



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 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

Contact Officer: Stella New

Tel: 01730 819216

email: stella.new@southdowns.gov.uk

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

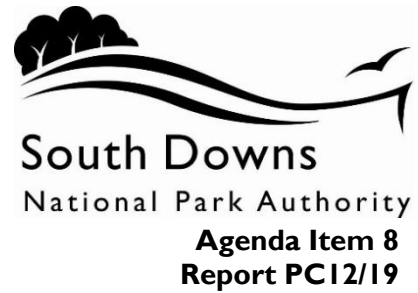
Due regard has been taken within this application of the South Downs National Park Authority’s equality duty as contained within the Equality Act 2010.

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.



Report to	Planning Committee
Date	14 March 2019
By	Director of Planning
Local Authority	SDNPA (Wealden District Council)
Application Number	SDNP/18/03970/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 to provide a safer access to serve Crowlink Corner
Address	Land adjacent to Crowlink Corner, Crowlink Lane, Friston, East Sussex, BN20 0AX

Recommendation: That planning permission be granted for the reasons and subject to the conditions set out in Section 10 of this report.

Executive Summary

This application for the formation of an access track across an agricultural field to a residential property was deferred from Committee in November (Original report is attached as **Appendix 2**) to allow officers to seek clarification on a number of issues which are listed below.

- Ownership of the land where the track is proposed, and also the fenced enclosure to the immediate west of the cottage.
- Whether, irrespective of planning permission, the land owner could refuse for the works to be carried out.
- An indication of the surfacing materials.
- If the planning application from 2009 relating to the cottage, (planning refusal for the demolition of the property and building of a replacement dwelling), was part of the planning history and whether the decision reached was still extant.
- The contents of the submitted tree report, which trees they referred to, whether they lie within the red outline of the site and whether the works proposed were related to the development proposed.
- The use of the cottage as a holiday let/Airbnb and whether this requires a change of use.
- Whether details concerning excavation in conveyance documents lie within the consideration of this application.
- Whether access is only required for the cottage.
- The details of the arrangements to dispose of the spoil.
- Whether the National Trust, as landowner, has a right to develop a track for agricultural purposes.

Officers have received clarification in relation to these issues which are addressed in detail in the main assessment of the proposals. In addition, following the deferral of the application, the applicant submitted amended plans which removed the proposed turning area adjacent to the enclosure by the cottage and also have reduced the width of the track from 2.75m to 2.5m.

It is considered that the loss of the turning area is an acceptable amendment and will prevent one particular area from being used and impacted over a long period. It is considered that the lack of a turning area could not be sustained as a refusal on highway grounds, given that there is a significant length of the track along which users could informally turn and leave the site in a forward gear.

In addition, the reduction of the width of the track will further reduce the visual impact of the track in the surrounding area.

Given the additional information submitted and clarification received, officers consider the proposal to be acceptable on balance and permission is recommended.

The application is before Committee for consideration given the earlier deferral.

1. Site description

- 1.1 The application site is located approximately 1km South-West of Friston/East Dean, 1km north of Birling Gap, on the heritage coast, in an open location. The agricultural fields in which the site is located was, according to Friends of the South Downs, bought by the South Downs Society (originally known as The Society for Sussex Downsmen) in 1928 and subsequently gifted to the National Trust. The owner of Crowlink Corner has access rights across National Trust land to their dwelling. As the site is owned by the National Trust agreement with the land owner would need to be found before planning permission for a new track is implemented. Any covenants or legal requirements in relation to the land between the owner and the applicant would be a civil matter outside the consideration of this application. The small enclosure to the immediate west of the residential property is also owned by the National Trust and leased to the applicant for the purpose of car parking.
- 1.2 The proposed track would connect Crowlink Lane with the applicant's residential property known as Crowlink Corner. Crowlink Lane connects a number of residential properties and a National Trust car park with the A259. The field entrance which the proposed track would utilise is visible from two properties - Grey Walls and Glebeland cottage, on Crowlink Lane. Crowlink Corner has been used as an Airbnb in the past, but is currently used by the owner while works to a second property, Crowlink Place, are undertaken.
- 1.3 The proposed track would follow an existing hedgerow with barbed wire fence for approximately 100m from Crowlink Lane. The track would then follow an existing flint wall measuring 1 - 1.5m in height, to Crowlink Corner. The proposed track would run 6m south of the hedgerow and flint wall and would cross a public right of way close to where the line of trees and flint wall meet. There is also a public right of way close to the field entrance.

2. Relevant planning history

- 2.1 SDNP/18/03799/HOUS Crowlink Place
Extension to the front elevation to form a new west wing with single storey additions to the front elevation at ground floor. Demolition of the existing UPVC conservatory and existing rear (north side) single storey extension. New single story orangery to east elevation. Replacement of all the existing UPVC windows with timber framed double glazed casements for paint finish. Alterations to the landscape to provide revised parking arrangements and pedestrian access to the house. Permission granted 3rd October 2018.
- 2.2 WD/2008/2811/F Crowlink Corner
Demolition of existing substandard bungalow and replacement with new sustainable dwelling. Planning permission refused 22nd December 2008.
- 2.3 SDNP/16/05742/DINPP Chalk and geogrid driveway running from Crowlink Lane to Crowlink Corner (approximately 360m long and 3m wide) - Confirmed that planning permission would be required. 7th December 2016.
- 2.4 WD/1980/2754/F Crowlink Corner
Kitchen extension. Approved 1st October 2 1980.

3. Proposal

- 3.1 The application seeks to improve vehicular access to a residential property named Crowlink Corner by obtaining planning permission to construct a 360m long two wheel access track between Crowlink Corner and Crowlink Lane. The proposed track would measure 2.5 metres in width (having first been proposed at 2.75m in width). The track would replace existing informal and unmarked access across the field which uses a similar route, but starts 100m from the proposed field entrance on Crowlink Lane. The proposed track would be constructed from a Geotextile layer onto which 200mm of hardcore would be deposited

to create a sub-base. The sub-base would then be topped with 100mm of natural limestone and would have a 0.8m central grass strip along its entire length. Each crushed limestone track would measure 0.85m in width, separated from each other by the grass strip. The crushed hardcore sub-bases onto which the crushed limestone would be deposited would each measure 1.25m in width. The track would lie flat with the surrounding field, which would allow grass to grow over the edges of track.

- 3.2 The proposed track would cross East Dean and Friston Public Bridleway approximately 100m into the site. A new signpost would be installed at the point at which the track would cross the bridleway.
- 3.3 In response to an objection from the National Trust the applicant removed the turning area from the submitted plans. As a result of this amendment cars would be able to turn at any point along the track, thereby reducing the risk of erosion on any one particular area. Cars would park in the fenced enclosure area, owned by the National Trust, situated in front of Crowlink Corner. An ongoing arrangement between the National Trust and owner of Crowlink Corner has allowed cars to be parked in this area.
- 3.4 The proposal has been amended in respect of trees and now only proposes works to one tree which is located close to Crowlink Lane and overhangs the route of the proposed track. This tree would be pruned accordingly. Tree protection measures have been proposed in the updated Arboricultural report to protect trees in the vicinity of the proposed track. Measures include tree protection fencing and the identification of areas of “no-dig hardstanding”. The amount of material excavated from the no-dig hardstanding areas would be restricted to limit the impact of underlying roots. Details of works to be undertaken in the ‘no dig hardstanding’ areas would be controlled by conditions.

4. Consultations

4.1 Landscape Officer – No objection subject to conditions

- The proposal could comply with paragraph 172 and NPPF Section 12, paragraph 130.
- Mitigation for potential impacts would be built into the design of the track.
- The submitted Landscape and Visual Assessment is considered to be a fair and accurate assessment of the likely impacts of the proposals on landscape and visual amenity.

Response to further consultation

No further comments made.

4.2 Principal Rights of Way Officer Comments

There appears to us to be no reason to believe that this application will conflict with the use of Bridleway East Dean and Friston 20a.

The bridleway will be less impacted than it potentially would be if it was on the same alignment as the proposed track, as is the case on many bridleways. The frequency of vehicle use is unlikely to reach levels which would cause a significant nuisance to bridleway users. The open aspect of the location should allow both vehicle and bridleway users to take the appropriate action to avoid any conflict and any drivers unfamiliar with the location should be alerted to the bridleway by the proposed signpost.

The proposed construction and appearance of the track should serve to limit vehicle speeds. We would therefore support the condition proposed by the County Council’s Landscape Architect to ensure that the surface and appearance of the track cannot be upgraded in the future.

Response to further consultation

No further comments made.

4.3 Access Team Comments

The Rights of Way Officer welcomes the use of a rural specification for this access track. There are 2 public rights of way traversing the field through which the proposed two wheel access track also traverses (Eastdean and Friston 20a and 12a). All 3 of the routes converge on the gateway at Crowlink Lane. There is potential that once upgraded the public will walk or ride down this track inadvertently as it will be the most prominent of the three routes.

