

To: **SDNPA**

by email



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Date: 22/02/2021

Dear Chair of the Authority, Chair and Members of the Planning Committee and Members of the South Downs National Park, (Copy to Chief Officers)

Re: National Park primary purpose "to conserve and enhance" ignored by South Downs National Park

Re: SDNP/20/02390/FUL | Repair, reconstruction and extension of existing sea defences | 1 - 2
Cuckmere Cottages South Hill Cuckmere Haven Seaford East Sussex BN25 4AR

Please see our comments on the following pages.

About the South Downs Network (SDN)

The SDN was formed over 30 years ago to campaign for the formation of the South Downs National Park and the protection of the environment. The SDN is made up of over 40 independent groups and charities across the South Downs National Park including CPRE and the Wildlife Trusts in Hampshire & Sussex; (see: <https://southdownsnetwork.org.uk/about/our-members/>). We share information and campaign for the best possible environment to protect the beauty and landscape of the Park and its environs with the aim of ensuring a sustainable future and meeting the carbon challenge.

Yours faithfully



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National Park primary purpose “to conserve and enhance” ignored by South Downs National Park

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We are concerned that the Members of the South Downs National Park are provided with the very best of advice to carry out their statutory duty and ability to uphold the Local Plan. Sadly, we do not think this is the case with the above-mentioned planning application. We are also concerned that our members' submissions (South Downs Society, Sussex Wildlife Trust & the Brighton & Hove Friends of the Earth) were either given little weight or ignored altogether.

We write to record our dismay and great concern over the National Park's recent decision to allow concrete and steel walling with rock buttress to be erected in Cuckmere Haven – a *Marine Conservation Zone*ⁱⁱ, *Site of Special Scientific Interest* and *Heritage Coast* notwithstanding the site is within a national park!

The intrusive works into this unique area of chalk cliff and marine ecology, which is at the only undeveloped estuary in south east of England and nationally defined Heritage Coast, a status granted in order to safeguard its undeveloped natural beauty. We only have a short section of unspoilt coast in Sussex – the Heritage Coast between Beachy Head and Seaford Head.

It does not bode well for the protection of our hard-fought-for South Downs and National Park designation if the SDNPA is not effective as their protector.

We note that the Sussex Wildlife Trust, South Downs Society and Natural England, among others, opposed the development. The vote was carried by 5 votes to 2 with 2 abstentions based on an officer recommendation to permit the construction of the concrete and steel wall.

The decision by the Park is all the more tragic bearing in mind the Society for Sussex Downsmen (now the South Downs Society), formed in 1923, fought and won a campaign against plans for an inappropriate housing development on the Seven Sisters. They began the long campaign which eventually led to the formation of the National Park in 2010. These founding fathers would be dismayed at the weakness of the Park Authority.

The sea will continue to erode this coast at an ever-increasing rate all along the Seven Sisters. During future years, with extreme weather conditions and rising sea levels as a consequence of climate change, will put even more pressure on the new defences. Further despoiling the beach, cliffs and landscape to carry out what is admitted as being a 'temporary measure' seems absurd. Expanding the concrete, rock and steel buttress will just perpetuate the eyesore.

We are disturbed that the officer's report made no reference to the decision in 2001 on planning applications for sea defences at Birling Gap. That case concerned planning applications for two alternative schemes for sea walls to protect the former coastguard cottages there. The applications were considered at a public inquiry and were refused planning permission on the recommendation of the inspector. The Birling Gap applications raised closely similar considerations to the Cuckmere Haven proposals. As such, the decision set an important precedent and, since it was made by the Secretary of State, carries considerable authority. Although the decision was made twenty years ago, it remains relevant and, indeed, national policy has considerably strengthened since then. Members should have been fully informed of this highly relevant precedent.

The cottages are not listed. The view is iconic. If the cottages were not there the iconic view would still be there. It so happens the cottages are in the view – they are not the view!



The development flies in the face of SDNP policy and is against national government policy of "no active intervention" on this protected National Park coastline.

