

Planning Inspectorate Ref:
APP/C1435/W/22/3293970

Wealden District Council Ref:
WD/2021/0594/MEA

Hindsland, Eastbourne Road,
Lower Willingdon, BN20 9NU

Landscape and Visual Proof of Evidence Volume 1: Text

Prepared by Mrs. Clare Brockhurst FLI, BSc (Hons), Dip LA

on behalf of

Danescroft (FREOF v Willingdon) LLP

R001c_2208_Landscape Proof of Evidence_010622



Contents

Section 1: Introduction	1
Instruction	2
Scope of my evidence.....	2
Declaration.....	4
Section 2: General context	5
Section 3: The South Downs National Park	9
Historic position of the SDNPA	9
'Setting' of the National Park.....	11
Matters raised by the SDNPA.....	12
Section 4: Matters raised by Third Parties	18
Global issues and food production	18
Section 5: Summary and Conclusions.....	21

Figures/Plates

Figure 2.1: Extract from Wealden District Council's adopted Core Strategy (Figure 1)	5
Figure 2.2: Extract from Wealden District Council's adopted Core Strategy (Figure 8)	6
Figure 2.3: Extract from ©Google earth 2004	7
Figure 3.1: The appeal scheme for APP/C1435/W/19/3230484 - Mornings Mill Farm, BN20 9NY	10
Figure 3.2: Extract from Google earth showing the existing housing between the Appeal Site and SDNP	15
Figure 3.3: Dark Skies mapping for the SDNPA extracted from TAN 8	16
Figure 3.4 Policy SD8 from SDNP Local Plan	17
Figure 4.1: Extract of OS map showing Public Rights of Way	19
Figure 4.2: Extract of OS mapping showing Public Rights of Way and open access land	20

Volume 2: Appendices / Photosheets

- Appendix LP1: SDNP response to Mornings Mill Farm application, November 2017
Appendix LP2: SDNP response to Mornings Mill Farm application, December 2018

The contents of the report are valid at the time of writing. Leyton Place shall not be liable for any use of the report other than for the purposes for which it was produced. Owing to the dynamic nature of landscape resources, if more than twelve months have elapsed since the date of the report, further advice must be taken before you rely on the contents of the report. Notwithstanding any provision of the Leyton Place Limited Terms & Conditions, Leyton Place Ltd. shall not be liable for any losses (howsoever incurred) arising incurred as a result of reliance by the client or any third party on the report more than twelve months after the date of the report.

Section 1: Introduction

Introduction of the Witness

Qualifications

- 1.1 I am Clare Brockhurst, Director of Leyton Place Limited. I have had a career in landscape architecture and landscape planning spanning more than 32 years. Within my technical area of expertise, I have specialised in landscape and visual planning matters and the design of strategic Green Infrastructure (GI).
- 1.2 I have been appointed by the appellant to provide landscape and visual evidence to the inquiry opening on the 5th July 2022. This proof of evidence forms a component of the Appellant's Case.
- 1.3 I have a BSc (Hons) degree in Landscape Management from the University of Reading and a Post-Graduate Diploma in Landscape Architecture from the University of Central England.
- 1.4 I completed and passed my professional practice examinations and became a Chartered member of the Landscape Institute (CMLI) in 1997. In 2007 I was invited to apply for, and was granted, Fellowship of the LI (FLI) in recognition of my contribution to the profession in the field of landscape planning.
- 1.5 I have sat on the Landscape Institute's (LI) Policy and Awards committees and have served as an elected member of Council. I have been a judge for the LI on four occasions, most recently in 2019. In January 2017, I was the LI's guest speaker for the Pathway Graduation Ceremony. I am a pathway mentor and support the development of newly qualified graduates.
- 1.6 In March 2020 I was invited to speak at the Planning Inspectorate's Annual Training Event held over two days. I assisted with the workshops on the latest visualisation guidance, sat on the panel discussing the landscape and visual assessment process and specifically addressed matters relating to the presentation of evidence at inquiries.
- 1.7 In February 2021 I was invited to speak at the Landscape Matters Debate on the published *Guidelines for Landscape and Visual Impact Assessment* – a virtual event that was recorded and uploaded to YouTube.

Career and employment

- 1.8 I started my career as an in-house Landscape Architect for Bovis Homes, where, over a 5-year period, I gained an understanding of the house building process and the effects of development on the landscape.
- 1.9 I joined Countryside Planning and Management (CPM) as a Graduate in 1997. I became Managing Director of Waterman CPM in 2007, after the company was acquired by Waterman Group Plc. During this time, I worked with numerous developers on a range of housing, commercial and recreation projects.

- 1.10 I was the lead landscape witness for the Countryside Agency at the inquiry into the designation of the South Downs National Park (SDNP). As part of that inquiry, I gave evidence at over 250 informal hearings and gained extensive knowledge of landscape characterisation and assessing valued landscapes. In preparing for the 12-month inquiry I spent 6 months visiting the area specifically focused on the draft boundary and the land within and outwith the proposed National Park. I also cycled the South Downs Way from Winchester to Eastbourne to understand the 'macro' issues pertinent to the National Park. At the SDNP inquiry, the issue of setting was debated and the reasons for excluding land examined.
- 1.11 In 2010 I, along with three colleagues, set up Tyler Grange LLP. The practice grew from the four founding partners to employ 75 consultants with five regional offices. I sold my ownership in the business in July 2019 and set up Leyton Place Limited. I now focus on technical consultancy services to clients.

Experience

- 1.12 In the last 25 years, I have been involved with over 50 Landscape and Visual Assessments (LVAs) and over one hundred Landscape and Visual Impact Assessments (LVIAs), either as stand-alone reports or as chapters for Environmental Statements. I have been appointed by clients, including local planning authorities, to review and critique the work of others. My approach to LVIAs and LVAs has been subject to scrutiny through peer review and the public inquiry process over the past 25 years. My technical work has been found sound, rigorous and robust.
- 1.13 In addition to the 250 appearances at the year-long SDNP Inquiry, I have been called as an expert witness for planning appeals on more than 85 occasions, including giving evidence on behalf of local planning authorities, local community groups and developers.

