for the SSSI (in perpetuity) and details of habitat type to be created;**
 - ii. Land secured to provide biodiversity net gain (for a minimum of 30 years) and details of habitat type to be created;**
 - iii. Commuted sum to be paid to SDNPA to cover monitoring of land for biodiversity net gain;**
 - iv. Landscape strategy, method statement, timeframe, maintenance, management and monitoring for the SSSI compensatory land and land secured for biodiversity net gain;**
 - v. Details of traffic management strategy, including gateway features and how the need for any potential future traffic management measures will be considered**
 - 2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the Legal Agreement is not completed or sufficient progress has not been made within six months of the 8 December 2022 Planning Committee meeting.**
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Site Location Plan



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Executive Summary

This application relates to the realignment and replacement of Exceat Bridge, with associated landscaping and earthworks, on the A259 as it crosses the River Cuckmere at Seven Sisters Country Park.

The key considerations for this application are:-

- The principle of replacing the bridge and enabling the free flow of traffic in this location (including highway safety considerations), rather than the priority currently given to those travelling eastbound;
- The design of the proposal and the impact this has on landscape character and the public realm;
- The impact on the Seaford to Beachy Head Site of Special Scientific Interest, in which part of the application site is located, and the acceptability of the compensatory measures proposed; and
- Whether the measures proposed in the Environmental Statement are acceptable with adequate mitigation secured.

On balance, the proposals accord with the Purposes and Duty of the South Downs National Park and the South Downs Partnership Management Plan. The proposal also accords with the key policies relevant to this application, SD4, SD5, SD9, SD17, SD19, SD21 and SD42 of the South Downs Local Plan and SEA1 and SEA2 of the Seaford Neighbourhood Development Plan.

The application is placed before committee due to the nature of the proposals (i.e. the replacement of a bridge on an A-road) and the level of public interest.

I. Site Description

- 1.1 The existing bridge at Exceat is a single lane bridge originally constructed around 1870. Although its superstructure was replaced with a composite steel and concrete deck in 1976, the original brick masonry abutments and wrought iron edge girders were retained. It is part of the A259, one of the key transport routes outside of the strategic road network, running along the south coast through Kent and Sussex. The bridge spans the River Cuckmere, close to the river mouth; the A259 continues west, up the river valley side towards Seaford, and along the historic causeway eastwards before ascending the other river valley side towards Eastbourne. The stretch of road within the application site is national speed limit (60mph), although in reality recorded traffic speeds are generally much lower.
- 1.2 The current bridge is single lane, with priority given to traffic descending into the valley from the west (Seaford). There is currently a narrow footpath, separated from traffic by a painted post and rail fence, along the northern side of the bridge, with pedestrians needing to cross the road twice in order to continue along the footpath on the Causeway (which runs along the southern carriageway either side of the bridge). There are existing bus-stops serving both carriageways – one on each side of the bridge. There is no dedicated cycle provision on the bridge.
- 1.3 There are 2 dwellings adjacent to the application site, as well as the Cuckmere Inn, located to the south-west of the bridge. The pub and one of the dwellings (Blackberry Cottage) are both accessed via a drive within the application site. The other dwelling (The Boathouse) is served by a separate access, north of the bridge. There is an historic military bunker (Chyngton Bunker), located to the west of the bridge.
- 1.4 The application site falls in part within the Seaford to Beachy Head Site of Special Scientific Interest (SSSI) as well as Seven Sisters Country Park. It is also within Flood Zone 3. The England Coast Path runs along the Causeway and then across the bridge, continuing south through the car park serving the Cuckmere Inn on the western bank. The causeway and bridge are also part of National Cycle Network 2 – which continues along the A259 towards Seaford, with an alternative offered off-road.
- 1.5 The site and surrounding area, despite being rural in character, are a popular tourist destination, largely due to the presence of the features listed above and the views and access opportunities into the Downland to the north and Cuckmere Haven/Seven Sisters to the south.

2. Relevant Planning History

- 2.1 SDNP/18/05764/PRE – Replacement of existing bridge at Exceat, over the River Cuckmere, to provide improved vehicular, cyclist and pedestrian movement.

Series of meetings and discussions held, where advice was provided in respect of the principle of the proposed bridge replacement, the expectations for the design of new infrastructure within the National Park and addressing the requirements for ecosystem services and biodiversity net gain. This pre-application enquiry was closed with the submission of this planning application.

- 2.2 SDNP/18/06201/SCREEN - Request for Screening and Scoping report - Replacement of existing bridge at Exceat, over the River Cuckmere, to provide improved vehicular, cyclist and pedestrian movement.

Proposed development was considered to require an Environmental Impact Assessment and confirmation was provided of the topics to be scoped in to any Environmental Statement prepared to support an application.

3. Proposal

- 3.1 The application is seeking permission for the replacement and realignment of the existing bridge with a new two-way, two-lane bridge. The replacement bridge would be located to the north of the existing structure, requiring part of the Causeway and the access to the Cuckmere Inn and Blackberry Cottage to be realigned as well. Earthworks would be

provided to support the bridge on both banks, with the existing farm and public right of way accesses recreated over these. The existing bridge would be removed following completion of the replacement, save for a remnant above ground level on the riverbank, to indicate the historic alignment.

