

South Downs National Park Public Inquiry
(Re-opened)

Part 2: Boundaries

Addition 11
Wilmington
(Section M, Map 9)

Written Rebuttal to Objectors

by



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Contents

Topic	Page
1 Introduction	3
2 Biography of Principal Author	4
3 Addition 11: Wilmington	5
3.1 Brief Description of the Area and its Boundary	5
3.2 Inspector's Justification for Inclusion.....	5
4 Objections to Addition 11	7
4.1 Summary of Objectors' Reasons for Exclusion	7
4.2 East Sussex County Council's Objection.....	7
4.3 East Sussex Economic Partnership's Objection.....	9
4.4 Pelham Holdings Ltd's Objection	9
5 Rebuttal of Objectors' Reasons for Exclusion	11
5.1 Natural Beauty and Recreational Criteria	11
5.2 Split Settlement	11
5.3 Core Chalk Downland Test.....	12
5.4 Will Delay or Prevent Delivery of the South East Plan.....	12
6 Conclusion.....	15
7 Recommendation.....	15

1 Introduction

- 1.1 The South Downs Campaign (SDC) submits the following written representation in support of the Inspector's recommendation that additional area 11 at Wilmington should be included in the proposed South Downs National Park within Section M, Map 9 of the proposed South Downs National Park recommended boundary modifications – June 2007 maps.
- 1.2 It is a rebuttal of the objections made by East Sussex County Council (#1115/1/1), East Sussex Economic Partnership (#692/1/1) and on behalf of Pelham Holdings Ltd (#1503/1/1 & #1503/2/1). It also rebuts the representations made during the public consultation over the summer 2007 by Eastbourne Borough Council, Wealden District Council and Nigel Waterson MP.
- 1.3 The SDC is a network of organisations working for the best possible South Downs National Park, representing over 140 national, regional and local groups and organisations¹.
- 1.4 This written representation follows previous submissions to the Public Inquiry by the SDC on the Cuckmere Valley Area which included this addition and should be read in the context of this previous proof of evidence² which remains relevant.

¹ SDC Updated Biography – Inquiry Document No: #1147/0/1

² SDC Boundary Proof of Evidence: Cuckmere Valley Area – Inquiry Document No: 3275/33/1

2 Biography of Principal Author

2.1 Chris Todd

- 2.1.1 Chris Todd has been the Campaign Officer for the South Downs Campaign since the post was created in 2001. He has lived for most of his life in Sussex, in view of the Downs and since 1990, in Brighton & Hove. He has an honours degree (B.Eng) in Aeronautical Engineering from the University of Bristol and a post-graduate diploma in Environmental Impact Assessment from the University of Brighton.
- 2.1.2 Since 1993 he has been an active member of many local environmental and transport organisations and has acted as a freelance consultant for Friends of the Earth and Transport 2000 amongst others. From 1997 - 1999, he was co-opted, as a representative of the Brighton & Hove Environment Forum, to sit on the new Brighton & Hove Council Planning Sub-Committee, to speak on sustainability issues.
- 2.1.3 In 1998 he initiated the setting up of the South East Forum for Sustainability (SEFS), a regional environmental network, in response to the changing regional government agenda. He was then elected as one of the first three environmental representatives on the South East England Regional Assembly (SEERA) for one year.
- 2.1.4 In 2004 he was co-opted onto the Brighton & Hove City Council's Sustainability Commission. In the same year he was also elected to serve as a Community and Voluntary Sector Forum representative on the Brighton & Hove Local Strategic Partnership (LSP) and was elected Vice-Chair of the LSP in 2005. He currently chairs the LSP's climate change working group.
- 2.1.5 In 2005 and 2006 he was heavily involved in responding to the draft South East Plan and appeared at the Examination in Public in late 2006 / early 2007, not just for the South Downs Campaign but also for SEFS (of which the Campaign is a member). The Campaign, together with its partners in SEFS, was instrumental in convincing the Panel that significant changes should be made to a number of policies and that the integration of landscape and countryside issues within the Plan should be improved. He has also been an elected member of the South Downs Advisory Forum's Executive Panel since its inception in 2005.