Instruction

- 1.14 I was approached by the Appellant in April 2022 to consider whether I could provide expert evidence for an appeal in support of the Appellant's case. Accordingly, I considered the material that had been submitted with the planning application in order to assess the issues in dispute associated with my area of expertise and to consider my professional judgment on the proposed development. I concluded that there were issues for which my evidence would be appropriate and, moreover, that I could appear on behalf of the Appellant as I consider the appeal proposal to be an entirely acceptable form of development in relation to landscape and visual issues.
- 1.15 Prior to Leyton Place Limited's instruction, the Appellant had appointed ACD Environmental to prepare the Landscape and Visual Impact Assessment (LVIA), a chapter contained within the Environmental Statement.
- 1.16 At the outset of my appointment I was advised that the appeal had been lodged for non-determination, subsequent to my appointment the Council confirmed that they would not be contesting the appeal.

Scope of my evidence

- 1.17 My Proof of Evidence should be read alongside the others produced on behalf of the Appellant.

- 1.18 Cognisant of the Inspector's comments in the Pre CMC letter¹, and in light of no landscape or visual objection to the proposal by WDC, the scope of my evidence is limited to the South Downs National Park consultation response (not issues the council agrees with, see SoCG, paragraph 6.7) and those additional landscape matters, if any, raised by members of the public.
- 1.19 I do not seek to address those matters which are undisputed by the parties. Therefore my silence on aspects of the landscape and visual context should not be taken to mean I have concerns and chose to set these matters aside. Having read the material prepared by ACD, visited the site, and made my own judgements I have not identified any matters which indicate that development should be resisted on landscape and visual grounds.
- 1.20 In preparing this material, I have undertaken the following tasks (amongst other things):
- 1.20.1 Reviewed the relevant material prepared by the Appellant's professional consultants, particularly the landscape and visual impact components.
 - 1.20.2 Reviewed the relevant policies and published material; and
 - 1.20.3 Visited the Appeal Site and local area.
- 1.21 I have not provided a Landscape and Visual Impact Assessment (LVIA) of my own as part of my evidence as the Inspector already has an unchallenged LVIA, and I do not disagree with the approach and conclusions. It would therefore be inappropriate and unnecessary for me to produce a new LVIA.
- 1.22 Within my proof of evidence, and where appropriate, I refer to published best practice guidance for considering landscape and visual matters as contained in:
- *Guidance for Landscape and Visual Impact Assessment*, third edition, LI and IEMA, 2013 (GLVIA 3).
 - *An Approach to Landscape Character Assessment*, Natural England (AALCA), October 2014.
- 1.23 At the outset of my evidence, I wish to make clear that I understand each development proposal needs to be determined on its own merits. However, there should be consistency in the interpretation and application of the relevant policy framework. In my evidence I refer to allowed appeals or consented developments near to the Appeal Site. I do this not as a means of making a direct comparison of the planning merits of that scheme, but in the context of ensuring the consistent interpretation and application of the relevant policies that relate to landscape and visual matters in the decision-making process.
- 1.24 Therefore, where it has been determined that development of a similar nature (primarily housing) in the same landscape character area, adopting similar (or less robust) mitigation measures and affecting similar visual receptors (such as users of the local road network and public rights of way) does not offend the development plan policies to the extent that planning permission is withheld, such decisions are relevant and provide reference points as to the character and appearance of the area and acceptable effects on it and the 'threshold' of acceptability.

¹ "It would not be a good use of inquiry time to present lengthy evidence on matters that are not in dispute and have not been raised by other parties."

1.25 My evidence is structured as follows:

Volume 1: Text

Section 1: Introduction

Section 2: General context

Section 3: The South Downs National Park

Section 4: Matters raised by third parties

Section 5: Summary and Conclusions

Volume 2: Appendices, Plans and Photosheets

Declaration

1.26 The evidence I have prepared represents my professional opinion on the objective and subjective aspects of the development for the appeal so far as they relate to the landscape and visual effects of the Appeal proposals. Based on my knowledge, I believe the facts stated in this Evidence are true and accurate and I have complied with my professional Code of Conduct.

Section 2: General context

- 2.1 Wealden District Council is the subject of a number of statutory designations which constrains the locations wherein development can be accommodated without impacting directly on a nationally valued asset.



Figure 2.1: Extract from Wealden District Council's adopted Core Strategy (Figure 1)

- 2.2 Much of the 'white' land is strongly rural containing smaller settlements, and without rail or principal transport links, sustainability being addressed in the evidence of others for the appellant.
- 2.3 The Council has considered the strategic constraints of the district, and with the support of the EiP Inspector allocated the Appeal Site and a wider area for settlement growth.

