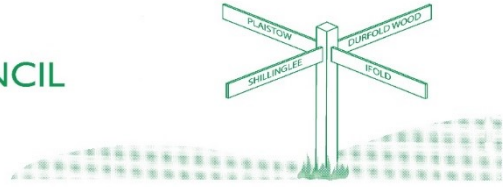


PLAISTOW AND IFOLD PARISH COUNCIL



31st March 2023

Jane Thatcher
Senior Planning Officer
Chichester District Council

Sent via email: [redacted]

Dear Ms. Thatcher,

Re: 22/02346/OUT | Outline application for a wellbeing and leisure development. All matters reserved except for means of access. | Foxbridge Golf Club Foxbridge Lane Plaistow West Sussex RH14 0LB

Plaistow and Ifold Parish Council have considered the additional documents submitted by the Applicant and maintains its **STRONG OBJECTION** to the application. The Parish Council stands by the reports it submitted in November 2022 and, in addition, submits the attached Addendum Technical Note, prepared by Ruth Childs Landscape Specialist (CMLI) on behalf of the Council, and makes the following further comments:

Water Neutrality

The Parish Council notes that the Applicant continues to assert that the LPA have stipulated the allowable daily water consumption for each guest as 90 litres/person/day. This remains at odds with the [position of Natural England](#) and the LPA's Water Neutrality [Mitigation Strategy](#), which both require 85L/pp/day. From considering the Pre-application advice ([20/02097/PRESMP](#)) provided by the Planning Officer on 16th [August 2021](#), the Parish Council can see that the following guidance was given:-

“Water neutrality needs to be demonstrated by the applicant through the submission of a statement or water budget (including calculations) including all/some of the following measures:

- *Limiting water usage to 90L per person per day...*”

However, the Parish Council notes that this Pre-application advice pre-dates Natural England's position statement setting out the interim approach, which was issued on 14th [September 2021](#). Since September 2021 Natural England has provided further guidance, as expressly set out on CDC's website: -

“In December 2021, Natural England provided further guidance in response to frequently asked questions (FAQ's) from developers. A further advice note was issued by Natural England (February 2022) to be read together with the position statement, and Natural England has now published an updated FAQ document. All the documents are available to view”.

Given the complexities of Water Neutrality, which continue to be investigated by various Government departments and other bodies, the Parish Council respectfully assert that the most up-to-date official guidance be applied by the Applicants for non-household development and, as such, revise their daily water usage figure accordingly. This will have a material impact upon all the water calculations presented within their Water Neutrality reports and the ability to accurately assess the capability of *their* suggested mitigation strategy e.g., bore hole extraction to adequately meet the site's legitimate water demands and ensure that the development is truly water neutral.

For example, the Parish Council believes that the water demands for the site have been underestimated further by omitting details of the 12 “central heated pools” proposed within the [Design & Access Statement, 14th September](#) for the Type 1 Holiday Units (pg., 34). The Parish Council has been unable to ascertain the water demand figures for filling and/or servicing these pools in the [Water Neutrality Report](#).

In relation to these Type 1 Holiday Units, which can host up to 72¹ people at any given time, the Applicant calculates a reduced water usage (from 90 litres/person/day per day, to 71.1 litres/person/day) due to lack of washing machine facilities; however, they do not refer to the water requirements to ensure the private pools/hot tubs² comply with current legionella and other infectious agents legislation / regulations.

The Health and Safety Executive's '[The control of legionella and other infectious agents in spa-pool systems](#)' HSG282 document, which relates to the commercial/business use of pools of all descriptions and sizes states, at page 22, *“Domestic-type spa pools or hot tubs used as part of a business activity (e.g. in a holiday park rental unit or hotel bedroom(s) with their own dedicated spa, or as part of a rental agreement for a single family or group use) are subject to the general duties under the HSW Act. There is a legal requirement for these systems to be managed and controlled in proportion to the risk and the risk assessment should consider the type of pool and its use. Domestic-type spa pools are for use by a small, discrete group of people at any one time and are typically: of either a rigid or inflatable/foam-filled structure with freeboard and skimmer; systems where the water should be changed after each rental/week, whichever is the shorter; disinfected using bromine or chlorine through the use of an inline disinfectant feeder...”*

¹ 12 units, housing 6 people – Design and Access Statement, page 34

² Please refer to the various indicative design images provided by the Applicant on page 34 of the Design and Access Statement

Such a cleaning regime to ensure compliance with Health and Safety legislation will have a significant impact on water demand calculations. Another point of note is that any recycling of pool wastewater would have to take into consideration a provision for the filtration of chemicals used. It is unclear if the proposed Hydraloop system could do this?

The Parish Council recognises that the Water Neutrality Mitigation Strategy and Offsetting Scheme: -

1. is yet to be considered / approved by the Planning Inspectorate at Local Plan Examination
2. will not apply to the Foxbridge application as it only applies to development allocated in Local Plans³

nevertheless, it provides a clear indication of the requirements to achieve water neutrality via water efficiency measures and offsetting (as set out in [Natural England's Advice Note: February 2022](#)) and stipulates two very important points, which are directly relevant to this application; namely:-

- a. *"until such a time as a strategy is agreed and implemented, development management applications will remain subject to the Natural England position statement"⁴*
- b. *"Offsetting must be in place before the water demand is generated"*⁵.