3 **Addition 11: Wilmington**

3.1 **Brief Description of the Area and its Boundary**

3.1.1 Addition 11 is a small area of land to the north of the A27, bounded to the north by the Lewes – Eastbourne railway line and to the west by the lane extending from Milton Gate up to Monkyn Pyn.

3.2 **Inspector’s Justification for Inclusion**

3.2.1 The Inspector justifies the inclusion of addition 11 primarily on the grounds that the Designation Order boundary splits the settlement of Wilmington, as outlined in paragraph 7.425 (page 168, CD #3):

“Lastly, I turn to the concern that the boundary at Wilmington splits the settlement contrary to the Agency’s own boundary setting guidelines. Where settlements are defined in development plans or other documents it is usually a simple matter to decide if a settlement is split by the PSDNP boundary. So far as I am aware Wilmington is not defined in any such document. In the absence of a defined settlement boundary it seems to me that Wilmington should be regarded as a single settlement rather than 2 separate settlements either side of the A27. If I am right about that, it seems sensible to amend the boundary to address the point. This could be done in a number of ways. My preference is the easily recognisable line shown in CAR 360.”

3.2.2 It is worth noting though what the Inspector says about the rest of the Cuckmere Valley Area which he accepts is of generally high quality and merits inclusion in the National Park were it not for its distance from the ‘core Downs’:

“In my judgement the overall landscape quality of the area generally to the east of Selmeston and north of the A27 is rather higher than the Agency contends. The references in CD36 to the landscape between Wilmington and Michelham Priory retaining its key characteristics and intimate character hardly support the Agency’s claim that it is “ordinary countryside”. It may be outside the AONB but to my eyes this is an area of attractive, largely unspoilt Low Weald countryside. It contains several sites of ecological and historic importance and is surprisingly tranquil given that it stands close to the large urban populations of Polegate and Hailsham. If it satisfies the natural beauty criterion, the Agency does not dispute that it also meets the recreational opportunities test. Indeed it seems to me that few parts of the Low Weald have the ability to alleviate recreational pressure on the vulnerable chalk hills as well as the Upper Cuckmere Valley...(7.421, page 166, CD #3)

“As mentioned elsewhere, I accept that Low Weald countryside is reasonably included in the PSDNP where it is of high landscape quality and demonstrates clear visual or other associations with the chalk hills, namely that it “borrows character” from them. Unfortunately much of the area identified by objectors is simply too far removed from the core downland landscapes to warrant inclusion

in the PSDNP on that basis. This means, for example, that Michelham Priory and its hinterland should be excluded notwithstanding its special qualities and undisputed importance. Similarly, Abbot's Wood/Wilmington Wood is an extensive tract of woodland of especial recreational value but it is too far removed from the core Downs to warrant inclusion in my judgement. In the absence of strong visual links with the chalk hills, a recommendation in support of the Upper Cuckmere Valley would be inconsistent with my conclusions and recommendations in respect of other tracts of Low Weald countryside. (7.423, page 167)

“With some regret I have therefore concluded that the extensive tract of land that forms the Upper Cuckmere Valley should not form part of the PSDNP...” (7.424, page 167).

4 **Objections to Addition 11**

4.1 **Summary of Objectors' Reasons for Exclusion**

- 4.1.1 Despite a number of grounds being stated as the reasons for objecting to this addition proposed by the Inspector, objectors are primarily concerned that this land's inclusion within the South Downs National Park would prejudice future road developments.
- 4.1.2 While Wealden District Council (ID No. #860) and Eastbourne Borough Council (ID No. #1218) objected to the inclusion of this area during the public consultation they do not appear to have made further representations. Similarly while Nigel Waterson MP (ID No. #1982) did not want to see any of the A27 included in the National Park because he wanted a dual carriageway between Lewes and Polegate, he does not specifically object to addition 11 and has not made any further representations. The Highways Agency (ID No. #1711) also expressed some concern but made no formal objection.
- 4.1.3 Of those who responded during the public consultation, East Sussex County Council (ID No. #1115), East Sussex Economic Partnership (ID No. #692) and representatives of Pelham Holdings Ltd (ID No. #1503) have made further representations. These are commented on below.