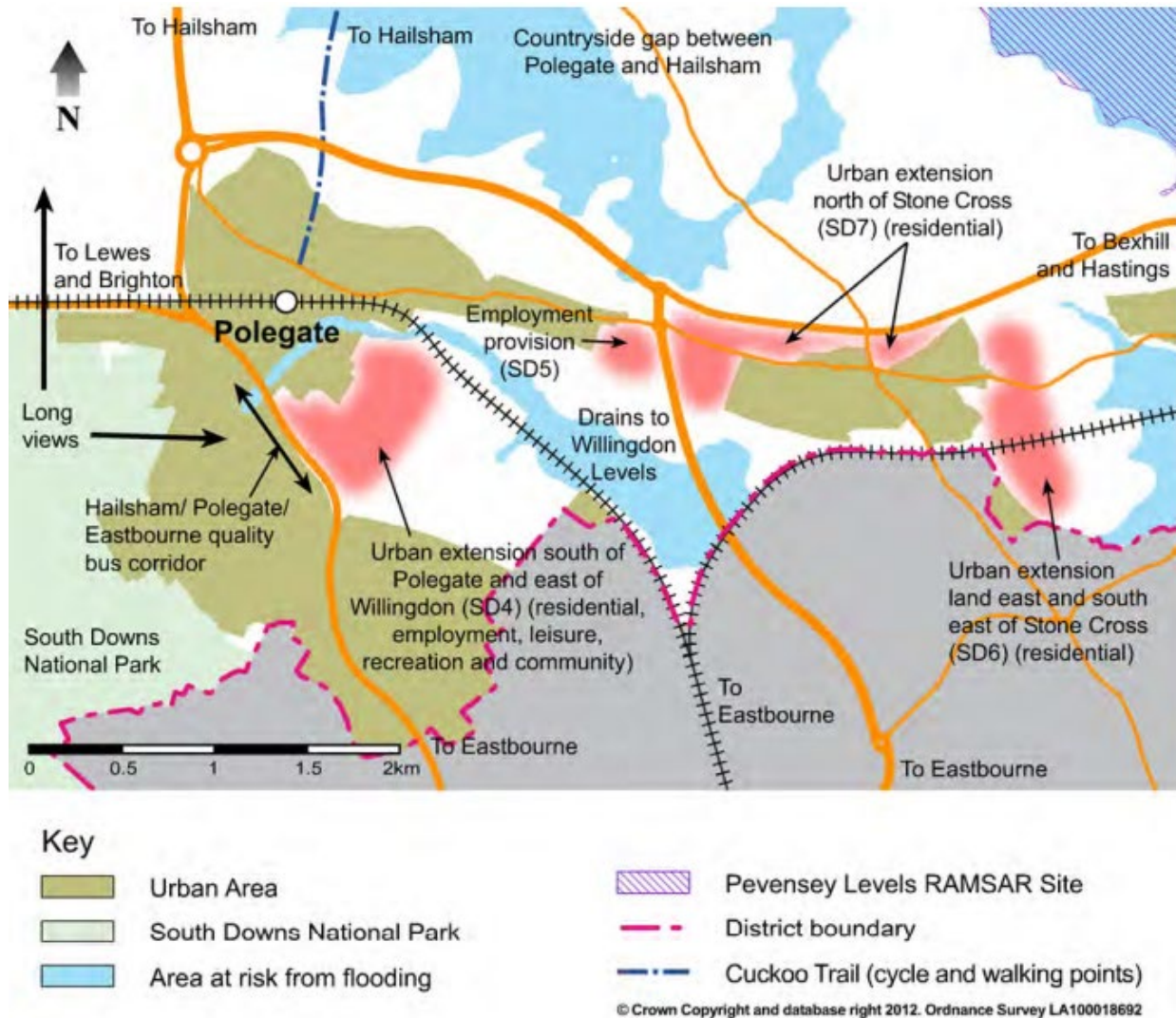


Figure 2.2: Extract from Wealden District Council's adopted Core Strategy (Figure 8)

- 2.4 The Appeal Site comprises former sports pitches, the construction of which necessitated extensive engineering works, the implementation of artificial drainage and the inclusion of amenity grass species. As Mr Portway (local resident) notes 'For a number of decades, football, cricket and basketball was played by students of Brighton University'.
- 2.5 The landscape no longer has a 'natural appearance, despite the grass sward being allowed to grow at points throughout the year. It has been intensely used for sports, its character and composition has been altered to facilitate sport, taking it out of food production and animal grazing.



Figure 2.3: Extract from ©Google earth 2004

2.6 As a result of the analysis undertaken by the Council the Appeal Site lies in a location which does not impact on those specific polices/designations listed in the NPPF, paragraph 11, footnote 7, including:

- SSSI;
- Habitat Sites;
- Green Belt;
- Area of Outstanding Natural Beauty;
- National Park;
- Heritage Coast;
- Irreplaceable habitats;
- Areas at risk of flooding or coastal change; and
- Designated heritage assets.

2.7 The locational benefits of the Appeal Site can be summarised as:

- Within an area allocated for mix-use development
- Located abutting the settlement edge, utilising the existing infrastructure;
- Outwith any national statutorily designated landscape;
- Not within or near other designated landscapes, such as Ancient Woodland or Registered Historic Parks and Gardens;
- Not within or adjacent to a Conservation Area;
- Not within an NPPF 'valued landscape;'

- No physical attributes which result in a soils objection;
- No physical attributes which result in an ecology objection;
- The absence of physical attributes which results in a hydrology objection; and
- No physical attributes which result in an arboricultural objection.

Section 3: The South Downs National Park

- 3.1 As can be seen from my introduction I am familiar with the South Downs National Park (SDNP), its purposes, boundaries and the land immediately adjoining the designation.
- 3.2 Notably the Appeal Site is not within the SDNP, the issue therefore relates to the effect of the proposed development on the 'setting;' of the National Park.
- 3.3 I have read the consultation response, contained within the letter from Mr T Slaney on behalf of the SDNPA, dated 13th May 2021. I note that on page 2 of the letter the two matters identified as framed as the National Park's comments. This is not a letter of objection.
- 3.4 Furthermore, the council noted:

"The comments from the South Downs National Park are noted, however the application is submitted in outline form with all matters reserved other than access. As such detailed layout and landscaping proposals for the site are reserved for later consideration but can be used to reduce the visual impact of the development. The site was identified for development as part of the Strategic Growth Area 4 in the adopted Core Strategy."

- 3.5 I understand that the SDNPA will not be appearing as a Rule 6 party at this appeal to substantiate its consultation comments in respect of the appeal proposals. It is currently unclear if the SDNPA will be attending the inquiry, I reserve my position to comment further if the SDNPA submit anything further as third-party representations.