The Public Rights of Way Officer therefore suggests that the applicant liaises with East Sussex County Council to ensure there is a suitable fingerpost of South Downs National Park specification at the gateway directing the public along the correct routes.

Response to further consultation

No further comments made.

4.4 Highways – No Comment

The Highways officer did not consider it necessary to provide formal Highway Authority comments but advised the LPA to consult the minor planning application guidance (2017).

The planning application should identify if there is any effect on public rights of way.

The minimum width to allow emergency service access is 2.7m. The proposal for track widths looks to be acceptable as it may have to cater for not only cars but also vans and fire tenders.

Response to further consultation

No further comments made.

4.5 County Ecologist – No objection

Provided the proposed mitigation measures are carried out, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. Gapping up of existing hedgerows and the provision of bat boxes will help enhance the site for biodiversity in line with the NERC Act and NPPF.

Response to further consultation

No further comments made.

4.6 Archaeologist – No objection subject to condition

The proposed development is of archaeological interest due to its location within an area that has been heavily utilised and settled from at least the Bronze Age period. The Historic Environment Record (HER) notes earthworks in this field, which may relate to a prehistoric or medieval field system. Also in the vicinity the HER notes discoveries of human burials, prehistoric flint tools and a deserted medieval village.

The proposed groundworks to create the formation level of this road will undoubtedly encounter buried archaeological remains and finds.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England).

Response to further consultation

No recommendations to make further to those submitted on 21/08/2018 recommending an archaeological mitigation condition.

4.7 East Dean and Friston Parish Council - Object

- The development would be contrary to a protective covenant in three respects:
 - It would support a business as Crowlink Corner.
 - It would require excavation works.
 - It would cause a public nuisance.
- It would harm the surrounding landscape.
- The existing access is adequate.
- The proposed route runs parallel to the private right of way, but a little further into the field.
- Inadequate consultation between the applicant, members of the public and the National Trust.
- In-sufficient information regarding the turning area.
- The turning area may be used for parking.

- Insufficient information has been provided with regards to ecological impact and the Design and Access statement.

Response to further consultation – Objection

- The proposed track is a major engineering project – 360m in length and would generate approximately 544 tons of spoil and would require the use of significant plant and machinery.
- Spoil would be sent to a licensed landfill.
- 430 tons of material would be imported onto the site.
- Impact on public bridleway and health and safety issues for people and livestock.
- The proposed works would lead to long-term damage to Crowlink Lane.
- Historic archaeological deposits would be lost.
- The proposal involves tree works to trees outside the boundary of the red line.
- The Ecology Report referred to by the County Ecologist is not available from the SDNPA website. (*Officer Comment: The report is available to view on the Authority website*)
- Lack of parking on the Crowlink Corner site. Cars would therefore park on the turning area.
- The use of grass matting would be preferable to the proposed method of construction.
- The proposed works are not sufficiently discrete.

Additional comments provided 20th February 2019

- Issues related to the trees have largely been resolved. The Parish committee stressed a preference for no dig solutions.
- The issue of parking is still unresolved.
- The use of limestone is considered acceptable.
- Construction traffic which would need to travel along Crowlink Lane – is a concern.

4.8 South Downs Society – Object

- Crowlink Corner is being advertised for let as holiday accommodation.
- The development would harm valuable chalk grassland by introducing a hard surface.
- The land on which the proposed track is located is public access land, owned by the National Trust.
- The minimum width should be used to lessen the track's visual impact.
- Crushed chalk and flint would be preferable materials.

4.9 National Trust (land owner) – Object

The Trust has objected to the current proposal because we do not wish to see any form of turning circle, surfaced or unsurfaced on its land. Should a turning circle be required then it should be on the applicant's land. This could be achieved by bringing the route of the two wheeled track, where it meets the boundary of the applicant's land, to the south. The applicant currently has a licence for the land to the north where the two wheeled track is currently proposed to enter their boundary – however this is only on an annual basis and the land concerned is inalienable.

Overall, the Trust feels that the two wheeled track as proposed is too wide and should be limited to something that would accommodate usual domestic traffic. The route should where possible follow the historic route where there is an existing gate out on to the lane.

Additional Comments

The Trust notes the removal of the turning head and this is welcomed. The Trust however is disappointed that the width of the track has not been further reduced and therefore maintain an objection. The Trust considers the overall width could be reduced given that this track is primarily for access by domestic scale vehicles to a modern residential dwelling.

The trust welcomes the retention of tree TI and notes the track can be achieved through the Corsican Pines without impacting on them, provided the proposal includes no digging.

The Trust considers an additional condition is required for a Construction Management Plan.

4.10 **Tree Officer**

The Tree Officer asked a number of questions which were subsequently answered by the applicant's agent. Should the application be approved a number of conditions are recommended which relate to the protection of existing trees.

Further comments – No objection subject to conditions

- Clarification has now been provided regarding retention of tree specimens T15 – T21.
- Tree specimen T1 is now being retained.
- Tree protective fencing (tree construction exclusion zones) have now been depicted for trees T20 - T27 on the revised tree removal / protection plan, sheet 2 of 2, TPP-01 Rev 3, and a tree fencing specification provided later in this document.

5. Representations

5.1 Detail of representations on the original submission can be found in **Appendix 2**. Objections and letters received since Planning Committee on 8th November 2019 raise similar issues to those originally made.

5.2 Additional points are listed as follows:

Objections

- Cars park in the field owned by the National Trust on a regular basis (photographs provided).
- The National Trust will not allow parking or turning on their land. The issue of where cars park and turn has not been resolved.
- The National Trust should not exercise its development rights to allow the application to construct the proposed extensive track due to its detrimental impact on landscape and the environment given that the National Trust has a statutory duty to protect property in its care for the benefit of the nation. Planning permission should not be given which would permit or encourage a breach of statutory duty by the NT.
- No justification or legal basis for the proposed track.
- The rules of the conveyance do not allow the construction of the proposed track.
- Development rights remain with the National Trust as the owners of the land – not the applicant.
- Potential damage to tree roots.

Joint residents' response – objection endorsed by 16 local residents and regular walkers at Crowlink

- Reasons for objection provided during previous consultation still apply and include the provenance of an important area of land and the potential for urbanisation of a protected wild landscape.
- Trees, in particular the 6 mature Corsican pines inadequately protected.
- The submitted arboricultural report (2018) is inaccurate.
- The width of the track is too wide and would be too obtrusive.
- Parking issues have not been resolved.

The removal of spoil would pose a Health and Safety hazard – as it would need to be transported via a narrow lane (Crowlink Lane).

- A construction plan should be provided to manage this project.
Maria Caulfield (MP)
- The land in question is part of the SDNP and the National Trust. The public, with the Sussex Downsmen, in 1926 bought this land for the sole purpose of preserving it in perpetuity for the peaceful enjoyment of the public and wildlife.
- There is an inalienable right for people to come and go, but there is no right of way for vehicles. This is not the applicant's land and they have no more right to it than any other member of the public. The National Trust have objected to the proposal.
- The proposal would not comply with NPPF Sec 15 for conserving and enhancing the natural environment, particularly paragraphs 170 and 172.
- The turning circle within the field brings an additional unwelcome urban influence on the surrounding landscape that is out of character and should not be allowed.

- Many comments supporting the application state that they have visited the site for decades and have managed to access the property without a track. The lack of a track has not deterred them from continuing to visit the property therefore a track is not necessary.

5.3 Comments made in support

- The proposal would benefit members of the public as it would reduce the likelihood of injury due to uneven ground and tyre tracks. This will preserve the ecology from further damage caused by environmental factors and the need of vehicle access.
- Residents of Crowlink Lane built a track to the lower part of Crowlink Lane out of necessity to access their homes approximately 15 years ago. The proposed track is more natural looking than the tarmacked track which extends along Crowlink Lane.
- The new proposed width of 2.5m to match that of the tracks that all other residents on Crowlink Lane enjoy seems only fair.
- The applicant has gone to great lengths to employ the most sympathetic design possible.
- The amendments which have been made to the proposal shows the applicant's willingness to listen to concerns.

6. **Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises the saved policies of the Wealden District Council Local Plan (1998) and the Wealden District Council and South Downs National Park: Wealden Core Strategy Local Plan (2013). The relevant policies are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

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

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

National Planning Policy Framework (2018) and Circular 2010

6.3 The National Planning Policy Framework (2018) is considered holistically although the following sections are of particular relevance to the application.

- Section 2: Achieving Sustainable Development
- Section 4: Decision-making
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Paragraph 172 conserving and enhancing landscape and scenic beauty in National Parks.

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

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving 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.