- 3.2 The proposal would comprise a single span bridge, 30m long, providing a 6.5m wide carriageway, a 3m wide footway (capable of being used as a shared route with cyclists once cycle and pedestrian routes are improved outside of the application site) to the south and a 1.5m wide footway to the north. There would also be a viewing platform on the southern footway, to take advantage of the views towards Cuckmere Haven. The bridge structure would be a 'half-through truss', with the main steel bridge structure separating the carriageway from the footways, reaching a height of 1.6m. The pedestrian parapets would comprise a wooden post and steel mesh fence, 1.2m in height.
- 3.3 The carriageway of the replacement bridge would be 1.5m higher than the carriageway of the existing bridge, partly as a result of this needing to be above flood level. The bridge would be flat and straight, with the Causeway curving north and raising from 4m AOD to 7m AOD over approximately 75m. To the west, the exit off of the bridge is a more gentle curve and slight slope downwards, before rising steeply out of the river valley on the existing road alignment. The junction serving the Cuckmere Inn and access to Cuckmere Haven would be brought north to meet the realigned highway and a shared space would be provided with further seating and cycle parking. Flint and brick retaining walls would be constructed between this and the riverbank, as well as being provided along the western carriageway heading out of the valley.
- 3.4 The application would also include traffic calming measures (including gateways to indicate lower speeds), uncontrolled crossing points on either side of the bridge, low-level lighting across the bridge for pedestrians, 3no. street-lighting columns (a net gain of 1), maintenance access and additional scour protection (rip rap) within the river Cuckmere itself. The speed limit would be reduced within the application site to 30mph.
- 3.5 The red-line boundary for the site occupies 0.93ha of SSSI land, with the proposal resulting in the permanent loss of 0.04ha SSSI habitat onsite (through the construction of the realigned road and bridge). In order to compensate for this, provision for off-site habitat creation has been made at a site 1.2km up-river (Clapham Farm), which is adjacent to the SSSI. This consists of a total of 1.37ha that would deliver:
 - 0.1ha of new Coastal Floodplain Grazing Marsh (CFGM) as compensatory land;
 - 0.77ha of enhanced CFGM (towards off-site biodiversity net gain); and
 - 0.5ha of neutral grassland enhancement (also for biodiversity net gain).
- 3.6 As part of the construction phase, an offsite construction compound will be required. Of the options proposed, Option A – which is on agricultural land at the top of the valley side off the A259 as it leaves Seaford – is the preferred option identified.
- 3.7 The application details have been revised since submission, to make improvements to the overall bridge design, traffic calming measures have been updated and improved and the application has been amended to secure SSSI compensatory land offsite. This has resulted in amendments to the original red line boundary.

4. Consultations

- 4.1 The consultee responses below summarise the latest comments received (i.e. they include subsequent comments received following the submission of amended plans and the addendum to the Environmental Statement). The first consultation was undertaken in summer 2021 and the second ran in autumn 2022 following submission of revised drawings and an addendum to the Environmental Statement from the applicant.
- 4.2 **Archaeology:** No objection, subject to conditions for a Written Scheme of Investigation (See conditions 15 and 23).

- 4.3 **Cuckmere Valley Parish Council** – Objection. Consider the bridge needs to have pedestrian and cycle lanes on both sides, and that the project should include safe road crossings at both the bridge and the Country Park/Visitor Centre. Further, it is considered the current ‘temporary’ low height traffic lights have proved to work well.
- 4.4 **Cycling Project Officer** – Neutral. It is considered that given the constraints around the site, the replacement bridge does provide futureproofing with the minimum width requested in applicable guidance. Further intervention could be made in respect of the wider environment to improve active travel use.
- 4.5 **Design Officer** – Neutral. Whilst the bridge is higher than existing, it manages to achieve a simplicity and relatively quiet presence. Some concerns remain around the wider public realm, particularly around boundary treatment, and sustainable construction.
- 4.6 **Eastern Downs Area Team (SDNPA)** – Neutral. Clarifications sought in respect of anomalies in the Environmental Statement and requests for some changes to landscape plans. Need to ensure access provision for future land management.
- 4.7 **Ecology** – No objection, subject to conditions and measures to secure appropriate method statements, design, maintenance, management and monitoring. Have confirmed the compensatory land and biodiversity net gain approach are acceptable (See conditions 5, 6, 7 and 9 and paragraph 9.2 for legal obligations).
- 4.8 **Environment Agency** – No objection subject to conditions, following the submission of the further information (see conditions 11, 12, 13 and 14). The Environment Agency have highlighted that the proposal represents a missed opportunity to reconnect historic ditches and restore more natural processes to the watercourse, which would have offered a significant environmental gain.
- 4.9 **Historic England** – No comment – recommend seeking views of own archaeology specialists.
- 4.10 **Landscape Officer** – Objection. Scheme has caused negative effects on the landscape and views. The standard highway bridge design has limited scope for change/improvement to better account for the sensitivities of the landscape and will be heavy in its appearance. The increased height would be more dominant, particularly when looking south. The influence of the existing road character on experiences has not been successfully recreated or enhanced through the design. If approved, conditions should be imposed to secure soft landscaping details, materials and further analysis before the final decision is made regarding the colour of the bridge.
- 4.11 **Lead Local Flood Authority (ESCC)** – No objection subject to conditions securing the details of the drainage / SuDs measures (see Condition 10).
- 4.12 **Lewes District Council (Regeneration)** – Support. Proposal would strengthen transport connections between coastal towns in Lewes District and would improve air quality.
- 4.13 **Local Highway Authority (ESCC)** – No objection, subject to conditions to secure post implementation monitoring to determine whether further interventions are required (see paragraph 9.2 for legal obligations).
- 4.14 **Marine Management Organisation** – No objection.
- 4.15 **National Highways** – No objection.
- 4.16 **National Trust** – No objection, subject to mitigation conditions to secure and record the military bunker adjacent to the site.
- 4.17 **Natural England** – No objection subject to conditions. Satisfied that proposal adheres to mitigation hierarchy.
- 4.18 **Planning Policy Team (SDNPA)** – Neutral. Further information and clarification sought in respect of why this alignment and bridge option was selected, and in terms of delivery of ecosystem services and biodiversity net gain. (These comments were provided prior to submission of the Environmental Statement Addendum).

- 4.19 **Seaford Town Council** – Support, subject to further consideration being given and action taken to make the path from Seaford along the A259 safer for the increasing number of visitors to Seven Sisters Country Park, with the whole of the highway network from the Seaford boundary to the Country Park buildings and overflow car park included as part of this scheme. Additional crossings should be provided throughout with further traffic calming measures implemented.
- 4.20 **Southern Water** – Comments providing advice in respect of the use of SuDS.
- 4.21 **Sussex Wildlife Trust** - Objection. Concern regarding the loss of habitat and what steps have been taken to avoid this loss. Impact on bats has not been sufficiently assessed. Concern also regarding the induced traffic and lack of provision for non-motorised users.
- 4.22 **Transport Officer** – Neutral. Whilst the traffic modelling, assessment and bridge design itself are broadly acceptable, concerns remain around traffic control and calming methods.
- 4.23 **Wealden District Council** – No comment.

