



South Downs
National Park Authority

Agenda Item 6
Report PC22/23-26

Report to	Planning Committee
Date	9 March 2023
By	Director of Planning
Local Authority	SDNPA (Wealden area)
Application Number	SDNP/22/05685/FUL
Applicant	Mary-Jane Higgins
Application	Introduction of a two wheel access track retaining a central strip of grass running from Crowlink Lane to Crowlink Corner via Crowlink Place to provide a safer access to serve Crowlink Corner.
Address	Land adjacent to Crowlink Corner, Crowlink Lane, Friston, Eastbourne BN20 0AX

Recommendation:

- I. That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report.**
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Site Location Map



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Executive Summary

The proposal seeks to provide a new access track to an existing dwelling known as Crowlink Corner, which is currently accessed across a field via an informal chalk track.

The site is in a rural location to the south of Friston, within the designated Sussex Heritage Coast. The initial section of the track from Crowlink Lane would be located on land associated with Crowlink Place (owned by the applicant) with the remainder crossing open access land owned by the National Trust, and the proposed routing has been agreed with the National Trust. The track would have a twin track surface of crushed limestone laid upon a 150mm base of crushed hardcore.

Concerns are raised by the Parish Council and third parties that the track will result in unacceptable landscape impacts and visual harm to the amenity of users of the open access land and rights of way.

A previous scheme was recommended for approval but overturned by the committee at the March 2019 meeting (see Committee report and minutes appended at **Appendix 2.**) The current proposal seeks to address the reason for refusal with changes made to the routing and track construction. Officers consider that the amendments are substantive improvements that minimise visual harm to the landscape, and the application is therefore recommended for approval.

I. Site Description

- I.1 The application site is in a rural location to the south of Friston/East Dean which falls within the designated Sussex Heritage Coast, approximately 1km to the north of Birling Gap, and the Ouse to Eastbourne Open Downs Landscape Character Area. The site comprises two main areas, namely land adjacent to Crowlink Lane and associated with Crowlink Place, which is in the ownership of the applicant, and the north eastern part of a grazed field, which is open access land in the ownership of the National Trust. The land was bought by the Society of Sussex Downsmen (now the Friends of the South Downs) and members of the local community in 1929 to protect it from development, and it was gifted to the National Trust in 1931.

- 1.2 Crowlink Corner is a residential dwelling owned by the applicant located in the north eastern corner of the National Trust owned land, over which access rights to the dwelling were established in 1927. The property is in a C3 residential use, understood to be currently occupied by a member of the applicant's family. Parking for the use is provided within the grounds of the dwelling.
- 1.3 The site comprises species-poor semi-improved grassland with areas of bare ground along the surfaced track in the paddock at Crowlink Place. There are a number of public rights of way to the north, south, east and west of the proposed track, which crosses public bridleway 20a just south of the boundary with the applicant's land. Crowlink Lane, itself a public bridleway, connects a number of residential properties and a National Trust car park with the A259.
- 1.4 Seaford to Beachy Head Site of Special Scientific Interest (SSSI) lies c.315m south east and Friston Forest Local Wildlife Site (LWS) lies c.150m north. The nearest Ancient Semi-Natural Woodland (ASNW) lies c.125m south and 170m north east.
- 1.5 The existing line of the informal two-wheel chalk track to the property via the applicant's land is understood to have been in place since April 2020 following discussions with the National Trust regarding the proposed siting. A new vehicular and pedestrian gate and cattle grid has been provided on the applicant's land at the boundary with the field owned by the National Trust.