Historic position of the SDNPA

- 3.6 As noted in Section 2, the Appeal Site lies within a wider allocation (SD4). Notably, as explored in Mr Neame's evidence, the Wealden District Local Plan Core Strategy (adopted February 2013) is a joint local plan (between WDC and SDNPA) and therefore the SDNPA have engaged and been supportive of the approach to the allocation and cognisant of the likely effects, all of which were subject to the EiP process, with the inspector concluding that this is a sound allocation for settlement growth.
- 3.7 In 2019 Inspector Philips considered the proposals put forward for the whole allocation,² see **Figure 3.1** below. During the consultation phase of the planning application the SDNPA commented on two occasions (**Appendix LP1** and **LP2**). In respect of the SDNPA's stance at that time for the whole site, amounting to 700 new dwellings, employment space and open space, was not to register an in-principal objection.
- 3.8 The SDNPA had concerns in respect of:
- An adverse impact on the SDNP;
 - Cumulative effects with the Brodricklands and Hamlands Farm consented development;

² APP/C1435/W/19/3230484 - Mornings Mill Farm, Eastbourne Road, Willingdon BN20 9NY

- *Adequacy of provision of green and blue infrastructure, albeit alleviated by a reduction in the number of dwellings; and
- *Effects on Dark Nights Skies Reserve (recognising that the land lies some distance from the main core of the designated reserve).

3.9 Those items marked * remained as concerns for the SDNPA after the masterplan was amended and the number of dwellings reduced (**Appendix LP2**).



Figure 3.1: The appeal scheme for APP/C1435/W/19/3230484 - Mornings Mill Farm, Eastbourne Road, Willingdon BN20 9NY

3.10 Notably in the context of this appeal, the SDNPA did not comment on ‘coalescence,’ and more significantly did not object to the proposals or appear at the inquiry held in 2019. Impacts on the National Park were not issues debated at that inquiry, nor were they an issue dealt with by Inspector Philips.

- 3.11 In terms of the general arrangement development with the Appeal Site, there is no discernible difference between the Morning Mills Farm application in 2017 and the current scheme before this inquiry. This is important as this was not part of the masterplan that was subject to criticism by the SDNPA.

'Setting' of the National Park

- 3.12 It is agreed that the Appeal Site is outwith the designated landscape, it is therefore considered to fall within the setting of the National Park.
- 3.13 At the time of the designation of the SDNP there was no statutory requirement for the provision of a 'setting' to the National Park. Inspector Parry noted in Volume 1, paragraph 2.62 of his decision that:

*The net effect of the above is, therefore, that I consider that the Agency cast the designation net too widely when it decided that the area of search should include all of the East Hampshire and Sussex Downs AONBs (as well as landscape character areas beyond the AONBs). Even if it is considered that these areas represented an appropriate starting point for the area of search exercise, in my opinion the detailed boundary should be much more closely focussed on the core chalk landscapes. The Weald generally lacks the necessary hallmark qualities, and I am not convinced that the unifying links concept justifies its inclusion. It must also follow that similarly I do not favour the notion promoted by some that the PSDNP should contain additional land to **provide a buffer or breathing space** to protect landscapes from undue pressures.*

- 3.14 The designation was confirmed in 2010 and no buffer was provided for, or a setting defined.
- 3.15 The issue of setting in respect of designated landscapes has continued to be debated through the planning process across the UK. Many AONB partnerships³ have prepared position papers relating to the purpose and definition of setting of an AONB. National Park Authorities (NPAs) have not typically prepared similar position statements. The SDNPA does not have a specific position paper or Technical Advice Note (TAN) but I have noted that in the SDNP Local Plan the following is stated:

*The National Park Authority will work positively and in partnership with other local authorities to ensure that development **outside of the National Park does not have a detrimental impact on its setting or otherwise prejudice the achievement of the National Park purposes**. Section 62 of the Environment Act 1995 requires all relevant authorities, including statutory undertakers and other public bodies, to have regard to these purposes. (SDNP Local Plan Para 4.11)*

*Where development proposals are within designed landscapes, **or the setting of designed landscapes**, (including historic parks and those on the Historic England Register of Historic Parks and Gardens) they should be based on a demonstrable understanding of the design principles of the landscape and should*

³ E.g. The Chilterns Conservation Board, Position Statement – Development affecting the setting of the Chilterns AONB, June 2011; Cotswolds Conservation Board Position Statement: Development in the setting of the Cotswold AONB, 2016; North Wessex Downs AONB Position Statement Setting (Development Affecting the Setting of the North Wessex Downs AONB), 2012.

be complementary to it (SDNP Local Plan Strategic Policy SD4: Landscape Character, second bullet)

- 3.16 There is no definition as to the extent or quality of the setting of the SDNP. Other references in the SDNP Local Plan deal with the setting of historic and natural assets.
- 3.17 In the SDNP Partnership Management Plan 2020-2025 'setting' remains undefined, albeit referenced in the following manner:

*Infrastructure providers will be encouraged to identify the potential for harm to the National Park through an evidence-based approach and to following the mitigation hierarchy in the development and evolution of their proposals. The Defra Environmental metrics to achieve environmental net gain will be applied, where possible, to any proposals for new infrastructure and major development **within the setting of** and in the National Park (Para. 2.6)*

*POLICY 1: Conserve and enhance the natural beauty and special qualities of the landscape **and its setting**, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures (my **emphasis**)*

- 3.18 Again, the setting of the SDNP is not defined in this document.
- 3.19 Although the NPPF does not provide assistance in defining the extent of protected landscapes, their purpose or qualities; in July 2021 the following wording was included in paragraph 176:

"The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

- 3.20 Notably this additional wording dealing with National Parks and AONBs does not preclude development, but requires consideration of the location and design approach.
- 3.21 Most importantly the Appeal Site is located in an area of land allocated for mixed use development. The consideration of the relationship and interaction with the landscape of the National Park would have been part of the allocation process, a process which the SDNPA engaged with and were supportive of.
- 3.22 In conclusion, the 'setting' of the SDNP in this locale is characterised by the existing settlement of Willington and Polegate. The provision of housing and infrastructure within the appeal site complements and mirrors the existing situation, in a manner which was envisaged through the allocation process.
- 3.23 The scheme has been developed in the knowledge of the prevailing townscape and landscape issues. As a result, the scale and nature of the proposals will not alter the qualities and character of the 'setting' of the National Park.