The development plan policies listed in Section 7 have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs Partnership Management Plan (PMP) 2013

- 6.4 The PMP outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in planning applications. The following policies are relevant: 1, 3 and 28

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

The South Downs Local Plan

- 6.5 The Pre-Submission version of the South Downs Local Plan (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

7. Planning Policy

- 7.1 The relevant saved policies in the Wealden District Local Plan (1998) are:

- EN 12 Protection of trees and woodlands
- EN 29 Light pollution

- 7.2 The relevant saved policies in the Wealden District Council and South Downs National Park Authority: Wealden Core Strategy Local Plan (2013)

- CPI Landscape and Townscape Character
- CP2 Environmental Quality

- 7.3 The relevant policies in the South Downs National Park Local Plan - Submission 2017 are:

- Policy SD1 Sustainable Development
- Policy SD2 Ecosystem Services
- Policy SD4 Landscape Character
- Policy SD8 Dark Night Skies
- Policy SD11 Trees, Woodland and Hedgerows

- 7.4 The relevant policies in the East Dean and Friston Village Design Statement are:

- Policy DG5
- Policy DG7

8. Planning Assessment

- 8.1 This planning assessment concentrates on the issues on which Members sought clarification at the November 2018 Committee, (as set out in the executive summary).

Ownership/civil matters

- 8.2 Whilst the National Trust owns the fields which surround Crowlink Corner (and which form part of the application site where the access track is proposed), the applicant – the owner of Crowlink Corner has right of access to her property, across National Trust land through a legal agreement. The small fenced area to the west of Crowlink Corner is owned by the National Trust and is leased to the applicant for the purposes of parking up to two cars. This is a long standing arrangement which the previous occupier of Crowlink Corner also benefited from. The proposal would not increase the number of people visiting Crowlink Corner and as such, parking requirements should not increase. Whilst the fenced area is small, it would be possible to manoeuvre a car within this area.

- 8.3 The hammerhead turning area has been removed from the plans. This is in response to concerns from the National Trust. No change to the existing arrangement for drivers has been proposed. Vehicles would be able to turn at any point along the track. This reduces the risk of erosion on any one particular area.

- 8.4 The conveyance appears to prevent excavation of the land, however the requirements of the conveyance is a civil matter, not a planning matter. Secondly, it should be noted that the proposed track would only disturb the top 300mm of ground.

Impact on trees

- 8.5 The applicant reduced the number of trees affected by the development to one Ash tree which overhangs the line of the proposed track and is on land owned by the National Trust. Whilst works to other trees were initially proposed, for reason of good tree management, these works were not considered necessary for the construction of the track. For this reason the proposal has been amended and a number of tree protection measures such as fencing and the identification of no-dig areas have been proposed. These tree protection measures are proposed at both the eastern and western ends of the track. No trees grow near the centre of the track. These measures are supported by the SDNPA and Wealden District Council Tree Officer.

Use of cottage

- 8.6 The applicant currently lives at Crowlink Corner and intends to live there until construction work at Crowlink Place, the applicant's primary house of residence, has been completed. This work is expected to be completed in 2020. At the previous Committee, Members questioned if the use of Crowlink Corner as an AirBnB required planning permission, it is confirmed that such a use would not require planning consent. Also, it is beyond the remit of this report to consider what future proposals the applicant may wish to pursue. Should members of the public suspect an unauthorised use of the land they should contact the Enforcement team at the SDNPA accordingly.

Other issues

- 8.7 The Highways Authority advises that the minimum width needed for emergency service access is 2.7m. Whilst the proposed width of the track is 2.5m, the Planning Authority considers that the proposal would significantly improve vehicular access to the site and as such should be supported. It must also be noted that the primary purpose is for domestic traffic as opposed to large vehicles or service vehicles.
- 8.8 Many of the representations submitted by people who have visited Crowlink Corner from Crowlink Lane noted the difficulty of accessing the site – especially in wet weather and in foggy conditions. Therefore, on balance, the need for the track has been justified to the SDNPA.
- The applicant's agent has provided a sample of Limestone which would be used in the construction of the track and is considered to be appropriate.

Proposed materials and arrangements to dispose of spoil

- 8.9 The details of the conveyance state that there would be no excavation. The legal requirements of the conveyance are not a planning matter and the proposed works would only affect the top 300mm of ground.
- 8.10 The applicant's agent has confirmed that 300 cubic metres would require removal. This material would be taken to a local East Sussex recycling facility for reprocessing. Some topsoil disturbed during construction would be reused on site. A condition has been proposed to ensure a detailed construction management plan is submitted and approved before development takes place. This will ensure material is imported and exported safely to/from the site.

Principle of the development and Landscape impact

- 8.11 Paragraph 10 of the NPPF and Wealden District Local Plan policy WCS14 Presumption in Favour of Sustainable Development encourages the Local Planning Authority to take a positive approach that reflects the presumption in favour of sustainable development. It encourages LPAs to work with applicants to improve the economic, social and environmental conditions in the area.

- 8.12 The principle of the development which is to construct a track across the field to serve a residential property is reasonable as, whilst it would have minimal impact on the economy or the environment it would improve the living conditions for the applicant.
- 8.13 Although the site is in a location of landscape value, due to the nature of the proposal the Landscape Officer raised no objection. The track has been designed to look rural and in keeping with the surrounding area. Whilst users of Public Rights of Way and residents at Grey Walls and Glebeland cottage may be able to see the proposed track, the existing flint wall would help to screen the track from distant views.
- 8.14 Policy SD4: Landscape Character of the South Downs Local Plan (2018) states that development proposals will only be permitted where they conserve and enhance landscape character. The track has been designed so that in time it will blend into the landscape through the use of crushed limestone and the incorporation of a central grass strip. In addition, the track will ensure large areas of the field are not eroded by vehicles travelling across the field and in this respect offers a landscape enhancement. No objection has been received from the Landscape Officer and officers consider on balance, that the requirements of policy SD4 have been met. On balance the proposal is not considered to result in an unacceptable impact on the surrounding landscape and is therefore consistent with Section 15: Conserving and Enhancing the natural environment of the NPPF(2018) and South Downs Local Plan (2017) policy SD4: Landscape Character.
- 8.15 The width of the proposed track was 2.75m, but following concerns relating to landscape impact and discussion with Members during Planning Committee in November 2018, has been reduced to 2.5m. The track would include a central grass strip and would use natural limestone (which is from the same geological family as chalk, but is more durable) and does not retain hard edges. These elements of the proposal as well as the removal of the turning area and retention of existing trees would reduce the landscape impact of the proposal, whilst improving access to Crowlink Corner.
- 8.16 The SDNPA's planning assessment on issues relating to intensification of use, noise and tranquillity, the monitoring and enforcement of the track, potential for the proposal to set a precedent and ecological impact are discussed in the Planning Assessment section of **Appendix 2**. The views expressed in the original report on these issues have not changed since the deferral of the application or in light of the amended details.

9. Conclusion

- 9.1 The proposed development would improve vehicular access to Crowlink Corner and would not have an unacceptable impact on the surrounding landscape (SDLP policies SD1 and SD4). The changes which have been made to the proposal - the removal of the formal turning area from the submitted plans, the reduction in the width of the track and the assurance that only one tree would be affected by the development would reduce the impact of the proposed development on the surroundings and the landscape. The one tree which would be affected would be pruned so that the branch which currently overhangs the line of the proposed track would not pose a hazard. These works are considered acceptable to the SDNPA and Wealden District Council Tree Officer.
- 9.2 The proposal would not result in an increase in traffic and as such would not affect the tranquillity of the area (SDLP policy SD7), dark night skies (SDLP policy SD8 and Wealden District Council Local Plan policy EN29) or cause an increased risk of harm to livestock or people. In addition the proposed development would not have an unacceptable impact on ecology (SDLP policy SD9) or on Public Rights of Way (Partnership Plan policy 28) and as such should be permitted.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for approval subject to the following conditions:-
- I. 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 of the Town and Country Planning Act 1990 (as amended).

2. Archaeology

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 by the applicant and approved in writing by the Local Planning Authority.

A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

3. Prior Notification

A minimum of 14 working days' prior notice of the commencement date of development shall be given in writing to the South Downs National Park Authority.

Reason: To enable the nominated archaeological organisation to be notified in advance of the development commencing in accordance with South Downs Local Plan (2018) Policy SD16.

4. External Lighting

No external lighting or floodlighting shall be installed without the prior written approval of the South Downs National Park Authority. Any that is installed with the permission of the South Downs National Park Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with South Downs Local Plan (2017) policy SD8: Dark Night Skies.

5. Wheel Washing

No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the South Downs National Park Authority in writing and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: In the interest of highway safety.

6. Materials

The sub-base of the track hereby permitted shall be constructed from a Geotextile membrane and 200mm of crushed hardcore only. The surface of the track shall be made of crushed limestone with a depth of 100mm and shall be constructed as shown on submitted drawing titled Typical Section received 8th January 2019.