2. Proposal

- 2.1 The application seeks to provide a more robust vehicular access than that existing from Crowlink Lane to a dwelling known as Crowlink Corner, located in the far corner of a field which borders onto Crowlink Lane.
- 2.2 The access would be approximately 360m in length, taken via land in the applicant's ownership from an existing access onto Crowlink Lane used to access Crowlink Place before crossing land owned by the National Trust to reach Crowlink Corner. The line of the route within the National Trust land is proposed to be slightly altered from that existing on the ground following discussions between the applicant and the landowner. The amended route is the most direct, and considered by the landowner to have the least impact on the landscape and views from public rights of way. The route would also avoid impacting trees used for shelter by livestock; and lower parts of the field closer to the flint wall where surface water collects.
- 2.3 The main differences between the previously determined scheme and the current proposal are as follows:
- The access from Crowlink Lane would now be taken via an existing access used to access Crowlink Place rather than a field gate further south, and the first part of the track would be on land associated with Crowlink Place in the applicant's ownership;
 - Only 280m of the track will now be within open access grassland;
 - The currently proposed new track would now broadly follow the existing track for the remainder, with some variations, and would terminate at Crowlink Corner in a similar location than that existing, rather than connect to the small enclosure to the north east;
 - The small enclosure to the north west of Crowlink Corner owned by the National Trust and previously leased to the applicant for the purposes of car parking does not form part of the current proposals;
 - The width of the two wheel tracks has been reduced from 850mm to 600mm, with the central grass strip increased from 800mm to 1.3m in width;
 - The use of a hydraulically bound hardcore base which requires a shallower construction depth of 150mm (rather than 200mm).
- 2.4 The proposal is similar to the previously refused application with regard to the construction of the track, being 360m in length and 2.5m wide with a twin track surface of crushed limestone fines laid upon a 150mm base of hydraulically bound hardcore. This type of

hardcore is a low carbon option made from road planings and recycled type 1 which requires a reduced construction depth. The overall excavation will be 2.9m wide, and will require the removal of the removal of 565 tonnes of chalk and soil, a significant proportion of which would be deposited within the grounds associated with the adjacent Crowlink Place. Up to 212 tonnes of crushed hardcore and limestone would need to be brought in.

3. Relevant Planning History

3.1 The following is the most recent planning history pertaining to the site:

- SDNP/16/05742/DINPP Chalk and geogrid driveway running from Crowlink Lane to Crowlink Corner (approximately 360m long and 3m wide) Planning permission required 7 December 2016.
- SDNP/18/03970/FUL Introduction of a two wheel access track retaining a central strip of grass running from Crowlink Lane to Crowlink Corner to provide a safer access to serve Crowlink Corner. Refused 19 March 2019 (see Committee report and minutes 402-407 appended at **Appendix 2**.) The reason for refusal was:

The proposed development by virtue of the formalisation of an access track would result in an adverse impact on the landscape character of the area and would lead to the degradation of the special qualities of the South Downs National Park. The proposed development would therefore be contrary to Policies SD1 & SD4 of the Emerging South Downs Local Plan, Policy CPI of the Wealden Core Strategy Local Plan (2013), DG5 of the East Dean & Friston Village Design Statement and the National Planning Policy Framework 2018.

4. Consultations

4.1 **Archaeology:** No objection, subject to conditions.

4.2 **East Dean and Friston Parish Council:** Objection. Comments:

- Deadline for comments is unrealistic and should be extended;
- Lack of formal notification of neighbours and site notices [*as of 20 December 2022*];
- Significant community interest given that residents frequently walk in the area;
- The previous, similar application was refused due to adverse impact on landscape character on the area and degradation of the National Park's special qualities;
- The only difference is that part of the track would now pass through Crowlink Place;
- Scale of the wheel tracks is disproportionate to the residential need and double the width of the existing tracks;
- Unclear why a new alignment has been agreed with the National Trust;
- The claimed improvements in ground condition relate to a gateway no longer used to access Crowlink Corner;
- Concerns regarding landscape impact of 650 tons of spoil and similar amount of materials for construction.

4.3 **Ecology:** No objection, subject to conditions.

4.4 **ESCC Highway Authority:** No objection.

4.5 **ESCC Public Rights of Way:** No objection, subject to condition.

4.6 **Landscape Officer:** No objection, subject to condition.

- View of the National Trust is supported;
- Design of new track works positively with land contours and will assist in avoiding damage from erosion due to water run-off;
- Careful management of soils during construction and choice of materials is required due to clay capping present;
- Method of construction should be minimal and ecologically sensitive, and secured via the ecological design strategy condition;

- Active [rather than natural] restoration of the old track should be explored further at condition stage and only pursued if the benefits demonstrably outweigh any harm.