Matters raised by the SDNPA

- 3.24 In the statutory consultee response dated 13th May 2021 the SDNPA's comments were recorded as:

*In commenting on nearby applications for major development proposals, including WD/2021/0174/MEA (Mornings Mill Farm) and WD/2020/2379/MAJ (Brodricklands & Hamlands Farm), the SDNPA raised concerns regarding cumulative impacts (including visual coalescence) of the proposals. The current application relates to land included within earlier proposals for Mornings Mill Farm, but excluded from the most recent application. That exclusion, along with other revisions, was influential in alleviating some of the SDNPA's concerns. The proposal to develop this site therefore reinstates those previous concerns regarding cumulative impacts. It is acknowledged that the site does form part of Strategic Development Location SD4 in the Wealden Core Strategy 2013 but, given the windfall development at Brodricklands & Hamlands Farm, **the current application plus that for Hindsland Farm is considered to be excessive, and harmful, and will effectively result in settlement coalescence.***

*The South Downs National Park is also an International Dark Night Skies Reserve. Lighting should therefore follow the Institute of Lighting Professionals (ILP) guidance GN01:2011 Guidance notes for the reduction of obtrusive light. Should you be minded to grant planning permission then details of external lighting (both during and after the construction period) **should be secured by an appropriate planning condition** with the intention of limiting light pollution impacts and disturbance to wildlife.*

- 3.25 These comments were made in the context that the Appeal Site is outside of the National Park, but it has the duty to consider the Purposes of the National Park⁴ in making its determination, namely:
- 3.25.1 **Purpose 1:** To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area.
 - 3.25.2 **Purpose 2:** To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
 - 3.25.3 **Duty:** To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.
- 3.26 Having considered this context I have the following general observations to make before I consider these matters in detail:
- 3.26.1 The comments relate to a wider development context and the issue of cumulative effects with the harm relating to settlement coalescence. This appeal is only dealing with the Danescroft scheme, I do not address the effects of Mornings Mill, although I acknowledge that the cumulative schemes are part of a strategic allocation and Brodricklands and Hamlands Farm have been granted consent;
 - 3.26.2 The response does not indicate how 'coalescence,' if any such arises, impacts on either of the two statutory purposes, this is an unsubstantiated comment;

⁴ National Parks and Access to the Countryside Act 1949, Section 5

- 3.26.3 The response does not indicate how the proposals impact on the SDNPA's duty as pertaining to communities within the National Park; and
- 3.26.4 The issue relating to lighting is a matter to be addressed through an appropriately worded planning condition.

Consideration of the SDNPA commentary

Settlement and coalescence

- 3.27 Whilst a matter for the planning witness, Mr David Neame, the matter of settlement gap is not within the ambit of the SDNPA. Furthermore, as an allocated site the land is intended to be developed, no 'gap' policy has applied to the Appeal Site in the recent past.
- 3.28 The geographic relationship between the Appeal Site and the SDNP is illustrated on Figure 5 of the LVIA. The visual relationship is shown in Photoviewpoints 10, 11 and 12 of the LVIA.
- 3.29 It is important to note that the SDNP boundary abuts the settlement edge of Lower Willingdon, this was the case at the time of the designation process. It is therefore notable that the presence of Lower Willingdon and Polegate were not considered to be detrimental to the relevant qualities of the landscape and meeting the statutory criteria for designation.
- 3.30 The Appeal Site lies to the east of the A2270 (Eastbourne Road) within the strategic allocation for mixed use development. Between the Appeal Site and the SDNP boundary (approx. 1km separation) is an area of residential housing (and schools with sports grounds). The LVIA addresses the issue cumulative effects. For the SDNP coalescence will be experienced visually, the LVIA concludes at paragraph 9.11:

*"The Proposed Development site and the other proposal sites along Eastbourne Road form a component of the view from elevated viewpoints on the South Downs such as Butts Brow. The Proposed Development alone is considered to have a **minor** effect, however when considered with Mornings Mill Farm and the approved scheme at Brodricklands Farm, the effect is considered to be **moderate**. This is because the additional developments will occupy most of the portion of open green space in middle distance views such as those illustrated in Viewpoints 11 and 12. They will also have a larger effect on views from the public rights of way to the north. Following the implementation of the landscape strategy and mitigation planting, the residual overall visual effects of the proposed development will remain (albeit at a lower level as the planting becomes established over a couple of decades), for viewpoints along Eastbourne Road and from within the South Downs National Park."*

- 3.31 Notably, the setting of the SDNP in this location is characterised by housing and infrastructure. The settlements of Polegate and Willingdon currently appear as an amalgamated urban area from the oblique views experienced from the elevated land and foot slopes of the South Downs.



Figure 3.2: Extract from Google earth showing the existing housing between the Appeal Site and SDNP

- 3.32 Finally, the response from the SDNPA frames its comments in the context of the two statutory purposes and its statutory duty. As I have noted above the SDNPA does not provide any explanation as to what the effects of the 180 dwellings are considered to be.
- 3.33 In respect of the conservation and enhancement of the natural beauty of the area the SDNP's Special Qualities have been summarised as:
1. Diverse, inspirational landscapes and breath-taking views;
 2. A rich variety of wildlife and habitats including rare and internationally important species;
 3. Tranquil and unspoilt places;
 4. An environment shaped by centuries of farming and embracing new enterprise;
 5. Great opportunities for recreational activities and learning experiences;
 6. Well-conserved historical features and a rich cultural heritage;
 7. Distinctive towns and villages, and communities with real pride in their area.

