

#837/1/1

South Downs National Park
Re-opening of Public Inquiry

Friends of Seaford Head

Proof of Evidence

Given on behalf of FOSH

by

John Christopher Foxley MBE
C Eng MICE C Env MCIWEM

12 January 2008

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- Appendix No.1 Letter from Lewes District Council
Planning Directorate.
Attachments:- (i) Aerial Photograph
(ii) Plan of adjoining land
(iii) Plan showing the AONB
and fringe areas
- Appendix No.2 Letter from Seaford Town Council,
Councillor Rosemary Collicot-
Chairman Planning and Highways Committee.
Exhibits A-G are attached to Cllr. Collicot's
submission posted to you on 14 January 2008
- Appendix No.3 Extract from The National Trust (Kent and East
Sussex Region) Newsletter No. 21 – Autumn 1993.
- Appendix No.4 Letter from Sir William Proby Bt dated 8 January 2008
- Appendix No.5 Letters dated 6th and 16th August 2008 to Mr Jonathan
Shaw MP Under Secretary of State & Minister for the
South East.
- Appendix No.6 Email dated 9th January 2008 from Casper Johnson County
Archaeologist for East Sussex CC
Attachments comprising four maps showing archaeological
records and a copy of A Landscape Legacy: National Parks
and the historic environment published by English
Heritage. (only pages 1 and 2 reproduced herewith but the
complete document is available for reference).

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Given by:-

John Christopher Foxley

Representing Friends of Seaford Head (FOSH)
and concerning
The proposed Deletion No.10 on Map No.28

1 John Foxley will say:-

1/1. I have been charged with the task of representing The Friends of Seaford Head regarding the intended Deletion of the land South of Chyngton Way Seaford East Sussex (hereinafter referred to as 'the Land'). It has been identified as Deletion No.10 on Map 28 of your Report of the full Public Inquiry held between 2003 and 2005. I am a Chartered Engineer and Chartered Environmentalist with more than 40 years experience on environmental matters.

2 Preamble

2/1. We would wish to state that the land in question plays a significant part in the overall appreciation of the open downland landscape on and around Seaford Head. The degree of interest has been clearly demonstrated by the number of people, both locally and further afield, who have expressed their concerns to the Secretary of State and his Department during the consultation period that ended on the 24 September 2007. These have included our Member of Parliament Mr Norman Baker, our District Council our Town Council and our own Ward Councillors.

2/2. It is understood that the Terms of Reference for the re-opened Public Inquiry restrict our submission to matters arising since the closure of your previous Inquiry, and with particular reference to the Natural Environment and Rural Communities Act 2006, save for the fact that the last statement that was made in the letter from the Department, dated 25 October 2007 and giving notice of the selective re-opening of the Inquiry read:-
"Whether or not you choose to appear, I can assure you that your written representations, as submitted, will be taken into account by the Inspector in his report to the Secretary of State".

2/3. May I, Sir, please seek your confirmation that you will honour this statement and give due weight to the points made in numerous letters to DEFRA during the consultation period, when you write your further Report.

3 New Issues

3/1. Firstly: You will recall that the Countryside Agency originally submitted proposals for the land to be included within the SDNP. This was given unqualified support by Lewes District Council, as Planning Authority, because it conformed to their declared Countryside Policies not only at the time but also extending back to their creation at Local Government re-organisation in 1974. These policies remain current today and we would wish to submit as our **Appendix No.1** a letter from their Planning Directorate that sets out the Council's longstanding policies for the Seaford Head and Cuckmere Valley landscape. FOSH fully supports this approach and we do not wish to take up unnecessary time by repeating their position, although we will make reference to it again in connection with a reference in the letter from The National Trust which is included herewith as Appendix No.4. However, we would additionally wish to draw your attention to the letter, submitted here as **Appendix No.2**, from Councillor Rosemary Collict, Chairman of the Planning and Highways Committee of Seaford Town Council who makes further strong representations on behalf of the town of Seaford. We would wish to place on record that in our view the important factors raised in these documents, do not seem to feature as strongly as they should in your previous Report (paragraphs 7.458 to 7.464 refer). Neither was the further evidence produced by the Countryside Agency dated 12 July 2004, given appropriate weight as a counter argument to the case presented by Higham and Company on behalf of Mrs E A B Wicks, the landowner (PINs 1069). *[May we explain that to avoid unnecessary duplication the panoramic photograph included in Councillor Collict's letter will be found in her documentation rather than included here).*

3/2. Secondly: FOSH would wish to submit that there is now further support for recognising the rural/countryside/landscape issues on this Land associated with the NERC Act 2006.