4.7 **National Trust:** No objection. Comments:

- A right of access, at all times and for all purposes was granted in 1927 to the then owner of Crowlink Corner across the field subsequently acquired by the National Trust in 1931;
- The exercise of this right has led to harmful erosion and landscape impacts where weather and usage has varied the route and width of vehicle movements across it;
- Making up of these informal trackways with chalk in varying places and to varying widths has increased the impact further;
- The National Trust wishes to conserve and maintain its land in the best condition and manage these impacts on it;
- The proposed minimum effective design (twin wheel tracks with central grass strip) will provide a permanent fixed vehicle route across the land including for emergency vehicles that will have the least impact on the landscape;
- The route is shorter than the previous application and follows the contours of the landscape.

4.8 **Tree Officer:** No objection, subject to conditions.

5. **Representations**

5.1 24 letters of objection have been received, including from Friends of the South Downs and Maria Caulfield MP, raising the following concerns:

- Previous objectors should have been notified and a longer period given for representations;
- Relies upon the same background documentation as previous submission;
- Will not conserve or enhance the natural beauty of rare, Heritage Coast downland saved from development in 1926 and foundation stone of the SDNP, contrary to NPPF, SDLP policies and National Park's first purpose;
- Intrusive development in prominent location inconsistent with statutory duty of the National Trust;
- Private road that will provide no public benefit and curtail public access and enjoyment of open access land and rights of way;
- Access is not unsafe and previous owners have had no difficulty in accessing the property;
- Will link two properties into a combined 'estate' over public land;
- The length of the track across National Trust land is shorter but still degrades the National Park's special qualities and adversely impacts landscape;
- Will result in significant detrimental visual and aural impacts upon the downland landscape character for immediate residents, local community and visitors who walk in the area;
- The area is undisturbed by any similar formalised tracks which the planning committee previously felt was a special quality of the area;
- Existing crushed chalk surface is already incongruous;
- Vehicles have accessed Crowlink Corner without difficulty for 100 years and no evidence of erosion;
- Proposed track is disproportionate for residential use and sets precedent for further development and roads;
- The new alignment will result in two separate access tracks, with no proposal to remove/restore existing track;
- Concerns regarding noise from vehicles and safety of livestock, wildlife and walkers;

- Impact on the NT field will be significant and ecologically damaging;
- Will create slip hazard across public right of way;
- Will encourage larger vehicles to access the site at speed and park on the downland;
- Impacts on surrounding highway network from construction vehicle movements, removal of 500 tonnes of spoil and bringing in of materials.

5.2 31 letters of support were received raising the following:

- Existing track is unsafe and difficult to use especially in winter;
- Ruts fill with water requiring damaging detours onto the grassland;
- Remedial drainage works at Crowlink Corner cannot be carried out until new access is provided;
- Vehicular access rights already exists across the National Trust land;
- The existing track is barely visible from Crowlink Lane and public rights of way;
- Practical design will be durable and in keeping, maintain the landscape character and is supported by the National Trust;
- Crowlink Lane and other residential properties accesses are unsightly tarmac;
- Will provide clear route for vehicles, protecting wildlife, walkers and livestock;
- Will not result in increased traffic movements;
- Will not harm wildlife habitat or trees;
- Will avoid use of full beam headlights at night.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033**.

6.2 The development plan policies and other material considerations considered relevant to this application are set out in section 7 below.

National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

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

7. Planning Policy

Relevant Government Planning Policy and Guidance

7.1 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), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and 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 also important considerations and should be given great weight in National Parks.

Major Development

7.2 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 177 of the NPPF, and accompanying footnote 60, advising that 'major development' in designated landscapes is a matter for the decision maker, taking into

account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. In this case, the proposal is for the formalisation of a track to an existing dwelling, and officers are of the view that any adverse impacts on the designation as a result of development would not be significant.