- 3.34 In respect of the first special quality, as demonstrated by Viewpoints 10, 11 and 12 of the LVIA, the Appeal Site is not a prominent component in views from the South Downs. The visual composition will experience no discernible change as a result of the appeal proposals. The principal components will continue to be the rolling agricultural land in the immediate foreground with housing and settlement occupying the lower lying ground at the foot of the slopes. The distant horizon will remain as a natural feature, the development will not break the skyline nor will it obscure or interrupt views across the landscape towards, or of, landmarks or important features in the landscape.
- 3.35 There will be no discernible impacts on the remaining six qualities as they specifically relate to the National Park.

Dark Skies

- 3.36 The second comment made by the SDNPA is effect on the 'dark skies' of the South Downs National Park. I note that this is also a matter raised by Willingdon Residents' Association in the representations dated 28th April 2021.

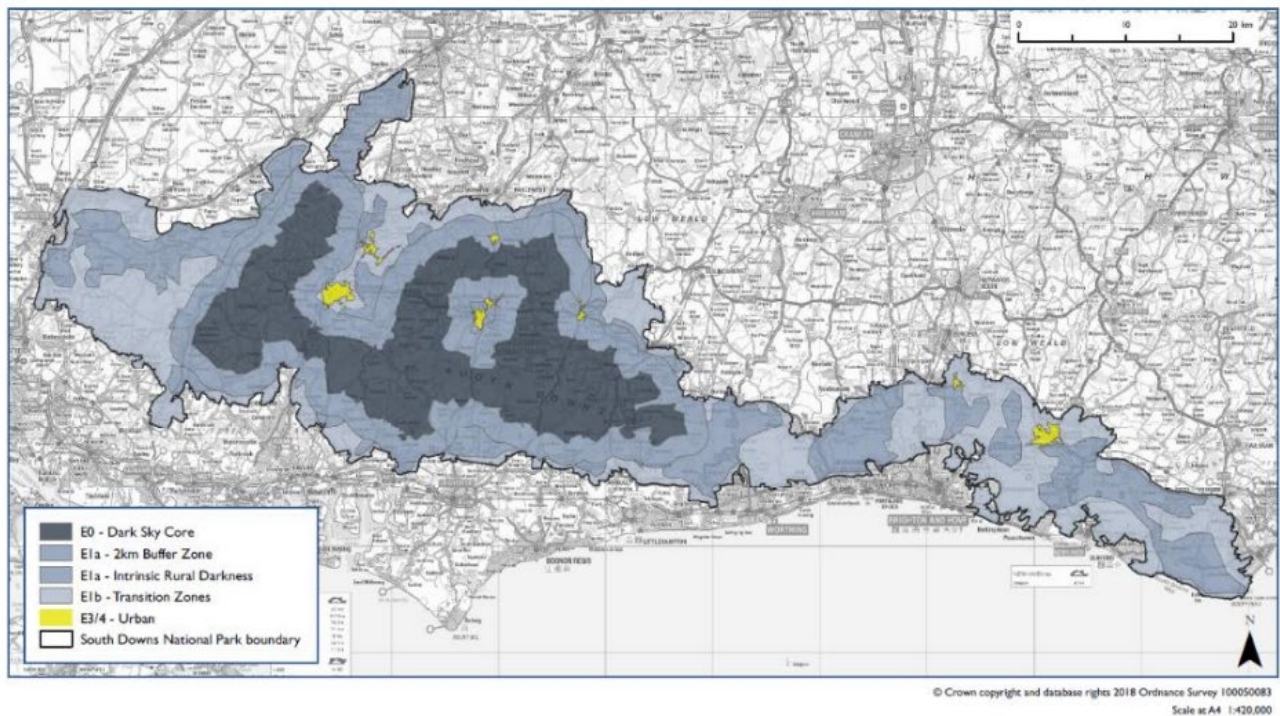


Figure 2 - South Downs International Dark Sky Reserve – Dark Zones

Figure 3.3: Dark Skies mapping for the SDNPA extracted from TAN 8

- 3.37 When discussing the impact on dark skies I accept that I am not a lighting specialist. I therefore make general comments and observations. At this stage there is no detailed lighting strategy for the appeal proposals, nor has the SDNPA sought to appear at this inquiry to explain what effects, if any specifically arise in respect of this proposal.
- 3.38 Notwithstanding this caveat, the SDNPA's position in respect of the Mornings Mill application was that the impact of the larger scheme on dark skies would be limited.

- 3.39 The South Downs National Park was awarded International Dark Sky status in May 2016 and is known as an IDA International Dark Sky Reserve (IDSR). The IDA encompasses the entire National Park boundary but is largely defined by a critical core and buffer zone based where the darkest skies can be found. The extent of the Dark Sky Core and its buffer are shown on Figure 2 contained in TAN 18⁵ (see Figure 2.2 above).
- 3.40 Notably the SDNPA Local Plan Policy SD8 – Dark Night Skies (**Figure 3.4** below) only applies to a defined area within the South Downs National Park.