3/3. Thirdly: Natural England (as successor to the Countryside Agency) continues to support the Land being within the SDNP. The staff at Natural England were also interested to be notified that a medieval settlement known as "Poynings Town" was located just to the east of the Land and in their view this has relevance to the objectives of the NERC Act 2006.

3/4. The National Trust has extensive land holdings in the Cuckmere Valley notably at Frog Firlie Farm and more relevantly at Chyngton Farm. Poynings Town is within the Trust's land and close to its Western boundary. Chyngton Farm was acquired by The Trust in 1993 with the aid of funds from a number of sources such as The Countryside Commission, East Sussex County Council and especially from a substantial bequest from a Mr and Mrs How who lived in East Sussex. Whilst all of the Trust's holding lies to the East of the Chyngton Farm/South Hill Barn roadway, one of the key objectives of the Trust was to safeguard in perpetuity the rural nature and landscape heritage associated with the Cuckmere Valley and its environs. It is our belief that this remains their objective. In support of this statement I submit two **Appendices Nod. 3 and 4**. The first is an extract from The National Trust Newsletter No 21 issued by the Kent and East Sussex Region in Autumn 1993 when The Trust acquired their land. It places Chyngton Farm in the wider context of the Cuckmere Valley. The second is a letter dated 8 January

2008 from Sir William Proby Bt, Chairman of The National Trust. Not only does he make reference to the Trust's approach to saving 'green spaces' but he expresses

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wide support for the District Council's countryside policies and the retention of this Land within the local landscape.

3/5. May we now draw your attention to the NERC Act 2006 and in particular the section that defines the role and objectives of Natural England. Clause (2)(2)(a-e) thereof states:-

- “2(2) Natural England's general purposes includes-
- (a) promoting nature conservation and protecting biodiversity,
 - (b) conserving and enhancing the landscape,
 - (c) securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment,
 - (d) promoting access to the countryside and open spaces and encouraging open-air recreation, and
 - (e) contributing in other ways to social and economic well-being through management of the natural environment.

3/6. In my letter of 6 August 2007 to Mr Shaw, Secretary of State, I state in the fourth paragraph on page 3 that ‘...very little reference was made [*i.e. in your previous Report*] to the archaeological values of the adjacent land or the prospects of discovering artefacts that would throw more light on the human activities and cultures prevalent centuries ago. However you will know that the National Parks and Access to the Countryside Act 1949 as amended by section 59 of the NERC Act 2006 gives Natural England the power in 2A(a) to take into account wildlife and cultural heritage and in 2A(b) to take into account the extent to which it is possible to promote opportunities for the understanding and enjoyment of its special qualities by the public....’

3/7. It is widely known that there are many archaeological features in the locality but Poynings Town is of special relevance because the Land in question lies between this settlement and Seaford. Consequently there must be valuable traces of earlier human activity and cultures remaining to be researched across a wide area including the Land in question. Discussion with the County Archaeologist has revealed there to be “good archaeological potential” on the Land “embracing all periods”. My letter to Mr Jonathan Shaw MP makes specific reference to this aspect and so does the letter from Mrs Foxley to Mr Shaw dated 16 August 2007 for your convenience these letters are included here as **Appendix No. 5**. It is our view that the NERC Act has direct relevance and the cultural value of the archaeological heritage merits further research.

3/8. We are in receipt of an email from The County Archaeologist, Mr Casper Johnson, that expresses the significance of the Land within the landscape. This is included here as **Appendix No. 6** and makes reference to four additional maps that identify the locations of known artefacts and the extent of their Archaeologically Sensitive Areas (ASAs). It must be mentioned that this mapping is far from complete so further survey work is necessary to establish all the ASAs. Nonetheless the existence of the archaeological finds to date cannot be disputed and there is bound to be new evidence awaiting discovery. It should be noted that the ASA associated with MES 1753 extends into the Land and there

must be the potential for a future ASA for MES 1719 (which relates to Poynings Town) to extend even more into the Land.

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3/9. Towards the end of Mr Johnson's email he makes reference to the English Heritage publication 'A Landscape Legacy: National Parks and the historical environment', and in particular to the statement made on page 1 of the 24 page publication. We presume you are well acquainted with this document but for convenience we have included this page within our **Appendix No.6**. A further statement given to us by Mr Johnson expresses the view that, "The point about a man-made landscape and the relationship of natural beauty to the process of 'making the landscape' is arguably one of the key reasons for the NERC Act'.

3/10 Bearing all the factors in mind we consider that there is sufficient grounds within the NERC Act taken in isolation to support the re-instatement of the Land within the SDNP boundary.