National Planning Policy Framework (NPPF)

7.3 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF02 - Achieving sustainable development
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

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

The Development Plan

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

- Strategic Policy SD4: Landscape Character
- Strategic Policy SD5: Design
- Strategic Policy SD6: Safeguarding Views
- Strategic Policy SD7: Relative Tranquillity
- Strategic Policy SD18: The Open Coast
- Development Management Policy SD21: Public Realm, Highway Design and Public Art
- Strategic Policy SD25: Development Strategy

7.6 A full list of policies is included at **Appendix I**.

7.7 The East Dean and Friston Neighbourhood Area, within which the site falls, was designated on 10 April 2019, however the parish has not yet progressed to producing a draft neighbourhood plan.

Partnership Management Plan

7.8 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. The relevant policies include, 1, 3, and 28.

Supplementary Planning Documents

7.9 The East Dean and Friston Village Design Statement was adopted as a supplementary planning document (SPD) on 14 April 2016. The following policies are relevant:

- DG5
- DG7

7.10 The SDNPA Design Guide SPD is also relevant to the application.

8. Planning Assessment

8.1 The main issues for consideration are:

- The principle of development;

- Landscape and visual impacts;
- Ecology and Dark Night Skies;
- Sustainable Construction;
- Access and parking.

Principle of Development

- 8.2 Policy SD1 promotes a presumption in favour of sustainable development where development proposals accord with other relevant policies in the South Downs Local Plan and with National Park Purposes. Permission will be refused where development proposals fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park unless, exceptionally, the benefits of the proposals demonstrably outweigh the great weight to be attached to those interests. Policy SD25 directs new development to within settlement policy boundaries. Exceptionally, proposals outside settlement boundaries may be supported under SD25 2) where these comply with other relevant development plan policies, respond to the context of the relevant broad area; and
- b) There is an essential need for a countryside location.
- 8.3 In this case, the site is located in the designated rural area. Although the majority of the track would be located in an agricultural field, it would be associated with an existing dwelling, and in the main part would replace an existing informal access track along a similar route. Whilst the access track could arguably be considered not strictly 'essential' it would be used to access an existing dwelling which is already in a countryside location and could not be practicably located elsewhere.
- 8.4 Concerns are raised that the proposal would only benefit the personal interests of the applicant, and not the public who use the open access land. However, whilst the track would ostensibly meet the needs of the occupants of Crowlink Corner, it essentially represents a formalisation of an existing informal access across the land, over which the occupants of Crowlink Corner already have a legal right of access. The track would not be fenced off, and would effectively remain as part of the open access land.
- 8.5 It is considered that the acceptability of the proposal in terms of SD25 therefore turns on whether the proposal would be appropriate to the broad area, meet other development plan policies, and conserve and enhance the special qualities and landscape character of this part of the National Park. These and other matters are considered in more detail below.

Design, Landscape and Visual Impacts:

- 8.6 Policy SD25 requires proposals to respond positively to the context of the relevant broad area. Policies SD4 and SD5 require the design of development to adopt a landscape-led approach to improve and enhance the built environment, conserve and enhance existing landscape character features; and be of a scale and nature appropriate to the character and function of the settlement in its landscape context.
- 8.7 Policy SD6 requires proposal to preserve the visual integrity, identity and scenic quality of the National Park, and for views from public rights of way, open access land and other publically accessible areas to be conserved and enhanced. Policy SD7 requires proposals to conserve and enhance relative tranquillity, including the visual and aural environment in the immediate vicinity of the proposals and vehicular movements. Development proposals in highly tranquil areas should conserve and enhance, and not cause harm to, relative tranquillity. Policy SD18 requires proposals within the Sussex Heritage Coast area to be appropriate to the coastal location and conserve and enhance the character of the Heritage Coast.
- 8.8 Policies DG5 and DG7 of the East Dean and Friston Village Design Statement (VDS) requires development to conserve and enhance the natural environment and preserve biodiversity, and to not have an adverse impact on the surrounding countryside or on neighbouring uses and amenities.