5. Representations

5.1 69 objections, 2 representations of support and 5 neutral representations have been received. These include comments from Cycle Lewes and other Cycling bodies. A summary of the comments is set out below (note – a number of these comments were received before amendments were made to the scheme, for example changes to the traffic calming measures). Where multiple comments have been received from a single party, these have been counted as one representation:

5.2 Objections

- Replacement bridge will increase traffic speeds;
- Lack of traffic modelling to support proposal;
- Would result in an increase in traffic, causing harm and delays in surrounding villages;
- Fails to provide adequate facilities for all non-motorised users;
- Would be less safe for cyclists and pedestrians than current arrangements;
- Lack of consideration of impact on NCN2;
- Out of tune with Gear Change Strategy;
- Speed limit should be reduced to 20mph;
- Focus should be on sustainable travel, rather than cars, with government guidance and design standards for cycling applied;
- Bridge cannot be looked at in isolation;
- Importance of area for recreation has not been accounted for;
- No regard has been paid to tackling climate change;
- Poor provision of biodiversity net gain;
- Proposals do not comply with National Park Purposes and Duty;
- Would have an adverse effect on tourism;
- Proposals fail to retain the rural character of the area, and demonstrate a standard highways design which is overly engineered;
- Would add to noise and light pollution;
- Harmful impact on Heritage Coast
- Road should be downgraded to a B-road;
- Controlled pedestrian crossing should be provided;

- Existing bridge should be retained for a cycle path.

5.3 Neutral

- Temporary traffic lights appear to demonstrate a reasonable solution, which saves money whilst not increasing traffic flows;
- Clarification sought on the responsibility for repairing structural damage during construction;
- Clarification on the need for further traffic calming and highway safety measures to enable safe access/egress to properties;
- Need for bridge is accepted, but appearance should be improved;
- No impediment of the use of river.

5.4 Support

- Bridge is an integral part of the growth plans for the area and a vital link between Eastbourne and Newhaven;
- Proposals will improve economic connectivity;
- Would improve safety;
- Elimination of idling traffic will improve air quality;
- Would improve reliability of the bus service.

5.5 In addition to the above, representations were received from Campaign for the Protection of Rural England, South Downs Society, Sustrans, British Horse Society, Open Space Society and Cllr Johnny Denis. Their comments are summarised below:

British Horse Society

- Limited provision being made for non-motorised users.
- Replacement bridge should be a green bridge where adequate provision for all non-motorised users is included.

Campaign for the Protection of Rural England

- Would result in significant road widening through a National Park;
- Fails to provide adequately for cycling;
- No improvements for buses;
- Poor on walking provision;
- Utilitarian design not appropriate for this landscape.

Cllr Johnny Denis

- Will lead to an increase in traffic in a precious landscape;
- Fails to take account of carbon emissions of increased traffic;
- Fails to make provision for active travel.

Open Space Society

- Existing road divides Seven Sisters Country Park – current arrangement has provided a relative calming of motor vehicle traffic along the causeway, although still dangerous for non-motorised users. This will be lost through the changes.
- Speed of vehicle flow will be increased.
- Lack of controlled crossing for pedestrians.

South Downs Society

- Larger road bridge and increased traffic will change the area from a rural route to a noisier through corridor;
- More dominant structure;
- More consideration needs to be given to the wider landscape impact in this sensitive and charming valley;
- Little priority has been given to cyclists;
- Relies on flawed assumption that creating a 2-lane faster road will not serve to increase traffic.

Sustrans

- Proposals will lead to an increase in vehicular traffic along the A259 and along National Cycle Route 2;
- Will not positively benefit cyclists – walking and cycling infrastructure should take precedence over proposals that will lead to higher car usage;
- Will compound issues around existing detours away from NCN2;
- Counter-intuitive to County initiatives to meet climate and environmental targets;
- Wider impact on active travel use in surrounding area.

6. Planning Policy

6.1 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (a longer list of other relevant policies can be found in Appendix I)

- SD4: Landscape Character
- SD5: Design
- SD9: Biodiversity and Geodiversity
- SD17: Protection of Water Environment
- SD19: Transport and Accessibility
- SD20: Walking, Cycling and Equestrian Routes
- SD21: Public Realm, Highway Design and Public Art
- SD42: Infrastructure

6.2 Most relevant Policies of Seaford Neighbourhood Development Plan (SNDP)

- SEA1 – Development within or Affecting the South Downs National Park
- SEA2 – Design
- SEA14 - Safeguarding Future Transport Projects

6.3 Most relevant Sections of the National Planning Policy Framework:

- Section 2 - Achieving sustainable development
- 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

6.4 Most Relevant Policies of the South Downs Management Plan (2020-2025)

- Partnership Management Plan Policy 1 (Landscape)
- Partnership Management Plan Policy 4 (Habitats)
- Partnership Management Plan Policy 9 (Historic Environment)
- Partnership Management Plan Policy 24 (Water Environment)
- Partnership Management Plan Policy 28 (Access)
- Partnership Management Plan Policy 30 (Access)
- Partnership Management Plan Policy 40 (Transport)

6.5 Other relevant policy documents

- Adopted SPD Design Guide
- Biodiversity Net Gain TAN
- Dark Skies TAN
- Ecosystem Services Statement TAN
- Roads in the South Downs

7. **Planning Assessment**

Principle of development

7.1 The main issues for consideration with regard to this application are:

- The principle of the development, the assessment of major development and assessment of the submitted Environmental Statement;
- Highway Safety and Traffic
- Landscape and Visual (including noise)
- Ecology and Biodiversity
- Flood Risk and the Water Environment
- Public Realm and Amenity (including ecosystem services)
- Construction Methods

Principle of development / Major Development / Environmental Statement

7.2 The A259 between Brighton and Eastbourne is part of the major network and regarded by ESCC as being a priority corridor in the south-east. It is key to access and movement between coastal communities. The applicant has stated the single-lane bridge, which is integral to this network, is over its operational capacity. Furthermore, it has sustained a number of structural defects, is subject to regular monitoring, and is in need of major repair as a result of movement of the abutments and wingwalls, inadequate containment provided by the edge girders and insufficient loading capacity of the footway.