4.2 **East Sussex County Council's Objection**

- 4.2.1 East Sussex County Council's (ESCC) written statement lists four reasons as to why it is objecting to the proposed addition as follows:

"In its submission the County Council considered that addition 11 is:

- *not justified in terms of the National Park Designation objectives;*
- *a technical one based on the mistaken assumption that Wilmington (south of the A27 and Wilmington Green to the north are one settlement and should not be split by the National Park boundary;*
- *out of proportion given the small amount of land and few buildings present;*
and,
- *based on the incorrect assumption that traffic improvements were less likely."*³

- 4.2.2 In its conclusions, it states that:

*"There is no doubt that improvements to the A27 are a necessary component of the development strategy for this part of the Sussex Coast sub region...
...Improvements to the A27 in the Wilmington area are identified in the Regional Funding Allocation and are scheduled for 2015/16, providing a considerable degree of certainty that work will take place in the Wilmington area."*

- 4.2.3 Previously, ESCC in its original representation⁴ stated:

³ Paragraph 2, ESCC Submission – Inquiry Document No: #1115/1/1

National Park Objectives

“The Inspector’s recommendation on this issue is tacked onto his consideration of the merits of the whole area he describes as “Upper Cuckmere Valley” - in effect everything between Selmeston and Polegate north of the A27, including land north of the railway. Although the Inspector concludes the overall landscape quality of this area is “rather higher” than the (then Countryside) Agency contends, this view is clearly heavily influenced by the presence of assets he quotes, such as Michelham Priory and Abbots Wood/Wilmington Wood, that are, in fact, 3-4 kms north of the railway. Of the Upper Cuckmere Valley area as a whole he concludes it is simply too far from the core downland landscape to justify inclusion. He then considers whether some of this area closer to the scarp slope containing Wootton Manor (0.5 km north of the railway and 2 km east of Wilmington) which is now on the national list of Registered Historic Parks and Gardens is worthy of inclusion. Yet still he concludes even this area closer to the Downs is not of sufficient quality and recreational opportunity to merit including in the proposed National Park. There can be no real argument, then, that the Inspector saw insufficient merit in terms of natural beauty or recreational opportunity to include the area of Addition 11 at Wilmington Green within the Park.

“It is clearly evident that this proposed addition is made solely on the presence of the settlement and not on the basis of National Park objectives of landscape quality and opportunities for open air recreation.”

Split settlement

“...However, this was clearly not the view of the, then, Countryside Agency, as it explicitly regarded them as two settlements for boundary setting purposes and supported the original boundary... ..The southern edge of the existing A27 is perfectly good as the boundary of the proposed National Park in this area as it was for the AONB.”

Out of Proportion

“..This [the size of the additional area] is out of all proportion to the stated aim of including what amounts to very few houses, a small hotel and a motor vehicle sales garage which lay beyond the Wilmington Conservation Area located south of the A27.”

A27 Improvements

“...In terms of its current status the South East England Regional Assembly advised the Secretary of State for Transport in December 2006 that the A27 Wilmington improvements should be included in the 2011 – 2016 Regional Funding Allocation. The Secretary of State’s decision is anticipated later this

⁴ ESCC South Downs National Park public consultation response, 29 August 2007

summer. Therefore, the Inspector was wrong to conclude that these improvements were less likely to occur.

“If budget pressures result in the scheme not being finally included in the programme to 2016, it would still be wrong to conclude that they are less likely to occur, although they would be less likely to occur in the short term.”

4.3 East Sussex Economic Partnership’s Objection

4.3.1 In conclusion, this proof of evidence (#692/1/1) states:

“...a threat to strategic transport improvements at Wilmington, must be removed if the aspiration of the South East Plan is to be realised and the East Sussex economy is able to contribute more to reduce the present disparity with the regional economy.”