- 8.9 The South Downs Integrated Landscape Character Assessment (SDILCA) (2020) identifies a key landscape sensitivity for the wider Open Downland area as the “strong sense of tranquillity and remoteness [which is] being affected by traffic pressure on the roads and tracks that cross the downs and development on the edge of the National Park.” For the Ouse to Eastbourne area, key characteristics include a “strong sense of remoteness and tranquillity... at the same time an accessible landscape with high levels of public access.” Development considerations include the consideration of the effect of any change on the setting of the National Park particularly where there are extensive views over the surrounding landscape. Broader guidance for the wider Open Downland area includes maintaining the essentially open undeveloped character and conserving open skylines.
- 8.10 Concerns have been raised that the proposal fails to conserve and enhance unspoilt downland and public access land in the ownership of the National Trust and that the application does not address previous concerns raised by some Members that any form of formalised track would harm the special quality of the area.
- 8.11 In this case the track would appear broadly similar to that existing, being of a crushed limestone surface which is visually similar to chalk and would be of an agricultural appearance. This would be in accordance with the guidelines set out in the Design Guide SPD, which suggest that surface materials for rural roads and paths should be selected to reflect the rural character of the South Downs.
- 8.12 The vehicle tracks were initially proposed to be 850mm wide, but have been reduced to 600mm with a 1.3m wide central grass strip. The vehicle tracks would be slightly narrower than the existing informal chalk tracks which are around 700mm wide at their narrowest. The base would be constructed using hydraulically bound hardcore which requires a construction depth of 150mm rather than 200mm, and accordingly a reduced amount of both excavation and new material.
- 8.13 The route of the track across the open access land has been located slightly north of the existing route following discussions between the applicant and the National Trust. The new route is considered by the National Trust to have the least impact on the landscape and views from public rights of way, and would avoid lower parts of the field closer to the flint wall, which is prone to waterlogging. Taking the access through land at Crowlink Place rather than from the former field access onto Crowlink Lane also avoids impacts to trees used for shelter by livestock. The track would also lead up to the boundary gate of Crowlink Corner, allowing vehicles to drive into the site where they would park. The existing informal track would be restored to grassland.
- 8.14 The Landscape officer has no objection to the proposals. The track has been designed to follow land contours which is positive and will assist in preventing erosion from water runoff. The clay capping (layer of clay over chalk) present means that careful management of soils during construction and choice of materials is required. Although restoration of the old track is proposed, this should be explored further at condition stage as depending on the surfacing may best regenerate naturally. It is considered appropriate to secure these matters may via the Ecological Design Strategy condition.
- 8.15 The new all-weather access would upgrade the existing, informal field track which would arguably prevent the proliferation of alternative tracks when weather and ground conditions are poor. It would also introduce a level of formality and permanence to rural downland access land within the Heritage Coast which has cultural and historic significance, which is not currently present. However, the landscape and visual harm has been minimised to an acceptable level, given the positive amendments to the routing, and the appearance of the finished track will be similar to that existing.
- 8.16 The proposal is therefore considered to be acceptable from a design and landscape perspective, and capable of complying with SD4, SD5, SD6, SD7, SD18 and SD25, the SDNPA Design Guide SPD and the National Park’s first purpose, subject to suitably worded planning conditions.