7.3 Several options have been explored by the applicant, as part of the assessment of the application, including:

- Repairing the existing bridge in situ;
- Replacement of the bridge in the existing location; and
- Off-line replacement options (including that the subject of this application).

A 'do nothing' scenario has not been considered in this instance, given the need to address the existing structural concerns. Of these options, an offline replacement is considered by the applicant to be the most viable and appropriate solution. It would enable not just the structural integrity needed, but also provide opportunities to improve traffic flow on the

A259, increase resilience to flooding, reduce air pollution and enable footways adjacent to both carriageways. An offline solution (unlike either repairing the bridge in situ or replacing the bridge in the existing location) would also enable the existing bridge to remain open throughout the majority of the construction period (although some short term closures during construction would still be necessary).

- 7.4 These options, as well as design options for the replacement bridge, have been considered further in the applicant's Environmental Statement (ES), in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The ES describes the 'Environmental Impact Assessment', which considers the alternative options and assesses the potential environmental effects of the chosen option during the construction and that of the completed scheme (beneficial or adverse). It takes into consideration the degree of impact, and mitigation measures to avoid, reduce or offset negative impacts. The issues covered, as per the EIA scoping opinion, are: Geology and Soils, Air Quality, Archaeology and Cultural Heritage, Ecology, Climate, Landscape, Noise and Vibration, Population and Human Health and Road Drainage and the Water Environment. The Statement concludes that, overall, the scheme is considered environmentally acceptable following implementation of the required mitigation and compensation measures. The findings in the relevant chapters are further assessed by officers under the topic-specific headings below.
- 7.5 The applicant has concluded that of the options considered, the principle of an offline replacement would deliver more economic and environmental benefits in the long term, despite the potential for significant environmental impacts in the short term. In principle, officers understand this rationale and on balance accept the principle of an offline solution in this instance, which would keep the road mostly open during construction, and although on a different alignment is still located close to the existing bridge. A package of embedded mitigation to minimise the environmental effects, as well as additional mitigation and enhancement measures are recommended as part of the Environmental Statement and discussed below.
- 7.6 Of the offline design options considered, all of which are engineering solutions first and foremost, the preferred approach (subject of this planning application) would demonstrate the least direct impact on the SSSI and the most modest/sympathetic approach to the structure itself. It would also enable tighter bends to a degree to both approaches to the bridge, which would naturally control speeds and reflect the existing experience down the valley sides in line with the guidance in Roads in the South Downs.
- 7.7 A number of third parties have queried why the temporary traffic lights currently in situ could not be made permanent, instead of the replacement of the bridge. Whilst it is noted that these have resulted in some benefits, primarily in respect of better management of traffic flows, they would not address the underlying structural concerns, or provide any opportunities to improve pedestrian and cycle access around the site.
- 7.8 Turning to Major Development as set out in paragraph 177 of the NPPF it is the case that the proposal is replacing a piece of infrastructure on the existing road network (an A-road in this case). Although enlarging the span, height and width of the bridge, the proposal is not entirely different in type or basic nature to that of the existing (in that it is a replacement bridge on the existing road network) and is in the same broad location. The change and impact in this context is not considered to be Major Development as set out in paragraph 177 of the NPPF.

Highway Safety and Traffic

- 7.9 The applicant considers several key objectives of the proposed scheme are to address highway safety and improve the circumstances for all users. The issues and concerns related to highway safety and traffic matters extend beyond the application boundaries, particularly to the Seven Sisters Country Park (SSCP) Visitors Centre, as well as up both valley sides. Whilst the applicant is aware of this, the application is concerned with improvements within the red line boundary.

- 7.10 The inclusion of footways along both carriageways of the bridge is an improvement on the existing arrangement (that has a narrow footpath just on the north). The new bridge will not require pedestrians on the pavement on the southern side of the carriageway (the most used pavement) to cross the road twice as they do now to follow the footpath in either an easterly or westerly direction. Crossing points on either side of the bridge are also an improvement, which combined with the speed limit reduction from 60mph to 30mph, should ensure more consistently achievable movement for pedestrians and other non-motorised users (NMUs).
- 7.11 There are improvements and use of features such as bus stops and the removal of centre lines over the bridge itself, which have led officers to consider that the traffic calming measures proposed, which include the speed reduction signage and painted narrowing of the road, and other associated highway features are acceptable.
- 7.12 Concerns have been raised that the traffic modelling is inadequate and did not demonstrate that the changes in traffic flow would not encourage drivers to use this route instead of the A27 to the north, thereby increasing the likelihood of bottlenecks arising in villages such as Jevington. Following these concerns being raised, the applicant has undertaken further review, and data has been provided which demonstrates that the provision of the 2-way, 2-lane bridge would likely increase traffic movement by less than 30 passenger cars a day. Whilst traffic modelling is not an exact science (recognising the impossibility of forecasting future effects with absolute certainty given the variables involved) there is no evidence to contradict it in this case and the projected increase for an A-road is relatively small. As such, it cannot be concluded that the proposal would have a severe impact on local communities in respect to traffic movement.
- 7.13 Further to the above, because of the nature of this project, which is replacing rather than creating new infrastructure, and the relatively low increase in vehicle flows expected, the traffic generated by the project would have a negligible impact on climate change. Mitigation methods for the construction period, including the submission of a carbon reduction plan and provision of electric vehicle charging on site, would be secured within the Construction and Environmental Management Plan. Overall, it is considered there would not be a significant negative effect on climate change.
- 7.14 Alongside the replacement bridge, the scheme also proposes a suite of additional measures to reduce speeds and influence driver behaviour across the bridge and the Causeway. Such measures include the speed reduction to 40mph from Seaford towards the bridge, 30mph across the bridge, Causeway and past the SSCP overflow car park and 40mph out of the valley towards East Dean. This speed limit would be mainly enforced and influenced through repeater signs and line painting, which have been reduced during the course of the application to broadly reflect their rural surroundings. The ESCC Highways team in their role as consultee on the proposal, has indicated that further measures may (or may not) need to be implemented dependent upon actual observed traffic speeds, with investigation and agreement of potential details to be secured through the S106 Agreement. Some opportunities to further design the road environment to achieve the desired speed limit, e.g. through the perceived narrowing of the space, or further prioritisation of pedestrians and cyclists have been largely discounted by ESCC highways on the basis of safety and functionality concerns. These strike a fine balance between what is necessary in safety terms and reflecting the rural character of this popular location. As a result, conditions are recommended to require any further signage, or other traffic calming measures to be agreed by the SDNPA, prior to installation.
- 7.15 Concerns have also been raised by third parties that the design of the proposal and improvements are focussed on motor vehicles, with little provision for NMUs. As mentioned above, within the application boundary – and particularly the bridge itself – the addition of the 3m wide footway to the south and wider footpath to the north is an enhancement. This is capable of being used as a shared path across the bridge, once improved cycle facilities have been provided within the area, in the future. This dedicated provision for cyclists or equestrians is not provided at this stage. The shared space in front of the Cuckmere Inn, which provides links into the public right of way network beyond, also