4.3.2 No other reasoning is provided.

4.4 Pelham Holdings Ltd’s Objection

4.4.1 Pelham Holdings Ltd is represented by two consultants, David Jarvis Associates (#1503/1/1) and Cannon Consulting Engineers (#1503/2/1).

David Jarvis Associates (#1503/1/1)

4.4.2 David Jarvis Associates (DJA) states that the area fails the natural beauty criterion (paragraphs 3.1 – 3.3, #1503/1/1) and consequently the markedly superior recreation (paragraphs 4.1 – 4.4). The objection goes on to state that addition 11 is not on the chalk and therefore ‘fails the core Chalk Downland test’ (paragraph 8.1). DJA also uses the general conclusions of the Inspector with regard to the non-chalk landscapes’ failure to meet the statutory criteria to justify concluding that the area does not meet the statutory criteria. In paragraph 5.7 it is stated: “...that it [addition 11] must satisfy the statutory criteria first before “borrowed character” has any relevance.” This is presumably to counter the fact that the area has a strong borrowed character with the chalk hills, although this is not explicitly stated.

4.4.3 On split settlements, no evidence is provided by DJA that there are two settlements at Wilmington, other than to say that the A27 splits the two areas and that the Countryside Agency did not believe that the settlement was split. It further argues that the lack of a settlement boundary highlights the fact that “*the settlement(s) have not warranted such a definition*” (paragraph 6.9).

4.4.4 Finally, DJA also challenges whether the area that it claims doesn’t meet the criteria should be included unless it is surrounded by land that does meet the criteria.

Cannon Consulting Engineers (#1503/2/1)

- 4.4.5 Paragraph 2.2 (#1503/2/1) states that: *“The proposed boundary changes, which are the subject of the June 2007 DEFRA consultation, would bring the Wilmington to Polegate section of the A27 wholly into the proposed South Downs National Park.”*
- 4.4.6 Paragraph 2.4 highlights that there are no firm proposals as yet, nor indeed that any produced will necessarily be agreed: *“It is too early to say when and where these improvements, and other improvements which could be identified in the future, will be needed. As and when improvements come forward, the Highways Agency will need to demonstrate that all options have been considered, particularly with regard to demand management and environmental mitigation.”*
- 4.4.7 Paragraph 2.9 highlights that work on the road has not necessarily been abandoned: *“Although the above two schemes [Wilmington and Selmeston bypasses] were rejected by the Secretary of State, the need to improve the A27 west of Polegate has not been abandoned, rather less damaging options are being investigated, which may or may not include bypass options at each location.”*
- 4.4.8 It concludes (paragraph 3.2): *“There is an identified need to carry out some form of improvement to the A27 at Wilmington, and whether on-line or off-line (to the north of the A27), this improvement would be located within Addition 11. To allow the Highways Agency to properly discharge its responsibilities to the Secretary of State for transport, it is clear that Addition 11 should not be included in the proposed South Downs National Park.”*

