

## South Downs National Park Public Inquiry

### Part 2: Boundaries

# Qualities of the Marine Area

*(Section O, Maps 27 & 28)*

## Proof of Evidence

*by*



June 2004

## **1 Introduction**

- 1.1 The South Downs Campaign (SDC) submits the following proof of evidence for the boundary of the designated South Downs National Park within Section O, Maps 27 & 28 of the Countryside Agency designated boundary maps.
- 1.2 The SDC is a network of organisations working for the best possible South Downs National Park, representing over 80 national, regional and local groups and organisations<sup>1</sup>.
- 1.3 This proof of evidence is part of a series of submissions to the Public Inquiry by the SDC and should be read in the context of the SDC's written proofs of evidence 'SDC 'In Principle' Support for the South Downs National Park'<sup>2</sup> and 'SDC Boundary Process'<sup>3</sup>.

## **2 Detailed Boundary - Section O, Maps 27 & 28: Marine Area**

### **2.1 Description of the Area and its Boundary**

- 2.1.1 The boundary is described using regularly spaced Ordnance Survey six figure Grid References (GR) to assist with relating the written description of the boundary and coincides with the maps in Appendix A<sup>4</sup>.
- 2.1.2 The area proposed for inclusion in the South Downs National Park lies south of the coastline, taken as the Mean Low Water Mark (MLWM) between the Wish Tower in Eastbourne and the Martello Tower at Seaford and extends out to sea approximately 2 kilometres. It is referred to as the Marine area in this proof of evidence.
- 2.1.3 Starting at Grid Reference (GR) TV602967 the SDC is proposing that the boundary should follow the MLWM eastwards as far as the Wish Tower (GR) TV614981 and then go out to sea in a straight line at right angles to the coast for a distance of 2 kilometres to GR TV631970. It should then go westwards in a series of straight lines which join nine other 2 kilometre long lines that have been measured out at angles from the coast. The points to be joined are at GR TV610940, TV593932, TV564933, TV555935, TV518952, TV505952, TV489957, TV483959 and TV471969.
- 2.1.4 From this last maritime grid reference point the boundary should go back to the coast in a straight line 2 kilometres long to meet the MLWM opposite the Martello Tower on Seaford sea front at GR TV484984. From here the boundary should follow the mean low water mark eastwards to rejoin the designated boundary at the base of Seaford Head (GR) TV 488981. This boundary is equivalent to that of the Seven Sisters Voluntary Marine Conservation Area<sup>5</sup> but uses straight lines and the MLWM so that the National Park Boundary can be clearly understood by shipping using

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<sup>1</sup> SDC Biography – Inquiry Document No: 3275/1/1

<sup>2</sup> SDC 'In Principle' Support for the South Downs National Park – Inquiry Document No: 3275/2/1

<sup>3</sup> SDC Boundary Process – Inquiry Document No: 3275/3/1

<sup>4</sup> Appendix A – (Attached to this document)

<sup>5</sup> Appendix B – Seven Sisters Voluntary Marine Conservation Area – Visitor Guide and leaflet – (Attached to this document)

Global Positioning Systems. It may be preferable to use longitude/latitude referencing but we have used grid references for the purposes of consistency in this submission.

- 2.1.5 This area adjoins the area of coastline between Seaford and Eastbourne that has already been designated as National Park down to the MLWM.

### **3 Justification for Inclusion in the South Downs National Park**

#### **3.1 Countryside Agency's Reasons for Excluding the Marine Area**

- 3.1.1 The Marine area was not included in the original area of search as it was concluded that National Park designation was land based and could not be applied to a marine area. The Area of Search Report states, under the title 'Chalk Cliffs and foreshore' that:

*"This area is located between the AONB boundary and the mean low water mark and includes the dramatic chalk cliffs at Beachy Head which are a key landmark of the South Downs landscape, and the foreshore or wave-cut platform. It stretches from Eastbourne to Seaford Head, and forms part of the Heritage Coast designated for its marine and ecological importance. It is also designated a SSSI. The Heritage Coast designation extends beyond the mean low water mark and into the marine environment. National Park designation is a land rather than marine designation and therefore the whole Heritage Coast was not considered. This is an outstanding and rare landscape where chalk and sea meet, and is regarded as meeting natural beauty criteria."*<sup>6</sup>

- 3.1.2 This statement shows a lack of understanding of a number of important factors related to the Marine area:

- The AONB boundary comes as far as the Mean High Water Mark (MHWM) and includes the cliffs;
- The foreshore, which is the area between the MHWM and Mean Low Water Mark (MLWM), appears to have been confused with the wave cut platform which extends out to sea well below the MLWM;
- The Heritage Coast as not a 'designation', it is a 'definition';
- Heritage Coasts are not defined for their 'marine and ecological importance' but for their landscape quality and lack of development.
- The Heritage Coast definition is not a marine designation and does not extend out to sea. The boundary of the Heritage Coast extends from the A259 to an open boundary at the MLWM allowing Heritage Coast management policies extend out to sea.

- 3.1.3 For clarity it should be noted that the SSSI status of the cliffs and foreshore only extends as far as the MLWM and does not include the whole wave-cut platform.

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<sup>6</sup> Paragraph 8.25, Appendix 5, South Downs National Park - Area of Search for a National Park Boundary. Consultant's report by Landscape Design Associates, March 2001 – Inquiry Document No: CD 36

3.1.4 Despite all this, the public and the local authorities have exhibited overwhelming support for the inclusion of a marine area within the South Downs National Park.

3.1.5 In the published Public Consultation Report the Countryside Agency states:

*“Management of the coastal area*

*The draft national park boundary extends as far as the mean low water mark. Under the 1949 Act it is not possible to extend a national park boundary beyond this mark.*

*However, it is recognised that the special quality of this area is in part due to the interplay of the spectacular white cliffs and seascape, which makes up the many dramatic views.*

*The coastal sea area is under pressure from increased numbers of watersports and potential for windfarms, which could undermine the quiet enjoyment of this foreshore and clifftop landscape.*

*The future management of the coastal area and the need to work with other organisations will therefore be an important consideration for a national park authority.”<sup>7</sup>*

3.1.6 It is apparent from this statement that the Countryside Agency, whilst recognising the special qualities of and pressures upon this area, have excluded it because they believe that it is not legally possible to include marine areas below MLWM in a National Park.

3.1.7 The Countryside Agency reasoning for exclusion was repeated during the local authority consultation and in the documentation accompanying the Designation Order. For these reasons we do not believe that the Marine area has been properly considered.

## **3.2 Justification Against Criteria – Natural Beauty**

3.2.1 The area between Seaford and Eastbourne, where the chalk Downs meet the sea, is the world renowned landscape/seascape of the Seven Sisters and Beachy Head Cliffs. It has been defined as a Heritage Coast since 1974 – one of the first Heritage Coasts in the UK. No one could deny the natural beauty and wildness of this special area. The cliffs and adjoining seascape are ‘the iconic English maritime landscape’, a visual gateway to our island and of potential World Heritage status from a landscape point of view.

3.2.2 This seascape has been used countless times to represent ‘England’ and the arrival ‘Home’ in art, literature and most recently film. Whenever Spitfires are seen, they are flying over the marine area. Robin Hood lands back in England at Cuckmere Haven<sup>8</sup>. Even companies advertising their wares use it regularly – Ford and Landrover for example, generating a considerable annual location fee income for Eastbourne Borough Council, The National Trust, East Sussex County Council, and Lewes District Council as landowners. ‘Neptune’ arrived by boat at Birling Gap to launch the National Trust Enterprise Neptune Campaign whilst David Bellamy arrived by sea at Cuckmere haven to launch the Seven Sisters Voluntary Marine Conservation Area.