Ecology, Ecosystem Services and Dark Night Skies

- 8.17 Policies SD2, SD9 and SD11 support proposals that conserve and enhance biodiversity, trees, hedgerows and woodlands and green infrastructure, and retain, protect and enhance features of biodiversity and supporting habitat.
- 8.18 Policy SD8 requires proposals to take all opportunities to reduce light pollution, and ensure that the measured and observed sky quality in the surrounding area is not affected. The site is located within the Dark Skies Intrinsic Zone of Darkness (E1a), which acts as a buffer to the dark sky core. It is classified as 'dark sky' and includes isolated areas that may not be connected to the main core. In these areas external lighting should be strictly limited and shielded to minimise light spillage, and used only when needed.
- 8.19 The Authority's ecologist has advised that given the nature and scale of the proposed work, there are unlikely to be any significant impacts on the Seaford to Beachy Head Site of Special Scientific Interest, Friston Forest Local Wildlife Site or nearby ancient woodland, or on the nature conservation interests of the National Park. Construction of the new track is likely to result in the temporary loss of 224m² and permanent loss of 476m² of species-poor semi-improved grassland. The temporary loss can be mitigated by sowing the reinstated ground either side of the new tracks with an appropriate grass seed mix, and the permanent loss can be compensated for by restoring the redundant historic tracks to grassland and the creation of a more diverse sward than is currently present. The enhancements recommended in the submitted Preliminary Ecological Appraisal also include gapping-up of existing hedgerows with native species and the provision of bird boxes on trees, both of which are also supported.
- 8.20 The above calculation by the ecologist is based upon the original 850mm wide track design, and the total loss of grassland will in fact be considerably less given that the tracks will now be only 600mm wide. Although the applicant does not have control over the land owned by the National Trust, it is understood that the applicant has agreement in principle from the National Trust that the enhancement measures can proceed.
- 8.21 The tree officer has no objection to the proposals subject to conditions to prevent impacts on nearby trees during construction.
- 8.22 No external lighting is proposed, and it is considered appropriate to include a condition restricting the installation of external lighting without planning permission.
- 8.23 The proposal is therefore capable of complying with SD2, SD8, SD9 and SD11 subject to appropriately worded planning conditions to secure an Ecological Design Strategy and the above ecological measures, tree protection, and restriction of external lighting.

Archaeology

- 8.24 Policy SD16 supports proposals that do not cause harm to archaeological heritage assets and/or their setting.
- 8.25 The site is not located within an Archaeological Notification Area but lies in close proximity to Saxon and medieval deserted village, cemetery and earthworks.
- 8.26 The Authority's archaeologist has assessed the submitted heritage statement, and has raised no concerns, subject to planning conditions to secure an archaeological written scheme of investigation and written record of archaeological works undertaken.

Other matters

- 8.27 Concerns have been raised that the construction of the track would give rise to unacceptable impacts upon the highway network from movements of large vehicles, and impacts from removal of spoil and bringing in of construction materials.
- 8.28 The applicant has advised that the proposal will require the removal of 565 tonnes of chalk and soil, over 40% of which will be deposited in the grounds associated with the adjacent Crowlink Place. Up to 212 tonnes of hardcore and crushed limestone would need to be brought in. Excluding the soils that would be deposited at Crowlink Place, this would

amount to an estimated total 530 tonnes of construction materials requiring vehicle movements.

- 8.29 The ESCC Highway Authority have advised that there may be some restrictions to construction vehicle sizes due to the size, width and visibility of Crowlink Lane. However traffic movements and vehicle size could be suitably controlled by a planning condition to secure a Construction and Environmental Management Plan. Treatment of the excavated soil could be suitably controlled by means of a planning condition to secure a Soil Management Plan.

9. Conclusion

- 9.1 The new track would introduce a level of formality and permanence to rural downland access land within the Heritage Coast which has cultural and historic significance, which is not currently present. However, the landscape and visual impacts would be relatively minor given the appearance of the finished track would be broadly similar to the existing informal track. The proposal is therefore considered to conserve the landscape character of the area without significant conflict with the first Purpose. Some enhancements will also be delivered through the various ecological enhancements, and ongoing landscape and ecological management.
- 9.2 The proposal is considered to be in accordance with the relevant development plan policies, and is therefore recommended for approval.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for approval subject to the following 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 strictly in accordance with the approved plans.

Reason: For the avoidance of doubt and in the interests of proper planning.
 3. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected at the site, 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 the development of land.

Construction

4. Prior to the commencement of the development hereby permitted, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - i) An indicative programme for carrying out the works;
 - ii) The anticipated number, frequency and types of vehicles used during construction;
 - iii) The method of access, egress and routing of vehicles during construction;
 - iv) The parking of vehicles by site operatives and visitors;
 - v) The loading and unloading of plant, materials and waste;

- vi) The storage of plant and materials used in construction of the development;
- vii) No burning of construction materials on site;
- viii) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where necessary);
- ix) Measures to minimise the noise (including vibration) generated by the demolition/construction process to include hours of work;
- x) No work to be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work to be undertaken on Sundays, Bank and Public Holidays;
- xi) Details of any flood lighting, including location, height, type and direction;
- xii) Measures to control the emission of dust and dirt during demolition/construction;
- xiii) Suitable vehicle wheel washing equipment to prevent contamination and damage to the adjacent roads during excavations and construction;
- xiv) Details of public engagement both prior to and during the construction works.