5 Rebuttal of Objectors' Reasons for Exclusion

5.1 Natural Beauty and Recreational Criteria

- 5.1.1 None of the objectors have provided sound evidence that the area does not meet the natural beauty criterion. All ignore the assessment in CD36 along with the Inspector's opinion that: *"In my judgement the overall landscape quality of the area generally to the east of Selmeston and north of the A27 is rather higher than the Agency contends. The references in CD36 to the landscape between Wilmington and Michelham Priory retaining its key characteristics and intimate character hardly support the Agency's claim that it is "ordinary countryside". It may be outside the AONB but to my eyes this is an area of attractive, largely unspoilt Low Weald countryside..."* (7.421, page 166, CD #3)
- 5.1.2 East Sussex County Council claims that the Inspector is not talking about this area but the very high quality areas further north (see paragraph 4.2.3 above), but as can be seen from the quote above, he specifically mentions land east of Selmeston (which Wilmington is) and north of the A27. The Inspector is not just talking about Michelham Priory or Wilmington / Abbot's Woods. ESCC also claims that because the Inspector rejected Wootton Manor for inclusion (see paragraph 4.2.3 above), this somehow reflects badly on land at Wilmington, even though this is not mentioned.
- 5.1.3 No objector has shown that the sweep of landscape within which Wilmington lies is not of high quality overall. Consequently, the SDC does not believe that any objector has satisfactorily shown that the area does not meet the natural beauty criterion. The SDC maintains that the area does warrant inclusion on natural beauty grounds and that it also has a very strong borrowed character being so close to the Chalk Downs and the iconic Long Man of Wilmington.
- 5.1.4 As a result of meeting the natural beauty criterion, with good access within the area on footpaths and quiet lanes, the area is able to provide a superior recreational experience particularly in the shadow of the Long Man of Wilmington. Therefore the objections of DJA on recreation and borrowed character also fail.
- 5.1.5 ESCC's claim that the size of the proposed addition is out of proportion to the requirement to include a few houses, a hotel and a garage so as not to split the settlement (see paragraph 4.2.3) is not a convincing reason to exclude this area from the National Park. Given that the area meets the natural beauty criterion and follows a clearly defined boundary that doesn't split the settlement it should be included in its entirety.

5.2 Split Settlement

- 5.2.1 None of the objectors have provided any evidence to show that Wilmington is two settlements, merely stating that the A27 separates the two built up areas and noting that the Countryside Agency treated Wilmington as two settlements.

- 5.2.2 In its consultation response Eastbourne Borough Council attempts to claim that Wilmington extends only up to the A27 and bases this on extracts from the Wealden Local Plan 1998 and the non-statutory Wealden Local Plan 2005. However, these maps, while not showing land north of the A27, do not define the settlement boundaries of the village as claimed and instead focus on the Conservation Area. Therefore, this objection does not appear well founded or supported by compelling evidence and the criticism of the Inspector in this respect is unfounded.
- 5.2.3 While Wealden District Council in its consultation response agrees that addition 11 should be excluded, it does not state that there are two settlements at Wilmington. Indeed the wording of its letter suggests that there is indeed one settlement: “...*the formally designated Wilmington Conservation Area (which lies south of the A27) is both visually and architecturally distinctive from that area of Wilmington lying to the north of the road.*”
- 5.2.4 As the local authority for the area, considerably more weight should be given to this opinion than that of Eastbourne Borough Council.
- 5.2.5 The SDC provided evidence previously⁵ that the settlement has always been considered as a whole unit and nothing submitted by objectors repudiates that evidence. Indeed, the fact that the Highways Agency was previously looking at a ‘Wilmington bypass’ to the north of the whole settlement further adds weight to the case that the buildings north and south of the A27 are part of one settlement.

5.3 Core Chalk Downland Test

- 5.3.1 DJA claims that the area fails the ‘core Chalk Downland test’ yet there is no such test. This is an invention of DJA and has no basis in law or policy. Even if it is felt that the South Downs National Park should be based almost exclusively on the chalk downland, which the SDC does not accept⁶, this does not preclude other closely associated landscapes being included in the National Park as accepted by the Inspector (paragraph 2.71, page 38, Part II, CD #3).
- 5.3.2 Much of this area is around 1km from the scarp slope and nearly all of it is within 2km of the Long Man of Wilmington, an iconic chalk figure. It therefore has a very strong association with the chalk downland and is rightly proposed to be included in the National Park.

5.4 Will Delay or Prevent Delivery of the South East Plan

- 5.4.1 This is an issue raised by all objectors, that by including addition 11 in the South Downs National Park, it will somehow prevent any road improvements taking place and hence prejudice the delivery of the South East Plan.

⁵ See paragraphs 5.3.1 & 5.3.2, page 13, SDC Boundary Proof of Evidence, Cuckmere Valley Area – Inquiry Document No: 3275/33/1

⁶ See SDC Proof of Evidence: Implications of NERC Act 2006 and Meyrick Judgments for South Downs National Park (jointly produced with CPRE) – Inquiry Document No. #1147/1/1. See also CD217.