Despite the officer's report confirming the two statutory purposes of national parks and confirming that conservation takes precedence if there is a conflict, the officer's report goes on to justify the development! The officer's recommendation on a nationally designated Site of Special Scientific Interest (SSSI), despite 23 pages of objection from the government's environmental watchdog, Natural England, whose statutory purpose is to ensure that the natural environment is conserved and enhanced, the same as the National Park's primary purpose. It seems that Natural England's sound advice was set aside in the face of a well-orchestrated campaign. The campaign to keep the cottages generated a considerable number of objections and a sizable petition. However, one cannot weigh that against the statutory obligations of the National Park and the Park's own policy, both in general and in particular, for this heritage coast. We were very surprised by the lack of reference to the Key Messages and Policies contained in the Park's own Local Plan in the officer's written and verbal report. The opening line of the Local Plan says *"this is a landscape led Local Plan."* Very little emphasis was placed upon the importance of adhering to the Park's own policies such as Strategic Policy SD4 – Landscape Character and Strategic Policy SD18 - The Open Coastⁱⁱⁱ and The Shoreline Management Plan which states that there should be "no active intervention" in the life of the Heritage Coast.

We have carried out some empirical research over the last few days and it's clear that many members of the public knew nothing of this proposal until it was publicised in the local paper and The Times after the decision was made. Those members of the public had no opportunity to voice their concerns to counter the targeted campaign. A planning application for this site should have received wide ranging publicity to ensure a balanced view of the public's opinion. Indeed, the NPPF makes this clear in para 39. A duty to consult with the local public was initially introduced in the Planning Act 2008 (section 37.3.c). The importance of this was reiterated in the Localism Act 2011. We have not seen a Statement of Community Involvement in the applicant's papers.

What is the point of having a National Park when the Park Authority just 'caves in' to PR-led influence and pressure, and abandons the principles of its own Local Plan recently approved in 2019? The decision seems to have focused on the importance of protecting the cottages. Does protecting the natural environment and marine Heritage Coast count for nothing?

Additionally:

We are very concerned that the officer's written report in the agenda papers said that "2 letters of objection have been received." It is concerning this was only corrected in the meeting itself and without a full explanation. There were 11 letters of objection. 7 were from members of the public including one from Tim Bayliss-Smith, Professor of Geography, University of Cambridge) in addition to the 4 from:

1. **Sussex Wildlife Trust** - who were called "West Sussex Wildlife Trust" by the planning officer in the meeting. We therefore wonder if their objection was fully taken account of, especially as they had to write in and clarify that their objections were not just about ecology but much more. This trust is one of the key partners in the National Park's Sussex Heritage Coast Strategy and Action Plan.
2. **South Downs Society** (6-page objection), - who were not mentioned at all in the officer's report or verbally by the planning officer in the meeting.
3. **Brighton & Hove Friends of the Earth**
4. **Natural England**

We are also surprised that no information was offered to members on tonnage of concrete to be brought to the site, along with the deliveries of steel piles or the to-ing and fro-ing of heavy lorries across the Seaford Head Nature Reserve.

ⁱ The Sussex Wildlife Trust and the Friends of the South Downs (South Downs Society)

ⁱⁱ The MCZ in question is called Beachy Head West. The Government say that Marine Conservation Zones (MCZs) are areas that protect a range of nationally important, rare, or threatened habitats and species. The Order made by the Government as amended in 2016 says "Protected features could include certain types of fish or plant. Other kinds of damage are also forbidden". Also, that "Public bodies will be under duties to help deliver the site's conservation objectives".

ⁱⁱⁱ In our view the officer's report does not make it clear that the proposed development does not meet any of the conditions set down in SD!18. Therefore, we have repeated this policy as below for the avoidance of doubt.

★ Strategic Policy SD18: The Open Coast

1. Development proposals within the Sussex Heritage Coast area and the undeveloped coastal zone of the National Park, as defined on the Policies Map, will not be permitted unless they:
 - a) Meet one of the following two criteria:
 - i. Are appropriate to the coastal location and conserve and enhance the character of the Heritage Coast/undeveloped National Park coastline; or
 - ii. Are necessary for the operational needs of activities in support of the Heritage Coast.
- and
- b) Are consistent with the Beachy Head to Selsey Bill Shoreline Management Plan, or its replacement;
 - c) Conserve and enhance coastal access to/from the coast and along the coastline; and
 - d) Cause no adverse impact on any designated MCZ and should ensure their conservation and, where possible, enhancement.