gives further priority to NMUs beyond what exists presently. It is acknowledged that little has been done to improve facilities or the environment for NMUs beyond the red line boundary. In particular, the footpath along the Causeway remains narrow and with no passing space or alternative with which to connect. The applicant has made clear that such improvements, along with improved crossing options at SSCP Visitor Centre, are outside the scope of this application proposal, given that they are outside of the red line. They have, however, entered into a Memorandum of Understanding with the SDNPA to explore potential opportunities for enhancement of these facilities to deliver in the next seven years. Whilst this forms part of the context in which Members are making a decision and gives an indication of ESCC's future intentions, it is not secured by the planning application and therefore it can only be given limited weight at best in the determination of this planning application.

- 7.16 Overall the proposed development is considered to demonstrate accordance with SD19 and SD42 of the South Downs Local Plan and the NPPF.

Landscape and Visual

- 7.17 The application site is within a sensitive location, which is popular in terms of tourists and locals alike. The existing bridge follows the historic alignment of the Causeway and reflects a simple and understated appearance, therefore demonstrating an intervention characteristic to the surroundings and Heritage Coast. It enables those experiencing the wider environs – through the wider river valley towards the sea – to do so without too much distraction, albeit provision for pedestrians is limited. The alignment of the new bridge, the bridge design and the traffic management measures would all, to some degree, impact on landscape character and in views from several public vantage points (including within SSCP).
- 7.18 The increased height of the bridge – unavoidable to an extent for a replacement bridge due to the need to counter flood risk – and the choice of bridge structure, results in a larger structure. Effort has been made to capture the horizontal emphasis of the existing structure, which helps to quieten the overall appearance, although it remains that there is a moderate adverse impact on the character of the area and in views. The view looking south towards the Seven Sisters, from the footpath along the river north of the bridge is arguably the most impactful. It is here where the increased height is more obvious and larger vehicles, such as buses, will break the skyline with the landscape beyond. The bridge itself will, however, sit below the horizon and the ability to take in this view from the viewing platform on the bridge is positive.
- 7.19 Steps have been taken through the continued discussions between officers and the applicant to seek to mitigate these impacts, including the reduction in the scale and mass of the approach embankments and efforts to keep the bridge deck as low as reasonably achievable given flood risk concerns. There are also some elements that whilst causing limited harm, are accepted as being necessary, e.g. the alteration away from the historic bridge alignment. Additional steps could be taken to explore options for better understanding of the historic alignment through interpretation boards and a condition would be imposed to secure such measures.
- 7.20 The landscape officer has raised an objection to the scheme, but does not dispute the need for the proposed development. Further steps have been taken during the application process to reduce adverse impacts on landscape character, particularly in terms of the removal of further urbanising features such as the bus cage painted lines and reduction in the number of street lights and other road markings and road signs. Street lighting has been limited to replacement of the two existing streetlights and the addition of one new streetlight and with low level directional lighting attached to the bridge for the footways. This is considered to cause no detriment to the quality of the International Dark Night Skies Reserve. Further information would be required regarding final details of boundary treatments, soft and hard landscaping features and the colour of the bridge. These measures could be secured by condition.
- 7.21 In this particular instance, there is some harm caused to landscape character and the bridge design, despite striving to remain simple, is still a noticeable feature in the landscape with

little connection with the landscape. Notwithstanding, it is considered that the package of mitigation presented as part of the application and the further measures that will be secured by condition mean that the scheme would be broadly acceptable when considered with the public benefits of the proposal. The need to resolve the structural deficits of the current arrangements and the benefits this has the potential to bring, must be considered in the rest of the assessment against the harm caused.

Ecology and Biodiversity

- 7.22 Given the application site is situated within a SSSI, avoidance of any impact on this and the habitat for which it is designated is acknowledged to be difficult. The proposal was assessed in line with the mitigation hierarchy for SSSI. Whilst options such as repairing the existing bridge may have avoided some impact in the short term, they would not meet the objectives for the project. Officers are satisfied that avoiding impacts on the SSSI entirely is not a viable option in this case.
- 7.23 The application has sought to minimise the remaining impacts on the SSSI, initially through a series of mitigations. These include:
- Creation of scrub habitat in place of the existing bridge;
 - Onsite wetland habitat creation;
 - A ledge for mammals on both banks under the bridge; and
 - Replacement hedge and scrub planting.
- 7.24 There is still a direct loss of 0.04ha of Coastal and Floodplain Grazing Marsh (CFGM) from the SSSI. As this cannot reasonably be avoided, or mitigated for on-site, it has been necessary to deliver an appropriate package of compensation at an offsite location. The applicant has worked with SDNPA Officers, Natural England and the ESCC Ecologist to ensure measures are provided to compensate for the habitat loss on a 2:1 basis as per Natural England's Standing Advice (therefore a minimum of 0.08ha is needed to meet the compensation requirements). A suitable site has been located to the north of the application site (Clapham Farm), immediately adjacent to the SSSI, which is currently neutral grassland used for cattle grazing. Minor land re-profiling work would be undertaken and new ditches formed, in order to enable the creation of an additional area of 0.1ha for CFGM. This provides compensatory habitat above the requirement of 2:1 and the approach is accepted in principle by Natural England and officers alike. Further hydrological investigation and monitoring is currently being undertaken, in order to determine the precise location and detail of the habitat creation. As this is ongoing, and in order to secure a habitat for which the intention is that it would form part of the SSSI, a S106 Agreement would include a mechanism to approve final details of the maintenance, management and monitoring of the habitat.
- 7.25 In addition to the compensation land, enhancement of 0.77ha of existing CFGM and 0.5ha of neutral grassland will also be delivered at the offsite location. This will provide a significant package of biodiversity net gain enhancements, supported by the Ecology Officer, in excess of 10%, in accordance with policy SD9 and the NPPF. Overall, whilst the loss of SSSI is regrettable, the mitigation hierarchy has been followed and the compensation, mitigation and enhancements proposed will provide appropriate conservation and enhancement for wildlife and biodiversity.
- 7.26 Further survey work has been undertaken to determine whether bats are present in and around the bridge structure, and if so how they are using the area. This has concluded that there is low potential for roosting or hibernating bats and a package of mitigation can be secured, in line with best practice, by condition. This too, accords with policy SD9 of the Local Plan.