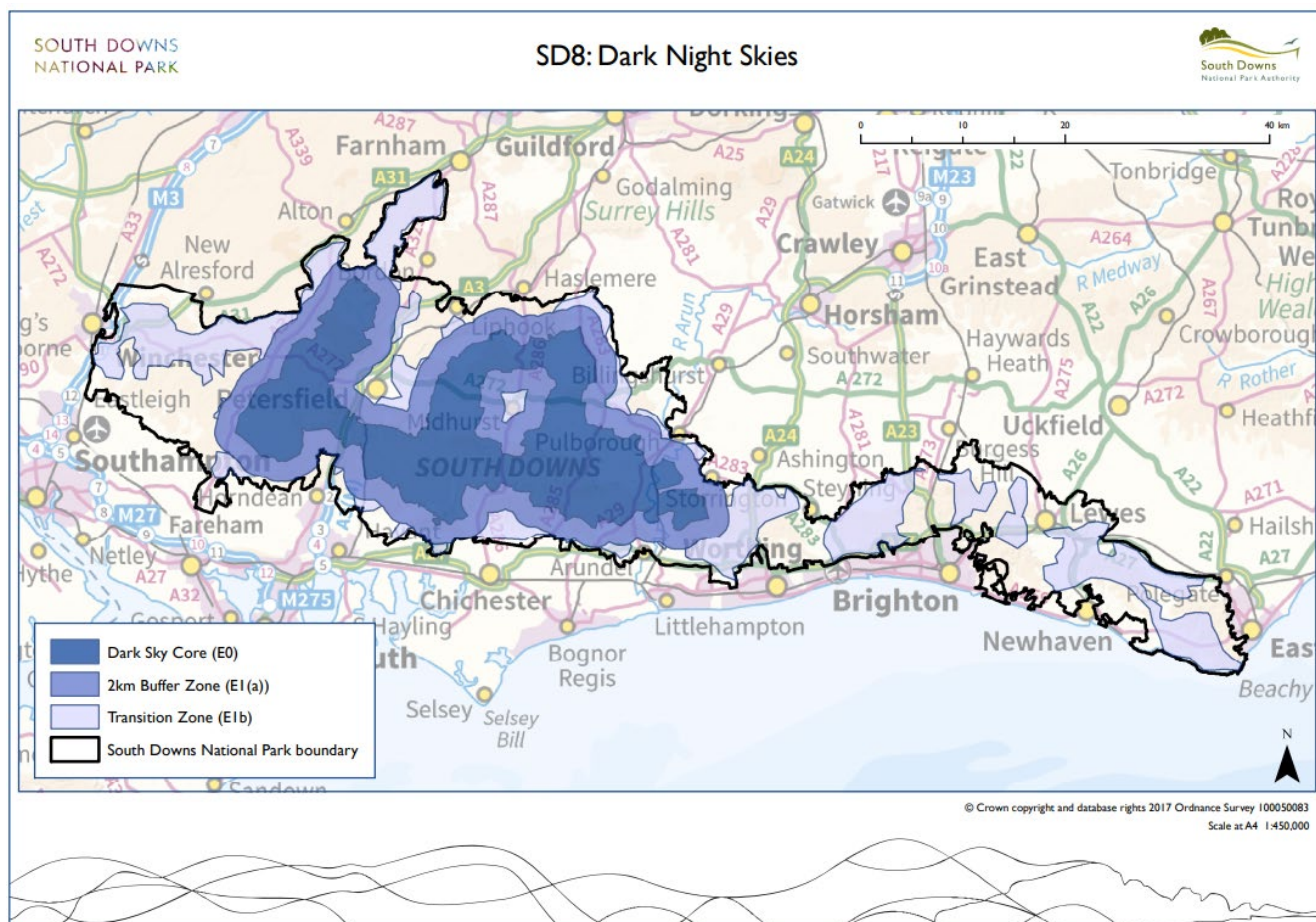


Figure 3.4 Policy SD8 from SDNP Local Plan

- 3.41 The visual mapping (LVIA, Figure 3) demonstrates that the Site is not visible from the Dark Sky Core (E0), nor is there intervisibility within the 2km Buffer Zone (E1a). Most night-time effects of light spill will be experienced from outside of the Transition Zone (E1b) or the area beyond this zone and appreciated in the context of the light which is emitted from the existing settlement.

⁵ Dark Skies Technical Advice Note, updated May 2021

Section 4: Matters raised by Third Parties

- 4.1 I have read the third party 'Comments on the Case' forwarded to the appellant by PINS. From my analysis there are no direct objections in respect of landscape or visual harm explicitly articulated in these representations.
- 4.2 The 'landscape' related comments can be summarised as
- Destruction of space needed to counter act global warming and provide for food production, wildlife, and people's well-being;
 - The current fields are enjoyed by the local residents, the loss will be detrimental to residents health and wellbeing; and
 - Over-bearing impacts on existing residents on the perimeter of the site (these are addressed in the material prepared by Ms Judith Livesey, appended to Mr David Neame's proof of evidence).
- 4.3 Whilst others are providing statements on the provision of sports pitches and ecology, I make the following observations as they relate to my area of expertise.

Global issues and food production

- 4.4 In terms of the 'global' issues I understand the local concerns, matters of climate change are important to the Landscape Institute and its profession. However, the planning system seeks to take a balanced approach to addressing social, economic, and environmental matters, this is enshrined in national planning policy. Therefore in this context the strategic decision has been made to allocate the Appeal Site, and wider area, for mixed development including housing. This approach directs growth to a sustainable and accessible location and thus avoiding impacts on the more rural and unspoilt areas of the district. From a landscape perspective this is high-level strategic mitigation for the protection and minimisation of effects on the landscape resources.
- 4.5 The Appeal Site is an abandoned sports facility, it does not contribute to food production, development in this location avoids bringing forward housing on best and most versatile agricultural land, currently contributing to the production of food.
- 4.6 In terms of the amenity value of the land, I accept that some members of the community are trespassing onto the Appeal Site to walk their dogs. As can be seen on Figure 4.1 there is no public access onto the site. Signs have been erected and padlocks fitted to the gates, which have been repeatedly broken. Illegal structures have been erected by members of the community to create 'bridges' and 'gates' on to the site. Such action does not make the space a local amenity asset. The local area is served by a number of Public Rights of Way (PRoW). Moreover, Willingdon benefits from being located adjacent to the South Downs National Park, a remarkable landscape, valued for its accessibility and beauty.