Reason: To limit the development to that applied for.

7. Grass strip

The track hereby permitted shall include a 0.8m wide grass strip which shall run along the centre of the entire track, as shown on submitted drawing titled Typical Section received 8th January 2019.

Reason: To limit the development to that applied for and to reduce the landscape impact of the development in accordance in Local Plan policy SD4: Landscape Character

8. Procurement of bat and bird boxes and improvement of existing hedgerow

Prior to commencement of development, the specification and locations of bat and bird boxes to be incorporated into the development and planting details to infill the existing hedgerow shall be submitted for written approval

to the South Downs National Park Authority. Development shall subsequently proceed in accordance with any such approved details and the boxes shall be maintained and retained permanently as such thereafter.

Reason: To enhance biodiversity in accordance with South Downs Local Plan (2017) Policy SD9.

9. Timing of vegetation removal

No works to the Ash tree identified in the Arboricultural Report (February 2019) as T1 shall take place between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the South Downs National Park Authority.

Reason: To ensure that animals are protected and their habitats enhanced, in accordance with the Wildlife and Countryside Act 1981 and the NPPF.

10. Vegetation

No trees or hedgerows shall be removed.

Reason: To ensure that animals are protected and their habitats enhanced, in accordance with the Wildlife and Countryside Act 1981 and the NPPF.

11. Protection of existing trees to be retained

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the South Downs National Park 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: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area.

12. Protection - No Works near Trees and or Hedgerows

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 South Downs National Park 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 & 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.

13. No-Dig Hardstanding areas

No development shall take place until the details of the works required within the areas defined as “No-Dig Hardstanding” on Arboricultural report (February 2019) have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of ecology.

14. The surface treatment of the track shall not be upgraded/altered or changed without the prior written consent of the Local Planning Authority.

Reason: To limit the impact on the surrounding landscape.

15. Construction management plan

No development shall take place until a detailed construction management plan has been submitted to and approved in writing by the South Downs National Park Authority. The construction management plan shall be implemented in full. The construction management plan shall include the following:

- a. measures used to ensure the safe removal of material from site,
- b. measures used to ensure the safe importation of material to the site,
- c. equipment used during the construction of the track,
- d. the hours in which the track would be constructed.

Reason: In order to protect the amenity of the area.

11. Crime and Disorder Implication

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of pre-application advice from the SDNPA Development Management Officer the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

Tim Slaney

Director of Planning

South Downs National Park Authority

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Appendices: 1. Site Location Map
2. Committee Report (**SDNP/18/03970/FUL**) November 2018.

SDNPA Consultees: Legal Services, Director of Planning.

Background Documents: All planning application plans, supporting documents, consultations and third party responses
<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

National Planning Policy Framework (2018)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

South Downs National Park Partnership Management Plan 2013

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

Wealden District Council (1998): Wealden District Local Plan

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Former_Local_Plan/Planning_Adopted_Wealden_Local_Plan_1998.aspx

Wealden District Council and South Downs National Park Authority: Wealden Core Strategy Local Plan (2013)

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/CoreStrategy/Core_Strategy_Local_Plan.aspx

East Dean and Friston Village Design Statement

<https://www.southdowns.gov.uk/planning/community-planning/village-design-statements/>

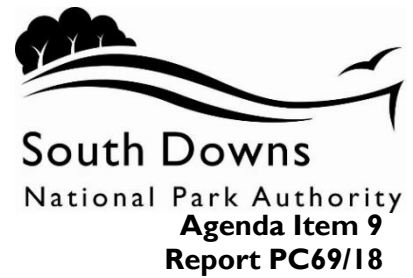
Appendix 2

Site Location Map



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Appendix 2



Report to	Planning Committee
Date	8 November 2018
By	Director of Planning
Local Authority	South Downs National Park Authority
Application Number	SDNP/18/03970/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 to provide a safer access to serve Crowlink Corner
Address	Land adjacent to Crowlink Corner, Crowlink Lane, Friston, East Sussex BN20 0AX

Recommendation: That planning permission be granted for the reasons and subject to the conditions set out in Section 10 of this report.

Executive Summary

The proposed development would improve vehicular access to Crowlink Corner and would not have an unacceptable impact on the surrounding landscape (SDLP policy SD4). It would not result in an increase in traffic and as such would not affect the tranquillity of the area (SDLP policy SD7), dark night skies (SDLP policy SD8 and Wealden District Council Local Plan policy EN29), nor would it cause an increased risk of harm to livestock or people. In addition, the proposed development would not have an unacceptable impact on ecology (SDLP policy SD9) or on Public Rights of Way (Partnership Plan policy 28). For these reasons, on balance the scheme is considered to be acceptable, in accordance with adopted and emerging policies and permission is recommended subject to the imposition of a number of conditions.

This application is placed before Committee for consideration given the number of representations received and local interest.

I. Site Description

- I.1 The application site is located approximately 1km South-West of Friston/East Dean, 1km north of Birling Gap, on the heritage coast, in an open location. The site is located on agricultural fields owned by the National Trust.
- I.2 The proposed track connects Crowlink Lane with a residential property known as Crowlink Corner. Crowlink Lane connects a number of residential properties and a National Trust car park with the A259. The field entrance which the proposed track would utilise is visible from two properties - Grey Walls and Glebeland cottage, on Crowlink Lane.
- I.3 The proposed track would follow an existing hedgerow with barbed wire fence for approximately 100m from Crowlink lane. The track would then follow an existing flint wall measuring 1 - 1.5m in height, to Crowlink Corner. The proposed track would run 6m south of the hedgerow and flint wall and would cross a public right of way close to where the line of trees and flint wall meet. There is also a public right of way close to the field entrance.

2. Relevant Planning History

- 2.1 SDNP/16/05742/DINPP Chalk and geogrid driveway running from Crowlink Lane to Crowlink Corner (approximately 360m long and 3m wide) - Confirmed that planning permission would be required. 7 December 2016.

3. Proposal

- 3.1 The application seeks planning permission to construct a 360m long two wheel access track between Crowlink Corner and Crowlink Lane. The proposed track would measure a maximum of 2.75m in width. The track would replace an existing informal and unmarked access across the field which uses a similar route. The proposed track would be constructed from a Geotextile layer onto which 20cm deep of hardcore would be deposited to create a sub-base. The sub-base would then be topped with 10cm of natural limestone and would have a 0.8m central grass strip along its entire length. The track would lie flat with the surrounding field, allowing grass to grow over the edges of track.
- 3.2 The proposed track would cross East Dean and Friston Public Bridleway approximately 100m into the site. A new signpost would be installed at the point at which the track would cross the bridleway.
- 3.3 Vehicles would continue to turn around at the end of the track, near Crowlink Corner. No resurfacing works have been proposed on this hammer head turning area.
- 3.4 One ash tree would be removed and six other trees felled to ground level as recommended by the applicant's arboriculturalist.
- 3.5 The proposed track is intended to improve vehicular access to the residential property named Crowlink corner.

4. Consultations

4.1 Landscape Officer: No objection subject to conditions.

- The proposal complies with paragraph 172 and NPPF Section 12, paragraph 130.
- Mitigation for potential impacts would be built into the design of the track.
- The submitted Landscape and Visual Assessment is considered to be a fair and accurate assessment of the likely impacts of the proposals on landscape and visual amenity.

4.2 Principle Rights of Way Officer: Comments.

- There appears to us to be no reason to believe that this application will conflict with the use of Bridleway East Dean and Friston 20a.
- The bridleway will be less impacted than it potentially would be if it was on the same alignment as the proposed track, as is the case on many bridleways. The frequency of vehicle use is unlikely to reach levels which would cause a significant nuisance to bridleway users. The open aspect of the location should allow both vehicle and bridleway users to take the appropriate action to avoid any conflict and any drivers unfamiliar with the location should be alerted to the bridleway by the proposed signpost.
- The proposed construction and appearance of the track should serve to limit vehicle speeds. Support the condition proposed by the County Council's Landscape Architect to ensure that the surface and appearance of the track cannot be upgraded in the future.

4.3 Access Team: Comments.

- The Rights of Way Officer welcomes the use of a rural specification for this access track. There are 2 public rights of way traversing the field through which the proposed two wheel access track also traverses (Eastdean and Friston 20a and 12a). All 3 of the routes converge on the gateway at Crowlink lane. There is potential that once upgraded the public will walk or ride down this track inadvertently as it will be the most prominent of the three routes. The Public Rights of Way Officer therefore suggests that the applicant liaises with East Sussex County Council to ensure there is a suitable fingerpost of South

Downs National Park specification at the gateway directing the public along the correct routes.