- 5.4.2 In the first instance it is worth pointing out that Cannon Consulting Engineers is not correct in its assertion that: *“The proposed boundary changes... ..would bring the Wilmington to Polegate section of the A27 wholly into the proposed South Downs National Park.”* (paragraph 2.2, #1503/2/1). In fact, the A27 is only included in the National Park through this additional area (in this vicinity). East of the additional area, the A27 lies outside of the National Park for over 1km before it meets the A22.
- 5.4.3 However, Cannon Consulting Engineers usefully state that there are no firm proposals for the area and that there is no way of knowing what will be forthcoming in the future or when that might be (see paragraph 4.4.6 above). This demonstrates that there is no current proposal for the area, no agreed scheme, nor is there a reserved line for any such proposal that might be forthcoming in the future. Therefore to exclude addition 11 on such a vague notion that something might happen in, or near, this area in the future would be perverse and not in line with the boundary setting criteria. These only talk of excluding land allocated for development and only then if it is too substantial to be adequately screened.
- 5.4.4 Although unnecessary to show, it is worth pointing out that the inclusion of addition 11 does not mean that there cannot be any highway works in this area in the future. This can be amply demonstrated by the present works on the A27 between Southerham and Beddingham, which lies wholly within the Sussex Downs AONB. These are arguably far more substantial than would be envisaged at Wilmington. Therefore there is no threat to future transport works as claimed by East Sussex Economic Partnership (see paragraph 4.3.1 above).
- 5.4.5 Equally, the claim by Cannon Consulting Engineers that addition 11 must be excluded from the South Downs National Park in order for the Highways Agency to be able to fulfil its duties to the Secretary of State is also baseless. Including addition 11 has no bearing on whether or not the Highways Agency is able to fulfil its duty. Given the Secretary of State’s previous concern about the landscape impact of road improvements along the A27 (page 3, CD190), the Highways Agency has been given a clear directive that whatever it does has to fully consider and potentially avoid, if at all possible, any environmental impact. This is illustrated by the following quote from the Highways Agency’s website⁷:

“In his announcement of 9th July 2003 about the South Coast Multi Modal Study (SoCoMMS), the Secretary of State rejected on environmental grounds, proposals for upgrading the A27 at Chichester, Arundel, Worthing, Selmeaton and Wilmington in the form they were presented in the SoCoMMS Report. In his letter to the Regional assembly he said:

“To take these schemes forward in the form proposed would not be consistent with our policy presumption against new or expanded transport infrastructure that adversely affect environmentally sensitive areas and sites, except where there is an overriding public interest in the development proceeding’.

⁷ Highways Agency website: <http://www.highways.gov.uk/roads/projects/4045.aspx> (see response under question 3)

“In the same letter he set out the further work he wished the Highways Agency to undertake. The Secretary of State is therefore asking the Highways Agency to work with the Local Authorities and the Statutory Environmental Bodies to identify less damaging options (including management measures), which reduce the need for major road construction, and report back to him’.

“In view of this the Secretary of States terms of reference to the Highways Agency are clear in that any proposed improvements to the A27 should not be environmentally damaging and should not require major road construction...”

5.4.6 Therefore, overall, the SDC believes that these objections and concerns about delivery of the South East Plan are not sound reasons for excluding addition 11.

6 Conclusion

- 6.1 Overall, the SDC does not believe that the above objections have any sound basis. No objector has produced evidence that the area does not meet the statutory criteria, nor that Wilmington is in fact two settlements and so not split by a boundary along the A27. In addition, objectors have failed to demonstrate that there are any firm proposals, or agreed route, for any road improvements regardless of whether they are considered desirable sometime in the future and are listed in the draft South East Plan. Therefore there are no sound reasons as to why addition 11 should not be included in the proposed South Downs National Park.

7 Recommendation

- 7.1 The SDC considers that a substantive and compelling case for excluding this area has not been made by objectors and requests that the Inspector confirms his recommendation to the Secretary of State that the South Downs National Park Designation Order boundary be amended to include addition 11.