Reason: In the interests of highway safety, the amenities of the area, and the living conditions of nearby residents. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

5. Prior to the commencement of the development hereby permitted, a Soil Resource Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details in accordance with the Defra Code of Practice for the Sustainable use of Soils on Construction Sites. Thereafter the approved plan shall be implemented as approved:
 - i) Survey of soils for removal;
 - ii) Confirmation of the volume of soils to be removed;
 - iii) Method of stripping, stockpiling, and placing soils, including haulage routes;
 - iv) Location, height, and extent of stockpiles by soil types, and their management;
 - v) A scheme for recycling/disposing of the excavated spoil from the site, to include location and nature of any soil/spoil distribution;
 - vi) Protection of newly soiled areas;
 - vii) Principles of soil management which minimise the need for soil removal where possible and appropriate.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character, in accordance with SD4, SD5 and SD18.

Design and Landscaping

6. Prior to the commencement of the development hereby permitted, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of, but not be limited to, :
 - i) Details of locally appropriate surfacing materials;
 - ii) Proposed planting plans and strategy, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment;

- iii) Schedules of plants and trees, which shall be locally characteristic, native species, achieving climate regulation and where possible maximised tree canopies, noting species, sizes; and proposed numbers/densities where appropriate;
- iv) Native seed mix for grassed areas, which shall be informed by a soil test;
- v) Retained areas of grassland cover, scrub, hedgerow, and trees;
- vi) A timetable for implementation of the soft and hard landscaping works.
- vii) A schedule of landscape maintenance for a minimum period of 5 years to include details of the arrangements for its implementation.

All soft landscaping shall be carried out in the first planting and seeding season following the completion of the development. All shrub and tree planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees 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.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape, in accordance with SD2, SD4, SD5 and SD18, and the SDNPA Design Guide SPD. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

Archaeology

7. Prior to the commencement of the development hereby permitted, a Written Scheme of Investigation to secure the implementation of a programme of archaeological assessment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the provisions of the scheme shall be carried out in full accordance with the approved programme.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets in accordance with policies SD12 and SD16 and the NPPF. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

8. Prior to the first use of the development hereby permitted, the archaeological site investigation and a report, setting out and securing any post-excavation assessment, specialist analysis and reports, publication and dissemination of results and archive deposition as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post-excavation assessment shall be undertaken in full accordance with the written scheme of investigation approved under condition 10.

Reason: To contribute to our knowledge and understanding of the past by ensuring the recording of any items of historical or archaeological interest, and to make this publicly available in accordance with policies SD12 and SD16 and the NPPF.

Ecology and Trees

9. Prior to the commencement of the development hereby permitted, an Ecological Design Strategy (EDS) addressing the compensation of lost grassland and enhancement of existing semi-natural habitats such as hedgerows and provision of bird/bat boxes, to provide biodiversity net gain, shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include, but not be limited to, the following:
 - i) Purpose and conservation objectives for the proposed works, to include and not be limited to:
 - a) Soil management;
 - b) Protection and restoration of existing vegetation;
 - c) Minimal land take;

- d) Prevention of damage by construction vehicles
- e) Details of restoration of the redundant informal track;
- ii) Review of site potential and constraints;
- iii) Detailed design(s) and/or working method(s) to achieve stated objectives;
- iv) Extent and location /area of proposed works and Biodiversity Protection Zones on appropriate scale maps and plans;
- v) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- vi) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- vii) Persons responsible for implementing the works;
- viii) Details of characteristic habitats and species to be created;
- ix) Details of initial aftercare and long-term maintenance;
- x) Details for monitoring and remedial measures;
- xi) Details for disposal of any wastes arising from works
- xii) Written approval of the EDS from the National Trust.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, policies SD2 and SD9 and the NPPF. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

10. Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) covering the areas of semi-improved grassland, shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not be limited to, the following:
- i) A description, plan and evaluation of landscape and ecological features to be managed;
 - ii) Measures setting out how the development will:
 - a) Conserve water resources and improve water quality;
 - b) Protect and provide more, better and joined up natural habitats;
 - c) Improve the National Park's resilience to, and mitigation of, climate change;
 - d) Increase the ability to store carbon;
 - e) Conserve and enhance soils.
 - iii) Detailed working methodologies for installation and maintenance of pathways and boundary treatments;
 - iv) Ecological trends and constraints on site that might influence management;
 - v) Details of future management of both areas for habitats and species, including details of management responsibility;
 - vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - vii) A scheme of ongoing monitoring, and remedial measures where appropriate;

- viii) Details of any legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer in partnership with any management body(ies) responsible for its delivery.

The approved LEMP will be implemented in full accordance with the approved details. Where deemed necessary by the Local Planning Authority shall include contingencies and/or remedial action to be further agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met.

Reason: To achieve an appropriate landscaping scheme which will contribute to the setting of the development and the surrounding character and appearance of the area, and secure ecological mitigation measures and biodiversity net gain, in accordance with SD2 and SD9. This is required to be a pre-commencement condition because there is no 'slab level' phase and it is therefore necessary to have agreed such details prior to commencing any building works.

11. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect trees to be retained on the site during construction works in the interest of the visual amenities of the area, in accordance with SD11.

12. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, topped, lopped or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the South Downs National Park Authority:
- i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
 - iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations.
 - v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
 - vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, in accordance with SD11.

Lighting and Dark Night Skies

13. No external lighting shall be installed within the site.

Reason: In the interests of amenity and to protect the South Downs International Dark Skies Reserve in accordance with SD8 and SD9.

Informatives

1. A SDNP Oak Bridleway fingerpost should be installed at the junction of the new access track and Bridleway 20a. Purchase and delivery of the signpost can be arranged with the ESCC Public Rights of Way Team by contacting matthew.harper@eastsussex.gov.uk
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present adjacent to the works and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

11. Crime and Disorder Implications

- 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. The assessment of this application has been carried out without prejudice or discrimination and it is not considered that the proposals would interfere with Human Rights. The proposed development would not infringe the rights of the applicant, the settled community or neighbouring residents to the development.

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

South Downs National Park Authority

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Appendices:

1. Information for determination at committee
2. Previous planning committee reports
3. Previous planning committee minutes

SDNPA Consultees: Director of Planning, Legal Services

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

[National Planning Policy Framework \(2021\)](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan \(2020-25\)](#)

[East Dean and Friston Village Design Statement \(Apr 2016\)](#)

[SDNPA Design Guide SPD \(Aug 2022\)](#)

[SDNPA Biodiversity TAN \(Jan 2022\)](#)

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 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 not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

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 Relevant 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 SD7: Relative Tranquillity
- Strategic Policy SD8: Dark Night Skies
- Strategic Policy SD9: Biodiversity and Geodiversity
- Strategic Policy SD12: Historic Environment
- Development Management Policy SD13: Listed Buildings
- Development Management Policy SD14: Climate Change Mitigation and Adaptation of Historic Buildings
- Development Management Policy SD16: Archaeology
- Strategic Policy SD17: Protection of the Water Environment
- Strategic Policy SD18: The Open Coast
- Strategic Policy SD19: Transport and Accessibility
- Development Management Policy SD22: Parking Provision
- Strategic Policy SD25: Development Strategy
- Strategic Policy SD27: Mix of Homes
- Strategic Policy SD28: Affordable Homes
- Strategic Policy SD29: Rural Exception Sites
- Development Management Policy SD43: New and Existing Community Facilities
- Strategic Policy SD45: Green Infrastructure
- Strategic Policy SD48: Climate Change and Sustainable Use of Resources
- Development Management Policy SD50: Sustainable Drainage Systems

Legislation for heritage assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission and listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 (as amended) relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

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

Proactive Working

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