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<sup>7</sup> Page 59, A South Downs National Park: Public Consultation Report (CA89) – November 2001 – Inquiry Document No: CD031

<sup>8</sup> Robin Hood – Prince of Thieves

This coastal seascape is not only deeply embedded in the minds of the nation but also those from abroad, often representing their lasting impression of what is England. For the National Park to artificially separate the sea from the land where the chalk Downs meet the maritime landscape makes little sense and cannot have been the original intention of the 1949 National Parks and Access to the Countryside Act.

3.2.3 The wave-cut platform, which extends seaward some distance beyond the mean low water mark, is a high quality landscape in its own right. Much of the time it is covered by the sea, but during periods of spring low tides, four times a year, this pristine wilderness becomes - visible and accessible to the downland visitor<sup>9</sup>. Swimmers and divers can visit it all year round.

3.2.4 The marine area is not only rich in wildlife, but also geomorphological, geological, archaeological and historic features. They include:

- A large number of shipwreck sites lie in the marine and inter-tidal area off the Sussex Heritage Coast. Several of these can be visited, on spring low tides, simply by walking out on the wave cut platform. No specialist diving equipment is required. The importance of these shipwrecks and the maritime archaeological resources in the area are set out in the paper by Philip Robinson<sup>10</sup> (the marine ranger on this stretch of coast in 1992). In particular the SDC draws attention to the arguments in this example as to why it is 'especially desirable' to have the marine area included in a National Park.
- The marine wildlife interest in this area is considerable<sup>11</sup>. Were it possible to designate marine SSSIs, then possibly the whole area, and certainly the three Sites of Nature Conservation Importance<sup>12</sup> within the SSVMA (Seaford Head Gullies, Beachy Head, and the sub-tidal wave-cut chalk platform between Hope Point and Beachy Head) would be candidates. The geomorphological value of the wave-cut platform itself makes much of this area below the MLWM a suitable candidate for a geological SSSI<sup>13</sup>.

3.2.5 The value of the truncated solution pipes<sup>14</sup> off Hope Gap (the only site in the world where they are known to occur<sup>15</sup>) is of particular importance and extends well below the mean low water mark - as with some of the shipwrecks, they can be visited on foot at very low tides. Like the wave-cut platform, only those elements of this geological

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<sup>9</sup> The best way to appreciate the scenic value of this area is to visit it on a spring low tide during daylight hours. Whilst the Inquiry is in progress this would be: 1 July at 5.20pm, 2 July at 6.10pm, 27 Sept at 5.30pm, 28 Sept at 6.10pm, 29 Sept at 5.50pm, 30 Sept at 6.20pm, 28 Oct at 6.20pm, 29 Oct at 6.50pm, and 30 Oct at 7.30pm. N.B. Times are for the lowest point of the tide on each day.

<sup>10</sup> The Seven Sisters Voluntary Marine Conservation Area – an archaeological perspective, May 2004, by Philip Robertson – Inquiry Document No: 3275/34/2

<sup>11</sup> Appendix C – Extracts from: 'Important areas for marine wildlife around England', English Nature (1994) – (Attached to this document) and 'Sussex Marine Life' – an Identification Guide for Divers by Robert Irving (Sussex Seasearch) – Inquiry Document No: CD 192

<sup>12</sup> Appendix D – Sussex Marine Sites of Nature Conservation Importance – (Attached to this document)

<sup>13</sup> Pers Comm Paul Millmore with John Cooper of the Booth Museum and regional RIGS Co-ordinator

<sup>14</sup> Water percolating through the chalk has created circular vertical well-like natural features (solution pipes) which are cut off (truncated) as the sea erodes the cliff. Remnants of these pipes can be seen as a series of randomly scattered, almost perfectly circular, hard calcite rings on the wave cut platform. They are collectively best seen from the Hope Gap cliffs at low tide but can also be visited individually at such times.

<sup>15</sup> Pers Comm Paul Millmore with John Cooper of the Booth Museum and regional RIGS Co-ordinator

formation that lie above mean low water are covered by the Seaford to Beachy Head SSSI status<sup>16</sup>.