4.4

Highways – No Comment

- The Highways officer did not consider it necessary to provide formal Highway Authority comments but advised the LPA to consult the minor planning application guidance (2017).
- The guidance states that a single domestic vehicular access from adopted public highway should be a minimum of 2.75m wide and states that the planning application should identify if there is any effect on public rights of way.

4.5

County Ecologist – No objection

- Provided the proposed mitigation measures are carried out, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. Gapping up of existing hedgerows and the provision of bat boxes will help enhance the site for biodiversity in line with the NERC Act and NPPF.

4.6

Archaeologist – No objection subject to condition

- The proposed development is of archaeological interest due to its location within an area that has been heavily utilised and settled from at least the Bronze Age period. The Historic Environment Record (HER) notes earthworks in this field, which may relate to a prehistoric or medieval field system. Also in the vicinity the HER notes discoveries of human burials, prehistoric flint tools and a deserted medieval village.
- The proposed groundworks to create the formation level of this road will undoubtedly encounter buried archaeological remains and finds.
- In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government’s planning policies for England).

4.7

Parish Council: Object.

- The development would be contrary to a protective covenant in three respects:
 - It would support a business as Crowlink Corner.
 - It would require excavation works.
 - It would cause a public nuisance.
 - It would harm the surrounding landscape.
- The existing access is adequate.
- The proposed route runs parallel to the private right of way, but a little further into the field.
- Inadequate consultation between the applicant, member of the public and the National Trust.
- In sufficient information regarding the turning area.
- The turning area may be used for parking.
- Insufficient information has been provided with regards to ecological impact and the Design and Access statement.

4.8

South Downs Society: Object.

- Crowlink Corner is being advertised for let as holiday accommodation.
- The development would harm valuable chalk grassland by introducing a hard surface.

- The land on which the proposed track is located is public access land, owned by the National Trust.
- The minimum width should be used to lessen the track's visual impact.
- Crushed chalk and flint would be preferable materials.

5.

Representations

5.1

86 Objections on the following grounds

- The proposal would support a commercial business use of the site. Members of the public noted that Crowlink Corner had been used as an Airbnb, wedding venue, retreats and parties. Development of the track would lead to further traffic to Crowlink Corner – creating additional noise, light pollution and could harm the tranquillity of the area. An increase in traffic would pose a danger for livestock and people.
- Concerns about who would monitor and enforce the covenant relating to business use if the applicant/subsequent owner tried to use Crowlink Corner for commercial gain?
- The proposal would harm an area of chalk grassland, which is also an iconic landscape – part of the Seven Sisters site and would cause harm to an Area of Outstanding Natural Beauty.
- The SDNPA has a duty to protect this precious landscape, grassland habitats and wildlife.
- The proposal would not comply with Section 15 of the NPPF Conservation and Enhancing Natural Environment.
- The development would lead to the urbanisation of a precious landscape.
- Impact on view for residents at Grey Walls and Glebeland Cottage with a solid white track where they currently look onto open field. Impact on amenity by headlights shining into windows.
- The track would be highly visible to walkers.
- Noise would increase as vehicles would travel over a hard surface, rather than grass.
- Concerns that if a hard track is laid there is little to prevent its use by motorcyclists, trail riders and other pursuits by off-roaders.
- Concerns about who would monitor and enforce health and safety and security while the track is built.
- Concerns about who would monitor and enforce the safety of the point at which the proposed track and bridleway will intersect.
- Concerns about who would take responsibility if someone is injured and who would monitor the ecological effects.
- Concerns about who would maintain the track.
- There is ambiguity regarding the construction of the track – its width and material used.
- The construction period will cause months of significant disruption and heavy traffic at the top of the lane. There may be safety issues during the construction phase. Crowlink corner is a narrow lane and in places cannot accommodate 2 ordinary cars, let alone lorries to dispose of soil and those delivering material.

Officer Note: Disturbance caused during construction is not a material planning consideration. Officers consider that the limited nature of the works involved in construction of the access are such that a construction management plan would not be necessary in this instance.

- Damage to chalk grassland habitat and damage to trees and hedges.
- 6 trees and an ash would be threatened by the application. Conservation advice is to allow healthy ash to remain in the hope of protecting this already endangered species.

- The diagnosis that the 11m ash tree on Crowlink lane is in such poor condition that it must be felled is questionable.
- Frogs, newts, grass snakes and slow worms are present in a neighbour's pond 3m from the proposed track which could be harmed by the development.
- It would lead to further applications and development at Crowlink Corner. It would set a precedent for similar developments in the area. The proposal could lead to more housing being built in the area.
- The hammerhead for turning is free parking for Crowlink Corner and as such is a contradiction to comments regarding parking within the curtilage of the property. No specification as to the material or measurements of the turning area.
- The proposal is not necessary to serve a residential property. Fire protection could be served with the use of a sprinkler system, rather than by improving access for emergency vehicles.
- The conditions of the gift to the land by the Society of Sussex Downsmen 1926 included that excavation of the land at Crowlink is not permitted. That condition would be broken by the development.

5.2

~~44~~ Letters of support on the following grounds

- Difficulty of reaching Crowlink Corner in wet and/or foggy weather. A track would make accessing Crowlink Corner considerably easier.
- A new track would make the field safer for livestock and people as vehicles would keep to one route, rather than take a variety of routes across the field.
- Drivers currently take a variety of routes across the field to avoid muddy ruts and badly churned up areas.
- The risk of skidding would be reduced, which would also reduce the risk of injury to animals and people.
- The construction of a track across the field would make finding Crowlink corner easier, especially in foggy conditions.
- Lorries delivering oil can get stuck in the mud and need a tow truck – causing further damage to the field and distress to livestock.
- Livestock would not graze on the track and as such are less likely to be harmed.
- The construction of a track would improve visibility and as such drivers would need to use bright headlights less frequently.
- The proposal would not lead to an increase in vehicle movements. The track would simply provide a clear and safe access route for everyone concerned.
- Crowlink Corner is not allowed to be a business and is not one.
- Minimal impact on the landscape and would be in keeping with the area. The track follows a fence border so would be very unobtrusive.
- The condition of the field would be improved as it would contain vehicles to one path.
- According to Shoreham oil – the company who supplied heating oil to the property, oil can no longer be delivered to Crowlink corner as the baby tanker that was used is no longer in service and without a track a 4 wheel tanker cannot deliver oil to the property. The construction of a track would enable a 4 wheel tanker to be used.
- It would be unfair to deny the family safe access to their home. Neighbours within the area have a similar road.
- There could be dire consequences if emergency services could not access the house in an emergency.

- If the home adjacent to the gate fears that they will be disturbed by stray light from vehicles returning from the cottage then new bushes could be planted near the gate to shield any stray light.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises the saved policies of the **Wealden District Council (1998): Wealden District Local Plan** and the **Wealden District Council and the South Downs National Park Authority (2013) Wealden Core Strategy Local Plan**. The relevant policies are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

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

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

National Planning Policy Framework (2018) and Circular 2010

6.3 The National Planning Policy Framework (2018) is considered holistically although the following sections are of particular relevance to the application.

- Section 2: Achieving Sustainable Development
- Section 4: Decision-making
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Paragraph 172 conserving and enhancing landscape and scenic beauty in National Parks.

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

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving 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.

The development plan policies listed in Section 7 have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs Partnership Management Plan (PMP) 2013

The PMP outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in planning applications. The following policies are relevant: 1, 3 and 28

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

7. Planning Policy

7.1 The relevant saved policies in the **Wealden District Local Plan (1998)** are:

- EN12: Protection of trees and woodlands
- EN29: Light pollution

7.2 The relevant saved policies in the **Wealden District Council and South Downs National Park Authority: Wealden Core Strategy Local Plan (2013)**:

- CP1: Landscape and Townscape Character
- CP2: Environmental Quality

7.3 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Chichester District Local Plan (1999) the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight, depending on the level of objection received on individual policies. The relevant policies are

- Policy SD1: Sustainable Development
- Policy SD2: Ecosystem Services
- Policy SD4: Landscape Character
- Policy SD8: Dark Night Skies
- Policy SD11: Trees, Woodland and Hedgerows

7.4 The relevant policies in the **East Dean and Friston Village Design Statement** are:

- Policy DG5
- Policy DG7

8. **Planning Assessment**

Principle of the development and Landscape impact

8.1 Paragraph 10 of the NPPF and Wealden District Local Plan policy WCS14, Presumption in Favour of Sustainable Development, encourages the Local Planning Authority to take a positive approach that reflects the presumption in favour of sustainable development. It encourages LPAs to work with applicants to improve the economic, social and environmental conditions in the area.

8.2 The principle of the development, which is to construct a track across the field to serve a residential property, is reasonable as whilst it would have minimal impact on the economy or the environment it would improve the living conditions for the applicant.