Flood Risk and the Water Environment

- 7.27 The replacement bridge structure includes an increased span and width, which creates the potential for greater levels of surface water run-off. In-channel works will be required during construction – primarily water retention structures to manage flows – which could

temporarily reduce capacity and temporarily increase flood risk. However, this would be for a limited duration. Groundwater features are also highly sensitive and could also be adversely impacted by the development, although there are mitigation measures proposed to prevent this occurring.

- 7.28 The bridge deck has been raised 1.5m above the height of the existing bridge in a response to the flood modelling and climate change allowances, therefore protecting the road from risk of flooding. It is noted that sustainable drainage systems (SuDS) to address run-off from the realigned highway and bridge have been discounted in this instance owing to lack of space and the high groundwater within the area. Within this context the proposed scheme to deal with highway drainage is acceptable.
- 7.29 During the course of the application, as a result of further investigation into the water environment, construction methods have been amended to substantially reduce the scope and use of piling in construction and remove entirely the need for bentonite use – both of which could have an adverse effect on the water environment.
- 7.30 Some optionality has been requested in respect of other construction methods, such as the water retention methods, as the delivery partner has not yet been selected. Officers acknowledge the need for this and have included conditions such as those recommended by the Environment Agency to allow for this eventuality.
- 7.31 Overall, the scheme will not inhibit natural processes within the water environment and will continue to conserve water quality. The package of mitigation measures will ensure there are no adverse impacts on groundwater features. There are adequate measures to protect against flood risk. Alongside the compensatory and biodiversity net gain measures proposed at Clapham Farm, the water environment will be both protected and enhanced in accordance with policies SD17, SD49 and SD50.

Public Realm and Amenity

- 7.32 The introduction of the bridge has resulted in a ‘ripple effect’ in terms of the alignment of the road and the location of features such as the bus stop and access to other properties. The changes required to facilitate these also have the potential to have an effect on the public realm and residential amenity.
- 7.33 As a result of the realignment of the junction serving the Cuckmere Inn car park, an opportunity has arisen to make the area a shared space, where NMU’s are given much clearer priority. A seating area, looking across SSCP and broadly in the location of the existing bridge provides space for people to experience the views safely. A palette of materials has been proposed, including timber for cycle stands and seating, buff-coloured surfacing to mark the change in environment and areas of planting. Further details will be required through condition, to ensure the spaces are capable of accommodating all features and achieving access for all users, however this represents an enhancement to the public realm.
- 7.34 Physical works during construction that will have ongoing effects include the removal of the existing mature boundary treatment in front of The Boathouse and the need to retain land along the western carriageway to the north of the Cuckmere Inn. For the latter, it is proposed to construct a retaining wall, 0.9m in height, faced with flintwork and minimal brick detailing. This is considered an appropriate method of retaining the land beyond and will also reflect a hard boundary with only a small area of verge that will help to reinforce the need to reduce speed in this area. The wall is in close proximity to Chyngton Bunker and conditions will also ensure a proper written scheme of investigation, covering all aspects of the archaeological notification area in which the proposal is situated, and recording is secured.
- 7.35 The proposed boundary treatment opposite, at The Boathouse, has yet to be finalised. The existing mature vegetation reinforces the rural character of the area, whilst providing a robust screen for the residents of the property. This will be lost in almost its entirety, which will have a clearly noticeable impact on the public realm. Initially, a 1.8m high fence had been proposed, with climbers and a reduced extent of replacement hedgerow in front.

However, this has been amended and the fence would be a more sympathetic post and rail hand-cleft style with native hedgerow in front. Final details will be secured by condition.

- 7.36 In respect of residential amenity during construction, this is covered within the draft Construction and Environmental Management Plan, where it is noted that discussions are in hand with the two sets of residents whose access will be directly affected during this period. The same applies to the operation of the Cuckmere Inn during the construction period.
- 7.37 The free flow of traffic would result in a decrease in NO₂ across all of the human receptor sites. These have been confirmed to be well within the annual mean for air quality measures, in all scenarios. Measures would be conditioned for the construction phase to control dust as part of the CEMP.
- 7.38 Based on the steps taken with residents to ensure adequate measures are taken during the construction period, and the continued work with officers to secure enhancements to the public realm, it is considered that the application will fulfil the requirements of policies SD5 and SD21.

Construction Methods

- 7.39 Some construction methods, such as those relating to the water environment directly, have been discussed in the assessment above. Whilst a draft Construction and Environmental Management Plan (CEMP) has been submitted, there remain some aspects that have not yet been finalised, including water retention methods during construction. It has been confirmed that construction compound Option B is not progressing, in which case our assessment has been based on Option A (which is closer to Seaford). It is therefore recommended that a condition is imposed requiring the final details of this and other elements of the CEMP be provided prior to commencement.