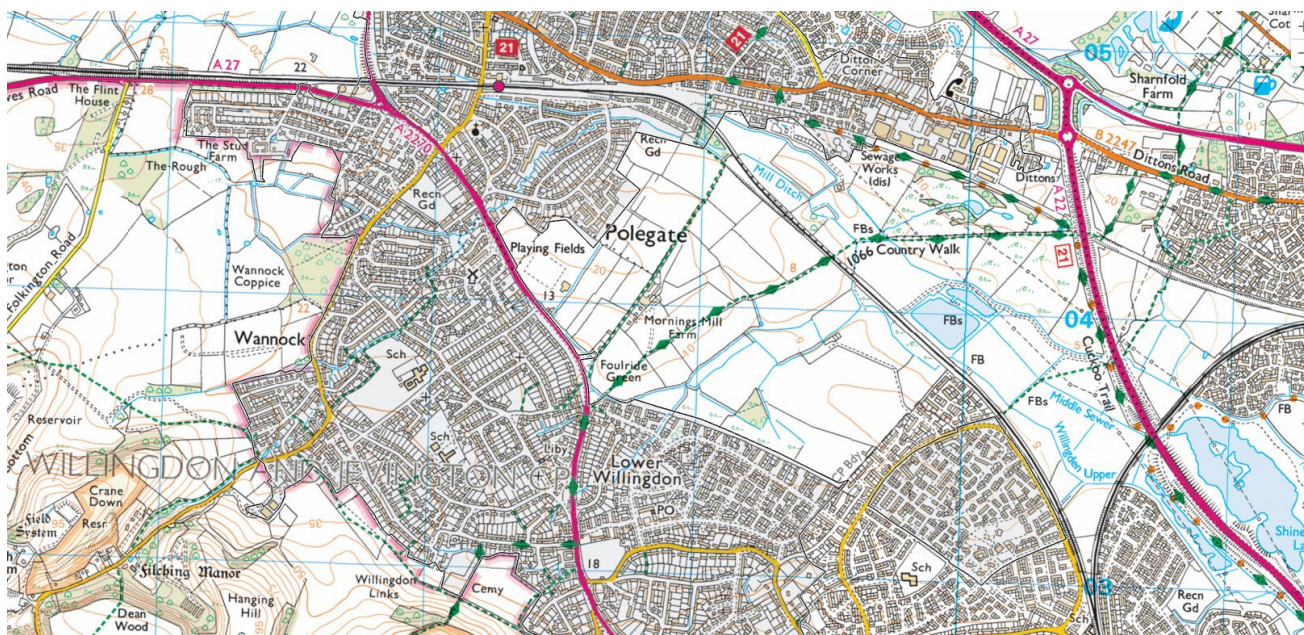


Figure 4.1: Extract of OS map showing Public Rights of Way

4.7 During the SDNP Inquiry those objecting to the designation (including West Sussex County Council and Wealden District Council) sought to have the boundary set back from settlements. The Countryside Agency argued that the National Parks and Access to the Countryside Act 1949 referred to “extensive tracts of country...opportunities...for open air recreation, having regard to their character and to their position in relation to centres of population”; the Environment Act 1995 referred to “to promoting opportunities for the understanding and enjoyment of the special qualities...”; Circular 12/96 referred to “opportunities for open air recreation” and that “particular emphasis should be placed on identifying those qualities associated with their wide open spaces, and the wildness and tranquillity which are to be found within them.”

4.8 In assessing the suitability of the Upper Cuckmere Valley Inspector Parry⁶ concluded that:

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. (My emphasis)

4.9 The local residents have an extraordinary landscape resource in close proximity to the settlement, the loss of the Appeal Site must be acknowledged in the light of this important aspect of the local environment and the well-being benefits this brings, an asset not available for many communities in England.

⁶ The South Downs National Park, Inspector's Report, Volume 1



Figure 4.2: Extract of OS mapping showing Public Rights of Way and open access land

4.10 The public's ability to physically access the SDNP is not limited to the network of PRoW but also extensive areas of open access land⁷ (shown with an orange wash in Figure 4.2).

⁷ Countryside and Rights of Way Act 2000

Section 5: Summary and Conclusions

5.1 In respect of the natural environment, as a point of fact, the site is not covered by specific policies listed in the NPPF, paragraph 11, footnote 7, including:

- SSSI;
- Habitat Sites;
- Green Belt;
- Area of Outstanding Natural Beauty;
- National Park;
- Heritage Coast;
- Irreplaceable habitats;
- Areas at risk of flooding or coastal change; and
- Designated heritage assets.

5.2 The locational benefits of the Appeal Site can be summarised as:

- Within an area allocated for mix-use development
- Located abutting the settlement edge, utilising the existing infrastructure;
- Outwith any national statutorily designated landscape;
- Not within or near other designated landscapes, such as Ancient Woodland or Registered Historic Parks and Gardens;
- Not within or adjacent to a Conservation Area;
- Not within an NPPF 'valued landscape;'
- No physical attributes which result in a soils objection;
- No physical attributes which result in an ecology objection;
- The absence of physical attributes which results in a hydrology objection; and
- No physical attributes which result in an arboricultural objection.

5.3 The Council has not identified any significant landscape and visual effects which would outweigh the grant of planning permission.

5.4 The SDNPA, notwithstanding its consultation response, has not provided evidence as to how the proposals will impact on the two purposes of the National Park designation or its statutory duty. Having reviewed the LVIA and undertaken my own analysis of the issues, there will be no effects on the special qualities of the South Downs National Park.

5.5 I have reached the conclusion that there are no landscape and visual issues that substantiate a landscape and visual objection to providing new homes in this location.



*Leyton Place Limited
Mrs. Clare Brockhurst, FLI Bsc (Hons), Dip La
Lilac Cottage, Gloucester Road, Hartpury
Gloucestershire, GL19 3BT*

Company Number: 11886708

Web: www.leytonplacelandscape.co.uk