8.3 Although the site is in a location of landscape value, due to the nature of the proposal the Landscape Officer has raised no objection. The track has been designed to look rural and in keeping with the surrounding area. Whilst users of Public Rights of Way and residents at Grey Walls and Glebeland cottage may be able to see the proposed track, the existing flint wall would help to screen the track from distant views.

8.4 The proposed development would not have an adverse impact on the surrounding countryside and neighbouring properties and as such is consistent with policy DG7 of the East Dean and Friston Village Design Statement and Section 15: Conserving and Enhancing the natural environment of the NPPF(2018) and South Downs Local Plan (2017) policy SD4: Landscape Character.

8.5 Following advice provided by the SDNPA in 2016, the submitted scheme includes a grass strip, would use natural limestone (which is from the same geological family as chalk, but is more durable) and does not retain hard edges. These measures seek to reduce the landscape impact of the proposal whilst improving the access for the resident of Crowlink Corner.

Intensification of use

- 8.6 Concern has been raised that the construction of the track will support a commercial business, however this is not what has been applied for. Paragraph 2.1 of the Design and Access Statement clearly states 'the use of the access will be solely for vehicles serving the existing residential dwelling at Crowlink Corner'.
- 8.7 Should individuals be concerned that the property is used for anything other than residential use they should contact the Local Planning Authority to investigate a potential breach of planning control. This would enable the Local Planning Authority to take enforcement action, if necessary and proportionate. Whilst it appears that Crowlink Corner has been used for commercial reasons in the past, it does not currently appear to be used for anything other than residential use. The applicant currently lives at Crowlink Corner.
- 8.8 As the proposed track would serve a residential dwelling it should not lead to additional vehicles crossing the field and would not result in an increase in light pollution. For these reasons the proposal is in conformity with Wealden District Local Plan (1998) policy EN29 (Light pollution) and South Downs Local Plan (2018) policy SD8 Dark Night Skies. Similarly, as there would be no reason for traffic to increase the development should not have a negative effect on the tranquillity of the area and as such is in conformity with Policy SD7: Relative Tranquillity.
- 8.9 Members of the public also expressed concern that an increase in traffic would pose a danger to livestock or people. However, again, as there should be no increase in traffic there should be no additional risk to people or livestock. Whilst it is not possible to control the speed at which people drive it is considered that the proposed track would lead to improved safety for walkers and livestock and vehicles would follow a specific route, vehicles would be less likely to become stuck in the mud and less likely to skid.
- Noise
- 8.10 Whilst the development may lead to a very slight increase in noise as vehicles will travel over a hard surface, rather than grass, due to the small number of vehicles which would need to use the track the proposal is unlikely to lead to an increase in noise. Vehicles travelling on the proposed track would be no noisier than vehicles traveling on Crowlink Lane and as such is consistent with South Downs Local Plan (2018) policy SD7: Relative Tranquillity.
- Monitoring and enforcement of the track
- 8.11 The track covers a relatively short distance and as such would be unlikely to appeal to motorcyclists, trail riders and other pursuits by off-roaders. Should unauthorised vehicles be using the site members of the public should contact the police as this would be a civil matter.
- 8.12 The track should improve the safety of people and livestock as vehicles would follow a single route, rather than travel unpredictably across the field. The track would also reduce the risk of skidding in the mud – thereby reducing the risk of harm to livestock and people. The presence of the signpost where the track crosses the Public Right of Way should reduce the risk of an accident occurring.
- 8.13 The track requires very low maintenance, in fact as grass grows over the edges and central strip the track will increasingly blend into the surrounding landscape.
- Ecological impact
- 8.14 The County Ecologist recognises that habitats within the proposed route currently comprise of grazed semi-improved grassland, and are of limited ecological interest. For this reason and due to the nature and scale of the proposed development it is considered that the proposed development would be unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The proposed development is therefore in conformity with South Downs Local Plan SD9: Biodiversity, Geodiversity and SD11 Trees, Woodland and Hedgerows and Wealden Local Plan policy and Wealden District Local Plan (2013) policy WCS 12 Biodiversity.

The issue of precedent

- 8.15 Planning Law requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF, paragraph 47). It is impossible for the planning authority to predict what (if any) planning applications may be submitted in the future and as such the LPA must consider the application on its own planning merits.

Hammerhead for turning

- 8.16 The hammerhead for turning would not be used as parking for Crowlink Corner. The submitted plan titled Proposed Site Plan 4 of 4 simply shows where vehicles turn. The applicant does not propose to re-surface this area. This plan has been provided in response to a request from the South Downs National Park Authority so that it, and anyone interested in the application may be able to understand where vehicles could turn. A condition has been proposed to prevent the hammerhead turning area from being resurfaced.

Need for an access track

- 8.17 Whilst a number of objections from people who have not needed to access Crowlink Corner have suggested a track is not necessary, many of the representations submitted by people who have visited Crowlink Corner from Crowlink Lane have noted the difficulty of accessing the site – especially in wet weather and in foggy conditions. Therefore, on balance, the need for the track has been justified to the SDNPA.

Protective Covenant

- 8.18 Reference has been made to restrictive covenants that apply to the land. Officers have reviewed the contents of the specific covenants and do not consider that there is anything within such covenants which restricts the development as proposed.

9. Conclusion

- 9.1 The proposed development would improve the access to Crowlink Corner whilst not having an unacceptable impact on the surrounding landscape (SDLP policy SD4). It would not result in an increase in traffic and as such would not affect the tranquillity of the area (SDLP policy SD7), dark night skies (SDLP policy SD8 and Wealden District Council Local Plan policy EN29) or cause an increased risk of harm to livestock or people. In addition the proposed development would not have an unacceptable impact on ecology (SDLP policy SD9) or on Public Rights of Way (Partnership Plan policy 28) and as such should be permitted.

10. Reason for Recommendation

- 10.1 It is recommended that planning permission be granted 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 of the Town and Country Planning Act 1990 (as amended).

2. 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 by the applicant and approved by the Local Planning Authority.

A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

3. A minimum of 14 working days' prior notice of the commencement date of development shall be given in writing to the South Downs National Park Authority.

Reason: To enable the nominated archaeological organisation to be notified in advance of the development commencing.

4. No external lighting or floodlighting shall be installed without the prior written approval of the South Downs National Park Authority. Any that is installed with the permission of the South Downs National Park Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with South Downs Local Plan (2017) policy SD8: Dark Night Skies.

5. No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the South Downs National Park Authority in writing and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: In the interest of highway safety.

6. The hammer head turning area shown on amended proposed site plans no 4 shall not be resurfaced and shall be grassed at all times.

Reason: To minimise landscape impact and limit the development to that applied for.

7. The sub-base of the track hereby permitted shall be constructed from a Geotextile membrane and 20mm of crushed hardcore only. The surface of the track shall be made of crushed limestone with a depth of 10mm and shall be constructed as shown on submitted drawing titled Typical Section.

Reason: To limit the development to that applied for.

8. The track hereby permitted shall include a central grass strip, 0.8m wide and 0.975m from each edge of the track, as shown on submitted drawing titled Typical Section.

Reason: To limit the development to that applied for and to reduce the landscape impact of the development in accordance in Local Plan policy SD4: Landscape Character

9. Prior to commencement of development, the specification and locations of bat and bird boxes to be incorporated into the development and planting details to infill the existing hedgerow shall be submitted for written approval to the South Downs National Park Authority. Development shall subsequently proceed in accordance with any such approved details and the boxes shall be maintained and retained permanently as such thereafter.

Reason: To enhance biodiversity in accordance with South Downs Local Plan (2017) Policy SD9.

10. No removal of trees or hedgerows on the site (in accordance with the approved plans for the development hereby approved) shall take place between the 1 March and 31 August inclusive in any year unless otherwise approved in writing by the South Downs National Park Authority.

Reason: To ensure that animals are protected and their habitats enhanced, in accordance with the Wildlife and Countryside Act 1981 and the NPPF.

11. Development shall proceed strictly in accordance with the recommendations of the Arboricultural report dated July 2018.

Reason: In the interest of ecology.

12. Tree Protection Measures shall be undertaken in accordance with the measures described in section 5 of the Arboricultural report.

Reason: In the interest of ecology.

The surface treatment of the track shall not be upgraded/alterd or changed without the prior written consent of the Local Planning Authority.

Reason: To limit the impact on the surrounding landscape.

11. Crime and Disorder Implication

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of pre-application advice from the SDNPA Development Management Officer the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices 1. Site Location Map

SDNPA Legal Services, Director of Planning.