8. Conclusion

- 8.1 The need for the scheme has been well demonstrated; therefore the recommendation is based on whether the scheme benefits and the steps taken to minimise adverse impacts, outweighs the harm identified above, including the impact on landscape both to character and in views, particularly looking south, which is considered moderate adverse.
- 8.2 The benefits of the scheme include addressing the structural concerns with the existing bridge, the provision of a more flood resilient bridge and improved pedestrian accessibility across the bridge itself. The reduction in maximum speed from 60mph to 30mph is also positive. The scheme will also secure a package of biodiversity enhancements, offsite.
- 8.3 In this instance, as a result of the mitigations and enhancement identified in the Environmental Statement and design, alongside the additional measures to be secured by condition, and the benefits that are summarised above, it is considered that the proposal is acceptable.
- 8.4 It is considered that the likely environmental impacts of the development have been adequately assessed through the Environmental Statement (and its addendums). The conditions recommended below and the terms of the S106 Agreement would secure appropriate and acceptable compensation and mitigation measures.
- 8.5 Therefore, the proposal would accord with the relevant policies within the National Planning Policy Framework, the South Downs Local Plan, South Downs National Park Partnership Management Plan 2020-2025 and the DEFRA Circular and purposes of the National Park.

9. Recommendation and Conditions

- 9.1 It is recommended to grant planning permission subject to the completion of Section 106 legal agreement (the final form of which is delegated to the Director of Planning) to secure the obligations set out in paragraph 9.2 and the conditions set out in paragraph 9.3. The particularly specific conditions to this proposal are Conditions 12, 14, 20 and 24. The remaining conditions would be considered broadly standard, albeit there are various specific references to the required ecological mitigation and enhancement measures and water quality protection measures, and are usual in terms of planning applications of this type.

9.2 **Planning Obligations**

- Confirmation and agreement of the area of land to be secured as compensatory replacement for the SSSI (in perpetuity) and details of habitat type to be created;
- Confirmation and agreement of the area of land secured to provide biodiversity net gain (for a minimum of 30 years) and details of habitat type to be created.
- Landscape strategy and method statement for the works required to establish the SSSI compensatory land and Biodiversity net gain land and the time frame for achieving these works.
- The maintenance, management and monitoring plan for the SSSI compensatory land.
- The strategy for the works required to deliver the biodiversity net gain (N.B. establishment of the habitat) and the time frame for achieving these works.
- The maintenance, management and monitoring plan for the biodiversity net gain land is secured for a period no less than 30 years.
- Pre and post implementation traffic management strategy, including gateway features and how the need for any potential future traffic management measures will be considered.

9.3 **Planning Conditions**

GENERAL

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 and documents listed below under the heading 'Plans and Documents referred to in consideration of this application', unless otherwise agreed in writing by the Local Planning Authority.

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

3. The development hereby permitted shall be carried out in accordance with the submitted Mitigation Measures Schedule unless there is any conflict with the further information to be submitted to and approved by the Local Planning Authority in respect of the conditions within this decision notice. Any variation to this Schedule must be agreed in writing by the Local Planning Authority.

Reason: To ensure the potential for likely significant effects identified in the Environmental Statement and the Addendum dated 05 September 2022 are appropriately mitigated.

4. The construction compound shall be located at Option A, as identified in the Environmental Statement Addendum dated 05 September 2022.

Reason: To ensure the potential for likely significant effects identified in the Environmental Statement and the Addendum dated 05 September 2022 are appropriately mitigated.

PRE-COMMENCEMENT

5. No development shall take place until a Construction Environmental Management Plan (CEMP), based on the version dated 05 September 2022, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide further detail on matters including (but not limited to):
 - a) The layout of the construction compound;
 - b) Details of the Construction Traffic Management Plan;

- c) Construction drainage strategy;
- d) The routes and estimated duration for diversion of public rights of way;
- e) Storage of soils;
- f) A strategy and timeline for reinstating and enhancing the land associated with the site compound following the completion of the development;
- g) Construction phasing plan.

The works shall be carried out in accordance with the approved CEMP throughout the construction of the development.

Reason: To enable the Local Planning Authority to control development in the interest of maintaining a safe and efficient highway network, in the interests of amenity, to conserve landscape character and biodiversity, and to ensure no adverse impacts on designated sites and protected species.

6. No development shall take place (including any demolition, ground works, and site clearance) until method statements for great crested newts, bats, riparian species, reptiles, breeding birds and over-wintering birds have been submitted to and approved in writing by the local planning authority. The content of the method statements shall include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve the 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, 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 and to avoid an offence under wildlife legislation.

7. No development shall take place until a landscape and ecological design strategy (LEDS) addressing mitigation, enhancement and restoration of impacts on biodiversity within the red line boundary, has been submitted to and approved in writing by the local planning authority. The LEDS shall include the following:
 - a) purpose and conservation objectives and evaluation of features to be provided for the proposed works;
 - b) ecological trends and constraints on site that might influence management;
 - 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;
 - g) persons responsible for implementing the works;
 - h) details for disposal of any wastes arising from works.

The LEDS 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 on the SSSI of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Strategic Policy SD9 of the South Downs National Park Local Plan.

8. Prior to the commencement of development details of the soft landscaping, including methods and donor sites for green hay shall be submitted to and approved in writing by the Local Planning Authority. These works shall be based on the details approved on the Planting Plan and General Landscape Arrangement Plans. 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.

9. A landscape and ecological management plan (LEMP) for the application site and construction compound shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall include the following:
 - a) aims and objectives of management;
 - b) appropriate management options for achieving aims and objectives;
 - c) management actions;
 - d) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - e) details of the body or organisation responsible for implementation of the plan;
 - f) ongoing monitoring and remedial measures.

The LEMP shall also include details of the mechanism 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 remedial action will be identified, agreed and implemented so that the development still delivers the biodiversity objectives of the originally approved scheme. The approved LEMP will be implemented in accordance with the approved details.

Reason: The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features in this environmentally sensitive area.

10. Prior to the commencement of development, a detailed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate detailed drawings and hydraulic calculations. The hydraulic calculations shall take account of the connectivity of the different surface water drainage features and demonstrate that surface water runoff can be managed without increasing flood risk for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. The development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding to the proposed development and surrounding area.

11. Prior to commencement of development, details of the proposed diversion of the ordinary watercourse and evidence of its flood risk impacts 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 reduce the risk of flooding to the proposed development and surrounding area.