3/11. Many references have been made in the correspondence submitted to the Secretary of State last Summer regarding the importance of the Land to act as a calming transition on the eastern fringe of Seaford, and you already have these to hand. We would additionally wish to draw your attention to the concept of 'tranquillity'. This aspect featured strongly in the consideration of a recent planning appeal at a development site near Halesowen where the Inspector gave specific weight to 'the harmful effects on the tranquil ambience of the area' and dismissed the appeal. A similar scenario featured in the purchasing of Chyngton Farm by the National Trust (refer to Sir William Proby's letter submitted as **Appendix No.4**) who also contended *inter alia* that the farm provides a valuable landfall for over wintering and migrating birds. The aerial photograph in the National Trust article suggests that there is no distinction over the quality of the Land compared with neighbouring fields so far as bird and wildlife is concerned and FOSH would agree. Certainly from a farming viewpoint Chyngton Farm, including the Land in question, had always been worked as a comprehensive unit prior to the latest change in ownership. I know this farming family well and can speak from direct personal knowledge. Furthermore it is scheduled grade 3A land and FOSH contend that it should have the same status as the adjacent fields thereby contributing to the conservation of the Nation's agricultural land bank. The present tenant farmer for The National Trust land is providing an excellent example of 'managed husbandry' and takes the view that the Land in question could be easily re-incorporated into his present farming regime to the general benefit of the local flora, fauna and landscape.

4 Conclusions

4/1. By way of conclusion we trust that:-

4/1/1. This evidence will be considered in conjunction with:-

- (a) the written submissions already in your hands arising from the consultation period last summer and
- (b) any fresh written submissions made to you since the announcement of the re-opening of your Inquiry.

4/1/2. It will be accepted that new issues have arisen through the implementation of the NERC Act 2006 and recognition be given to the continuing support

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expressed by Natural England that the Land should be re-instated into the SDNP,

4/1/3. Recognition will be given to:-

- (a) the objectives of The National Trust,
- (b) the confidence placed upon the Trustees by their Donors in purchasing Chyngton Farm in 1993 and,
- (c) the statements made by Sir William Proby Bt in support of the Land being included within the SDNP.

Furthermore, recognition will be given to the importance The Trust has placed upon the conservation of the Cuckmere Valley and its environs for its landscape significance that must also impact upon the Land in question.

4/1/4. Full consideration will be given to the new evidence concerning the archaeological factors that can now be given appropriate recognition under the NERC Act as expressed by the County Archaeologist and supported in holistic terms by English Heritage.

4/1/5. Recognition will be given to the fact that the intended exclusion of the Land is not confined to a narrow issue raised by local residents. Few, if any, locations within the South Downs can surpass the iconic landscape features displayed in and around Seaford Head and the Cuckmere estuary. This is further exemplified by the views expressed by:-

- (a) Our Member of Parliament Mr Norman Baker, who is able to represent a Constituency stance,
- (b) The Lewes District Council Planning Directorate in presenting the decisions made in Council last Autumn, and setting out the Planning Approach for the area since the inception of the Council in 1974.
- (c) The Seaford Town Council through its Chairman of Planning and Highways Committee, and representing a unanimous support for the retention of the Land within the SDNP boundary.

4/2. It is the view of the Friends of Seaford Head that such a wide degree of concern and support for the re-instatement of the Land are deserving of a re-appraisal of the current position. This is emphasised by two specific factors, namely:-

- (a) The additional information that might not have been fully identified at your earlier inquiry and,
- (b) The clear implications that have arisen through the passing of the Natural Environment and Rural Communities Act 2006.

5. Finally

5/1. May I draw your attention to the last paragraph of The National Trust Newsletter Article (**Appendix No.2** refers) written some 14 years ago which states:-

5/1/1. “Found on the windscreen of a Trust vehicle on the day the purchase was announced to the press, was the following note from a supporter:
‘Congratulations on your latest acquisition....’ tread softly for you tread upon my dreams’. This quote from W.B.Yeats carries a poignant message for us all and in many ways sums up the objective of The Trust as a whole.”

5/2. This statement also reflects the concerns of FOSH who wish to ensure the special physiographical features of the Land are recognised for the enjoyment of the many visitors to the area. It is our belief that we all have a duty to support those who have already had the vision and financial commitment to conserve this landscape

5/3. To the best of our knowledge only one written objection was received by you in 2004, but you will appreciate that FOSH are not a lone voice. We are not alone; our Member of Parliament, our District Council and Planning Authority, our Town Council, our Ward Councillors, The National Trust, Natural England, the County Archaeologist and others are equally committed. We all have a duty of care especially to the generations to come. It is they more than anyone who will benefit from “the decisions made today”.

5/4. We hope therefore that you might feel able to re-appraise the recommendation made in your earlier Report for the Land in favour of its re-instatement within the SDNP boundary.

Thank you for receiving this submission.

John Foxley MBE
C Eng MICE C Env MCIWEM
On behalf of FOSH

12 January 2008