### **3.3 Justification Against Criteria – Opportunities For Open-Air Recreation**

- 3.3.1 The recreational value and potential of the Marine area is exceptional. There is no doubt that it provides, and is capable of providing further, a ‘markedly superior recreational experience’.
- 3.3.2 The whole of the foreshore abutting the Marine area has free access thus allowing the public to reach the whole of its northern edge on foot and with there being no restrictions on swimming or paddling in the area other than personal safety considerations<sup>17</sup>. On the seawater itself there is a general right of navigation. It is a truly unfettered and pristine wilderness that is completely open to all.
- 3.3.3 In terms of sustainable access there are railway stations at both Eastbourne and Seaford and an excellent bus service along the main road linking the two. In summer there is a bus service to Birling Gap where there are steps to the foreshore and there is further pedestrian access to the foreshore at Hope Gap, Cuckmere Haven, Cow Gap and Holywell. The National Cycle Network runs directly past both the Martello Tower at Seaford (the western end of the Marine Area) and the Wish Tower in Eastbourne (the eastern end of the Marine Area). The views of this special area from the Newhaven Ferry are exceptional and make it visually accessible to anyone travelling on this service.
- 3.3.4 There are marinas at Eastbourne, Newhaven and Brighton which allow anyone with a boat to have a safe mooring and are close enough to the Marine area for day visits. These three towns all have dive centres where anyone with appropriate training can get air for their own equipment or hire it if necessary<sup>18</sup>. A number of commercial boats provide trips out to sea but of particular note is the Allchorn Brothers’ long established route around Beachy Head Lighthouse from Eastbourne seafront.
- 3.3.5 The range of recreational activities that are possible in the Marine area is considerable. Thus:
- Beachcombing and wandering among the rock-pools at spring low tides seeing both a rich marine wildlife and the remains of shipwrecks from many historical periods. These are activities which are particularly attractive to young children and thus helps to meet the social inclusivity requirements of a National Park. Nevertheless, all age groups and social classes seem to get great pleasure from this simple, free, open air recreational pursuit.
  - With its very high bathing water standards, this is one of the best areas in Sussex for swimming, snorkelling and diving. Again, it is possible to see fascinating wildlife or maritime archaeological remains or just to enjoy the

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<sup>16</sup> See Appendix E for details of the Seaford to Beachy Head SSSI – (Attached to this document)

<sup>17</sup> Blue Flag beach status applies to Eastbourne Pier/Wish Tower & Seaford Bay. Seaside Award – Rural Status applies to Wish Tower/Holywell and Birling Gap.

<sup>18</sup> The dive centre in Eastbourne has closed recently but there are still club facilities available in the town and another commercial dive centre could open soon.

general ambiance and wildness of the area. The very sheltered waters of The Pound<sup>19</sup>, which are protected from the sea by an underwater greensand ridge, are a particularly safe area for children to learn to snorkel.

- Sailing offshore from the Heritage Coast enables people to truly enjoy one of the world's unique landscapes/seascapes.
- Sea kayaking has yet to take-off as a major recreational pursuit but the potential is clearly there with wild landing points at Hope Gap, Cuckmere Haven, Birling Gap, Cow Gap and Holywell. East Sussex County Council run a specialist canoe training facility at Seven Sisters Country Park and it is possible to access the marine area from the river.
- The recreational fishing is first class both from the beach, the rocks of the foreshore and particularly on wrecks offshore. Crabbing, shrimping, whelking, winkling and mussel collecting have been part of the local recreational tradition for many years but do require careful regulation to stop overexploitation.
- The opportunities for significant interpretation of the marine resources (wildlife, archaeology, geomorphology and geology) have yet to be fully realised. The Geological Association and East Sussex County Council have undertaken some work on this front but due to lack of resources it has not been possible for this geological interpretive material to be adequately maintained by the Sussex Downs Conservation Board. Interpretive walks<sup>20</sup> along the wave-cut platform or boat trips offshore, are an excellent way of helping the visiting public understand the special qualities of this area. Again, due to lack of resources, the Sussex Downs Conservation Board no longer employ a marine ranger who used to lead many of these walks. Birdwatching along the cliffs can best be done from a boat off-shore – much more could be done on this front, particularly with the leadership of a National Park Authority.