Consultees

Background

Documents

All planning application plans, supporting documents, consultations and third party responses

<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

National Planning Policy Framework (2018)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

South Downs National Park Partnership Management Plan 2013

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

Wealden District Council (1998): Wealden District Local Plan

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Former_Local_Plan/Planning_Adopted_Wealden_Local_Plan_1998.aspx

Wealden District Council and South Downs National Park Authority:

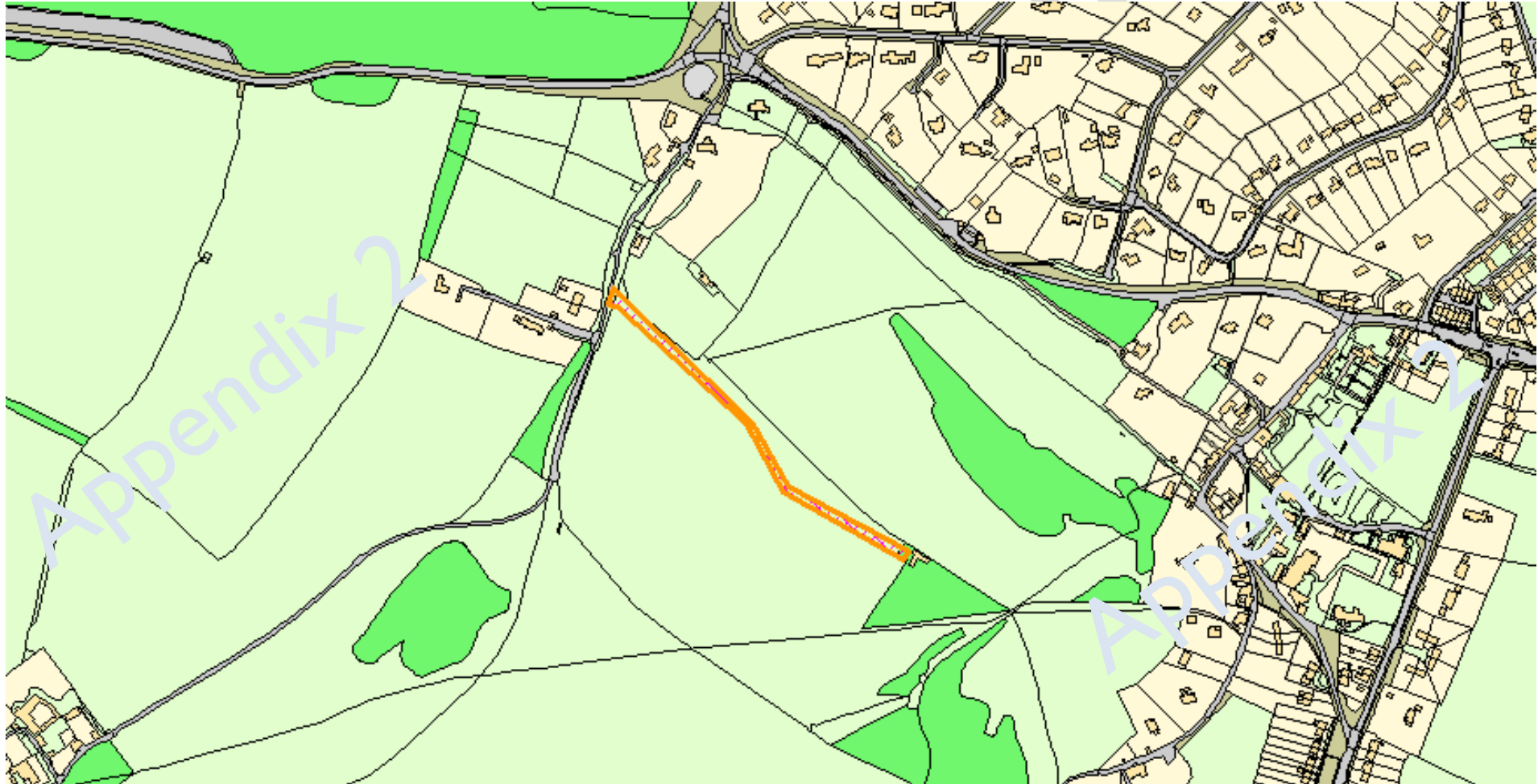
Wealden Core Strategy Local Plan (2013)

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/CoreStrategy/Core_Strategy_Local_Plan.aspx

East Dean and Friston Village Design Statement

<https://www.southdowns.gov.uk/planning/community-planning/village-design-statements/>

Site Location Map



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SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE 14 MARCH 2019

Held at: The Memorial Hall, South Downs Centre, North Street, Midhurst at 10:00.

Present: Heather Baker, David Coldwell, Neville Harrison (Chair), Barbara Holyome, Doug Jones, Tom Jones, Robert Mocatta, Ian Phillips and Anthony Watts Williams.

Ex Officio Members for Planning Policy items only (may participate on Policy Items but not vote, no participation on Development Management Items):

Norman Dingemans and Margaret Paren.

Officers: Tim Slaney (Director of Planning), Katie Kam (Solicitor), Richard Sandiford (Senior Committee Officer), Sara Osman (Governance Officer) and Rob Ainslie (Development Manager).

Also attended by: Natalie Chillcott (Senior Planning Officer), Stella New (Senior Planner Development Management), Sarah Nelson (Strategic Planning Lead), Andy Player (Woodlands - Landscape and Biodiversity Lead) and Michael Scammell (Conservation Officer).

OPENING REMARKS

386. The Chair informed those present that:

- South Downs National Park Authority (SDNPA) Members had a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and acted in the best interests of the Authority and of the Park, rather than as representatives of their appointing authority or any interest groups.
- The meeting was being webcast by the Authority and would be available for subsequent on-line viewing. Anyone entering the meeting was considered to have given consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purposes.

ITEM 1: APOLOGIES FOR ABSENCE

387. Apologies were received from Alun Alesbury and Roger Huxstep.

ITEM 2: DECLARATION OF INTERESTS

388. The Chair declared a general non-prejudicial interest on behalf of most of the Committee Members in relation to agenda item 8, as Charles Peck, who was speaking on this item, was a former SDNPA Member and Deputy Chair of the Authority, and was therefore known to most Members present.

389. Neville Harrison declared a public service interest in agenda item 8 as a member of the South Downs Society and the Woodland Trust who had made representations.

390. Anthony Watts-Williams declared a public service interest in agenda item 9 as a Mid Sussex District Councillor for the ward of Hurstpierpoint and Downs.

391. Tom Jones declared a public service interest in agenda item 10 as a trustee of a children's charity supporting children with severe illnesses.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 14 FEBRUARY 2019

392. The minutes of the previous meeting on 14 February were agreed as a correct record and signed by the Chair, subject to the following amendment:

- The first part of minute 355 should have been included as a bullet point in minute 354.

ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES

393. There were none.

ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

394. The Director of Planning updated the Committee on the following previous decisions.

- The application at Paris House in Petersfield, which was refused by the Committee at the December 2018 meeting, had gone to appeal and a public enquiry was expected to start on 2 July 2019.

- Various changes to further improve the variation on conditions for Penns Field in Petersfield had been made, and a decision had been issued under delegated authority.
- The application at Rotherlea in Petworth was still being considered for call in by the Secretary of State. Members would be updated once the Secretary of State had confirmed his decision

ITEM 6: URGENT ITEMS

395. There were none.

ITEM 7: SDNP/18/02170/FUL – OAKLANDS FARM, EAST WORLDHAM

396. This application was withdrawn by the Applicant.

ITEM 8: SDNP/18/03970/FUL – CROWLINK CORNER, FRISTON

397. The Case Officer presented the application and referred to the update sheet.

398. The following public speakers addressed the Committee:

- Councillor Lesley d'Urso spoke against the application representing East Dean and Friston Parish Council.
- Dr Annemieke Milks spoke against the application representing herself.
- Charles Peck spoke against the application representing himself.
- Chris Wojtulewski spoke in support of the application representing the Applicant.
- Richard Murray spoke in support of the application representing the Applicant.
- Mary-Jane Higgins spoke in support of the application as the Applicant.

399. The Committee considered the report by the Director of Planning (Report PC12/19), the update sheet and the public speaker comments, and requested clarification as follows:

- Whether householders had a legal right to emergency access to their property.
- Whether parking and turning was included inside the red line referred to in this application, and if so, would there be a significant impact on the trees under a Tree Protection Order?
- Confirmation on the position of the National Trust.
- Whether consideration had been given to access from the south rather than across land to the north.

400. In response to questions, Officers clarified:

- Householders did not have a legal right to emergency access to property.
- There had been informal parking on site for many years. After discussions with the Highways Authority, Officers took the view that, on balance, access which allowed passing or turning at any point along the track would be less detrimental than turning in one area.
- Whilst the previous application had included a formal turning area, this application was for an access route only. There was no provision for parking or turning as part of this application. The matter of informal parking or turning in the field was a civil matter between the applicant and the landowner.
- The objections received from the National Trust related to the width of the track.
- Access to the property from the south had been considered but ruled out as it would require a longer route with greater impact on the landscape character.