12. No development shall take place until a River Impoundment Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement. The statement shall include details of the following:
- a) Details regarding the use and deployment of either a mobile water impoundment system or cofferdams;
 - b) The length of time the method selected is to be deployed;
 - c) Details about how sediment dispersal will be minimised during deployment;
 - d) Specification that at all times during deployment, a minimum of 50% of the watercourse channel will be kept available (with adequate water depths) to enable the passage of fish species, and works will be undertaken sequentially rather than in parallel;
 - e) Details about the screening methods to be employed on any pumps to ensure sediment is not discharged into the water environment;
 - f) Details about methods to protect migratory fish and eel species if the mobile impoundment system or cofferdam is utilised during March to November;
 - g) Details regarding any proposed fish capture methods and where captured fish will be returned.

Reason: To prevent harm to fish and eel species as a result of the river impoundment methods, in accordance with policy SD9 and the NPPF.

13. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The strategy shall include:
- a) A preliminary risk assessment which identifies all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on the above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
 - c) The results of the site investigation and detailed risk assessment referred to above and an options appraisal with remediation strategy based on these, giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In order to protect groundwater quality from unacceptable levels of water pollution, which could arise from construction.

14. The development hereby permitted may not commence until such time as a scheme to:
- a) Secure dewatering of the site;
 - b) Secure the maintenance of spring-fed flows; and
 - c) Secure the protection of groundwater dependent terrestrial ecosystems,
- Has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure the proposed development, including dewatering, does not harm the water environment in accordance with policy SD17 and the NPPF.

15. No development shall take place until the applicant has secured 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.

Reason: To enable the recording of any items of historical or archaeological interest, in accordance with policies SD12 and SD16 of the South Downs Local Plan.

16. Prior to commencement of development (including any demolition, ground works, and site clearance) an arboricultural method statement in accordance with BS5837:12, including final tree protection plans 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: In the interests of amenity and the landscape character of the area.

17. Prior to the commencement of the development, details of the earthworks (approach embankments and any associated works) 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 earthworks to the existing vegetation and landform 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.

18. Prior to the commencement of the development, final access arrangement details including elevations and sections, shall be provided for the farm access to the north. The development shall be carried out in accordance with the approved details.

Reason: To ensure safe use of the access for both pedestrians and farm vehicles to protect landscape character.

19. Prior to commencement of development, details of hard landscaping including but not limited to street furniture, signage, surfacing materials and railings shall be submitted to and approved in writing by the Local Planning Authority. These works shall be based on the details submitted in the Street Furniture Strategy. Once approved, 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.

20. Prior to commencement of development, details of all materials and external finishes shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a colour study to determine the final colour of the bridge, a sample panel in situ for the flint retaining wall and abutments. 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.

21. Prior to the demolition of the existing bridge, sections and plans indicating the extent to which the existing bridge abutments will be retained and made good 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, preserves cultural heritage and prevents harm to visual amenity.

PRIOR TO USE

22. Prior to any part of the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment, in accordance with policy SD17 and the NPPF.

23. Prior to any part of the development being brought into use the archaeological site investigation and post - investigation assessment (including provision for analysis, publication of results and archive deposition) shall be completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 16.

Reason: To enable the recording of any items of historical or archaeological interest, in accordance with policies SD12 and SD16 of the South Downs Local Plan.

ONGOING/COMPLIANCE

24. Notwithstanding the provisions within Schedule 2, Part 9, Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended), no signage, road markings, lampposts or other street or road furniture shall be installed or put in place, other than those on the approved plans, unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control development that might cause harm to the character and visual amenity of the area.

25. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

26. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season after the replacement bridge being brought into use or the completion of the development, whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds. Any trees, hedges or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

27. No further lighting shall be installed within the application site other than that shown on the approved plans. The approved lighting shall be subject to programmable units to enable lights to be dimmed between 11:30pm and 06:30am.

Reason: To ensure the development would not cause harm to the visual amenity of the area and accord with the SDNPA Dark Night Skies policies.

28. Migration methods for percussive piling as stated in the submitted Construction Environmental Management Plan and Environmental statement Addendum must be used during the key migration periods for fish and elvers. The key migration periods are as follows:

- a) Sea Trout smolts (young) migrate out during March/April, and adults return from April to October (With the main run being June to October);
- b) Elvers migrate in from March to November.

Reason: To protect migratory fish, particularly European Eel and Trout, by maintaining dissolved oxygen levels in the water and reducing disturbance.

29. Piling and 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: In order to control and manage disturbance of the aquifer below the development site in accordance with policies SD17 and SD49 and the NPPF.

30. 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 the development does not contribute to, and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices: 1. Information for determination at committee
2. Draft Memorandum of Understanding between ESCC and SDNPA

SDNPA Consultees: Director of Planning, Legal Services

Background Documents: [All planning application plans, supporting documents, consultation and third party responses](#)

[South Downs National Park Partnership Management Plan](#)

[South Downs Local Plan 2019](#)

[Supplementary Planning Documents and Technical Advice Notes](#)

[Roads in the South Downs](#)

Information concerning consideration of applications before committee

Officers can confirm that the following have been taken into consideration when assessing the application:

National Park Purposes

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 understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 177 whether a proposal is 'major development' 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.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 177 is undertaken in the Assessment Section of the main report.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are EIA development within the meaning of the relevant 2017 legislation. The Authority's examination of the Environmental Statement submitted as part of the application, as Competent Authority, is undertaken in the Assessment Section of the main report.

The Conservation of Habitats and Species Regulations 2017

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

Relationship of the Development Plan to the NPPF and Circular 2010

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

The South Downs National Park Partnership Management Plan 2020-2025

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

All policies of the South Downs Local Plan which are of relevance to this application

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD16 - Archaeology
- Strategic Policy SD17 - Protection of the Water Environment
- Development Management Policy SD18 - The Open Coast
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Development Management Policy SD21 - Public Realm, Highway Design and Public Art
- Strategic Policy SD42 - Infrastructure
- Strategic Policy SD45 - Green Infrastructure
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Strategic Policy SD49 - Flood Risk Management
- Development Management Policy SD54 - Pollution and Air Quality

Human Rights Implications

These planning applications have 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.

Equality Act 2010

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

Crime and Disorder Implication

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