3.3.6 The marine area contributes significantly to the local economy via its influence on the tourism industry. Nevertheless, there is a clear need for the management of noisy recreational activities such as jet skiing, power-boating and water skiing which can all seriously conflict with the tranquil qualities of both the land based and marine elements of the National Park. Similarly the value of the shipwreck heritage, geology, and marine wildlife would benefit from the management and interpretive expertise of a National Park Authority.

### **3.4 Additional Considerations**

3.4.1 It is the view of the SDC that the arguments put forward by the Countryside Agency about difficulty of definition of a boundary in the Marine area are met by the efficiency and accuracy of modern global positioning systems that are generally available to most of today's users of the marine environment.

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<sup>19</sup> Area between Holywell Ledge and Holywell Retreat close to Eastbourne

<sup>20</sup> Often included in the East Sussex County Council Guided Walks Programme

- 3.4.2 The SDC believes that the area meets all the justifications against the criteria for inclusion and that there is a clear case for it benefiting from the management of a National Park Authority. In a separate proof the SDC contends it is legally possible to designate the marine area as part of a National Park<sup>21</sup>. The SDC also considers that a precedent has already clearly been set in the Lake District National Park by the inclusion of the marine area between Kokoarrah Island and the coast<sup>22</sup>.
- 3.4.3 At the very least, the SDC contends that the marine boundary should be left open (as in Exmoor and the North York Moors National Parks) so that in the short run the NPA would be encouraged to exercise its powers within the area without being seen to be acting outside its boundaries<sup>23</sup>. Should the Secretary of State later determine that the government needs and wishes to seek to alter the legislation to allow for the inclusion of marine areas in National Parks in England, then the boundary of the South Downs National Park could be extended accordingly. The SDC notes that such legislation has been proposed by the Scottish Executive<sup>24</sup>.
- 3.4.4 Even the Countryside Agency Board has asked that its officers should try to achieve this<sup>25</sup> and the research undertaken by Landscape Design Associates<sup>26</sup> on their behalf points to potential benefits of a marine element in the National Park. Unfortunately at the time of designation (and of the preparation of the research project) the Agency was not convinced that they could do this.
- 3.4.5 Nevertheless the inclusion of this area within the South Downs National Park has the support of the adjoining local authorities via the Sussex Downs Conservation Board<sup>27</sup> and Wealden District Council are submitting a written representation in support for the inclusion of the Marine Area should the government go ahead with a South Downs National Park.

## **4 Recommendation**

- 4.1 The SDC consider that the Marine area is of outstanding natural beauty and offers a 'superior recreational experience' and requests that the Inspector recommends to the Secretary of State that this area should be considered for inclusion within the South Downs National Park.

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<sup>21</sup> See 'Legal Foundation for Marine Area Designation' proof of evidence – Inquiry Document No: 3275/34/3

<sup>22</sup> See Appendix F – Paragraph 2, page 2 – Designation Order for the Lake District National Park (with map) – (Attached to this document)

<sup>23</sup> It is acknowledged that a National Park Authority can act outside its boundaries but the SDC believe that it would be more readily encouraged to do so with an open boundary

<sup>24</sup> See Appendix G – Page 7, Planning, 30 April 2004 – (Attached to this document)

<sup>25</sup> Item 4, Paragraph b & Chairman's summary, Countryside Agency Board Paper & Minutes: (AP 01/31), September 2001, South Downs National Park: Agreement of Public Consultation – Inquiry Document No: CD 40

<sup>26</sup> Countryside Agency National Parks Designation Team-Marine Areas Research Project – Landscape Design Associates, March 2002 – CD 48

<sup>27</sup> See Appendix H – Minute of the SDCB meeting 18 January, 2002 – (Attached to this document)