401. The Committee discussed and debated the application, making the following comments:

- Concerns were raised about the current parking area in the enclosure, available space for turning vehicles and issues of parking in the field. It was noted, however, that provision for parking or turning was not included in this application.
- Concerns were raised that the red line appeared to extend into an area of trees with a Tree Protection Order, and that no provision for protection of the trees had been made in this application. Officers advised that conditions 12 and 13, which covered protection to trees and hedges, had been approved by the tree officer.

- Whilst it was accepted that it was not unreasonable to request a safe vehicular access to a residential property, the current access across the field to this property had existed for a long period of time, and the proposed application for a more formal track was considered to have an unacceptable impact on the unique downland landscape.
 - The importance of the history of the land being bought by local people and donated to the National Trust, was felt to have significant public interest which outweighed the private benefit of the householder.
 - It was noted there were no other tracks of a similar nature in the area.
402. It was proposed and seconded to vote on the officer's recommendation.
403. The vote was not carried.
404. It was proposed and seconded to refuse the application due to the adverse impact of the formalisation of the track and the adverse impact on the special qualities of the area and to the visual and perceived landscape character.
405. The motion to refuse was carried.
406. **RESOLVED:** To refuse planning permission for the following reasons, the final form of wording to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee:
1. The adverse impact of the formalisation of the track.
 2. The adverse impact on the special qualities of the area and to the visual and perceived landscape character.

ITEM 9: SDNP/18/06068/FUL – LAND EAST OF CHURCH LANE, PYECOMBE

407. The Case Officer presented the application and referred to the update sheet.
408. The following public speakers addressed the Committee:
- Councillor Chris Bere spoke against the application representing Pyecombe Parish Council.
 - Councillor Colin Trumble spoke against as a Mid Sussex District Councillor.
 - Peter Rainier spoke in support of the application representing the Applicant.
 - Louise Anderson spoke in support of the application representing herself.
409. The Committee considered the report by the Director of Planning (Report PC13/19), the update sheet and the public speaker comments, and requested clarification as follows:
- Confirmation of the amount of CIL liable on this application.
 - Whether this application should be considered for CIL along with the other 9 permitted dwellings recently built out on an adjoining plot.
 - Confirmation that condition 9 fully addressed local residents concerns over foul water drainage issues.
410. In response to questions, Officers clarified:
- The charge for CIL would be £200/m².
 - The allocation site had come forward as parcels of land under separate applications due to different ownership.
 - Officers had received reassurance from Southern Water that 4 dwellings could be connected to the foul network without detriment and condition 9 had been included to address this.
411. The Committee discussed and debated the application, making the following comments:
- Whilst the proposal was acceptable, it was not a landscape led design and did not enhance the landscape.
 - The details of materials and external works relating to the public areas of this site, including tree planting, were critical to the success of the scheme and securing landscape enhancement.
 - The landscaping condition, to include ecological management of open areas and the area given over to reptile mitigation, should be enforced to a high standard.

- The lack of affordable housing in this scheme was not acceptable.
 - Policy SD26 of the emerging Local Plan cited 8 as the number of houses to be provided for Pyecombe, and this had already been met.
 - Whilst the inclusion of electric charging points and rainwater harvesting in this application was welcomed, more added value could be included, such as solar panels.
 - Public transport provision was considered poor for those who did not have access to a car. However, it was recognised that there was good access to the countryside via a significant number of Rights of Way.
 - In order to address issues of drainage, condition 9 should include a reference that surface water and foul water should be separate and not use the same drains.
412. Officers further clarified that the application was validated prior to the examination of the South Downs Local Plan, when more weight was being given to the adopted Mid Sussex Local Plan. However there was scope to negotiate a financial contribution towards offset affordable housing under delegated powers.
413. It was proposed and seconded to vote on the officer's recommendation, with the final grant of approval delegated to the Director of Planning subject to the successful negotiation of an appropriate affordable housing contribution.
414. **RESOLVED:** That the grant of planning permission be delegated to the Director of Planning, subject to
- i) The conditions set out in Section 10 of report PC13/19 and the 13 March update sheet;
 - ii) The successful negotiation of an appropriate affordable housing contribution.

ITEM 10: SDNP/18/00023/FUL – CHESTNUT TREE HOUSE, ANGMERING

415. The Case Officer presented the application and gave the following verbal update:
- There were approximately 60 staff cars every day which rose to 75 during clinical handovers which were twice per day.
 - There were 7-10 families visiting in vehicles each day.
 - There was one event every two weeks that increased the number of cars by approximately 20-25 cars.
 - Major events were held approximately 5 times per year with approximately 80 cars in total.
416. The following public speakers addressed the Committee:
- Victoria Holland spoke in support of the application representing the Applicant.
 - Fiona Baker spoke in support of the application representing the Applicant.
 - Steven Williams spoke in support of the application representing Chestnut Tree House.
417. The Committee considered the report by the Director of Planning (Report PC14/19), the verbal update and the public speaker comments, and requested clarification as follows:
- Clarification of the term 'priority habitat'.
 - Whether concerns had been raised to Officers of the risk of accidents on Dover Lane, as mentioned by one of the public speakers.
 - Whether Officers and the Applicant had discussed other potential locations for parking.
418. In response to questions, Officers clarified:
- That priority habitats were habitats identified as being the most threatened and requiring conservation action. This priority habitat area contained a number of ancient woodland indicators.
 - No details of accidents had been provided to Officers but reference had been made to towing cars in wet conditions and lack of lighting.
 - Officers had met with the Applicant and Agent on site to discuss alternative locations for parking. Due to logistical reasons no further sites had been brought forward for consideration.
419. The Committee discussed and debated the application, making the following comments:

- As the current overflow car park was not in the ownership of Chestnut Tree House the drainage issues in that car park were not able to be addressed.
- Using a no-dig construction could represent a significant risk to surrounding trees in the proposed area, and not just to the trees directly affected by removal. This proposal affected an area of woodland which was important for its biodiversity and landscape value.
- It was felt that alternative locations for parking on the site had not been thoroughly explored by the applicant and concerns in regard to impacts on tranquillity could be addressed through design measures. This would be preferable to the irreversible impact on the woodland from the current application.
- If there was no alternative to the proposed location for parking, on balance, the need of the applicant could carry greater weight than the objections related to the impact on the landscape.

420. It was proposed and seconded to vote on the officer's recommendations.

421. **RESOLVED:** That the application be refused, for the reasons set out at paragraph 10.1 of report PC14/19, and given that other locations in the wider site have not been fully explored, the final form of wording to be delegated to the Director of Planning in consultation with the Chair of the Committee.

422. The Committee broke for lunch at 13:00.

423. The Committee reconvened at 13.30.

ITEM 11: SDNP/18/05744/FUL – WOOLBEDING GARDENS

424. The Development Manager presented the application and referred to the update sheet.

425. The following public speakers addressed the Committee:

- Mr Stepan Martinovsky spoke in support of the application representing the Applicant.

426. The Committee considered the report by the Director of Planning (Report PC15/19), the update sheet and the public speaker comments, and requested clarification as follows:

- Whether the plant equipment would have noise insulation.
- Was it included in the area already covered by listed status?

427. In response to questions, Officers clarified:

- Condition 11 addressed noise and would be subject to scrutiny by Environmental Health teams.
- It would not be included in the listed status as it was outside the listed curtilage.

428. The Committee discussed and debated the application, making the following comments:

- The application was seen to be an exciting structure which was a good example to developers of how design can be unique and add to the sense of place of a site.
- Whilst visible from many points in the wider countryside, including Rights of Way, it was acknowledged that its attractive design could be of interest to people.
- It was proposed that condition 4 be removed as continued use of the glasshouse should be encouraged and supported.
- This application exceeded what was expected in a landscape scheme.

429. It was proposed and seconded to remove condition 4.

430. The vote for the amendment was carried.

431. It was proposed and seconded to vote on the officer's recommendations.

432. **RESOLVED:** That planning permission be granted subject to the conditions set out in section 10 of the Officer's report (PC15/19), subject to the removal of condition 4.

433. Norman Dingemans and Margaret Paren joined the meeting at 13:57

ITEM 12: QUARTERLY UPDATE ON THE PROGRESS OF NEIGHBOURHOOD PLANNING

434. The Strategic Planning Lead presented the report.

435. The Committee considered the report by the Director of Planning (Report PC16/19), and commented as follows:

- It was noted that there was a correction on page 102: that the Authority should read Winchester not Chichester for the Withies Cottage application in Fittleworth.

436. **RESOLVED:** The Committee noted the outcome of the appeal decisions.

ITEM 13: TO NOTE THE DATE AND VENUE OF THE NEXT MEETING

437. Thursday 11 April 2019 at 10am at the South Downs Centre, Midhurst.

CHAIR

The meeting closed at 14:10

Signed: _____

Appendix 3