Therefore, this application remains subject to Natural England's baseline requirement that *"whilst the strategy is evolving [...] planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality [via] the following agreed interim approach"*.⁶

The Parish Council remains resolute that this application does not represent critical development and notes tellingly that the emerging Local Plan does not predict any 'non-household / employment growth' within the CDC controlled part of the Sussex North Water Resource Zone (WRZ) over the Local Plan period. Therefore, on this basis alone, the application should be refused as it not 'critical development'.

The Mitigation Strategy is finely balanced, taking into consideration the forecast growths of all affected Local Authorities within the WRZ. Of the 20,000 houses considered by the Mitigation Strategy, to be supported by additional infrastructure development including schools and employment land, it is fundamental to appreciate that of this total number, CDC have 1,796 (8.9%)⁷. The Mitigation Strategy is clear that *"strategic-scale windfall development (which falls outside the Local Plan's strategic approach) would not be prioritised"*⁸.

³ [Sussex North Water Neutrality Study: Part C – Mitigation Strategy](#), Final Report, Dec 2022, Chapter 2, para 36, pg., 9

⁴ *ibid*, Chapter 1, para 10, pg., 3

⁵ *ibid*, Executive Summary, pg., viii

⁶ [Natural England's Position Statement for Applications within the Sussex North Water Supply Zone September 2021 – Interim Approach](#), Strategic Approach, pg., 2

⁷ [Sussex North Water Neutrality Study: Part C – Mitigation Strategy](#), Final Report, Dec 2022, Executive Summary, pg., vi

⁸ *ibid*, pg., v

Natural England requires that a consistent approach is taken between Authorities across the WSZ when assessing the *“methodology on water consumption for non-residential development”* which must also be *“consistent with the assumptions for non-residential water consumption used in the calculation of the strategic water budgets.”*⁹ This requirement for a consistent approach between the affected Authorities is echoed in the Mitigation Strategy¹⁰. Therefore, the Parish Council respectfully requires the Planning Officer to do due diligence to ensure that the Applicant’s methodology and proposed offsetting and water efficiency measures are aligned with its partner LPAs within the WRZ; and are *“sufficiently precautionary to meet the legislative test”*.¹¹

It is noted that both the Mitigation Strategy and updated FAQ document for developers (March 2022)¹² refer to the BREEAM New Construction Standard (BRE, 2018). The Mitigation Strategy requires new non-household development to achieve a *“score of 3 credits within the water (Wat 01 Water Consumption) issue category for BREEAM New Construction Standard (BRE, 2018) achieving 40% reduction compared to baseline standards”*¹³ and the Natural England FAQ document leaves the matter at the discretion of the LPA – subject to the required consistent approach across the WRZ. Therefore, the Parish Council respectfully requires the Planning Officer to do due diligence to ensure that the Applicant’s methodology and proposed offsetting and water efficiency measures are aligned with these standards.

The Parish Council notes the types of offsetting measures that might be acceptable to Natural England set out in their updated FAQ document for developers (pg., 12). The document states that any measure must meet certain requirements, one of which is *“the reductions are likely to be secured until at least when the long-term water supply alternative will be available.”* A full answer to the question ‘How long will water neutrality be required?’ can be found on page 7 of Natural England’s updated FAQ document for developers; however, the pertinent point is: - *“Current expectations are for alternative water supplies to be delivered circa 2030, although there is significant uncertainty in this timetable. For this reason and for the purposes of strategy development, it is understood that LPAs are including housing up to 2036 in the water neutrality budget calculations.”* Consequently, it is imperative that the Planning Officer satisfies themselves that all water neutrality measures promoted by the Applicant can meet this requirement to be a secure and ensure water neutrality on the site until the issues are resolved.

The Mitigation Strategy recognises that *“setting a tighter standard for water efficiency does not guarantee that the eventual water-use in a development will be as expected, or that it will stay at the*

⁹ [Arun Valley and Water Neutrality - Frequently asked questions \(FAQs\) - Developers March 2022](#), pg., 11 (This document should be read in conjunction with the Natural England (NE) Statement for applications within the Sussex North water supply zone).

¹⁰ [Sussex North Water Neutrality Study: Part C – Mitigation Strategy](#), Final Report, Dec 2022, Executive Summary, pg., x

¹¹ [Arun Valley and Water Neutrality - Frequently asked questions \(FAQs\) - Developers March 2022](#), pg., 11

¹² *ibid*

¹³ [Sussex North Water Neutrality Study: Part C – Mitigation Strategy](#), Final Report, Dec 2022, Chapter 2, para 40, pg., 10 & Appendix B – Definition of non-household per capita consumption, pg., 66

*designed figure*¹⁴. The document goes on to state that behaviour change will be required to ensure the designed water use target is met. It is exceedingly hard to influence behaviour change. In private homes, behaviour change can be incentivised through cost saving benefits for the bill payer. However, people's behaviour is different – and much harder to control – when on holiday, especially around water usage; as illustrated in the British Water's Code of Practice Flows and Loads – Sizing Criteria, Treatment Capacity for Sewage Treatment Systems.

The Parish Council's view remains as stated in its initial response dated 22nd November 2022, that it is a reasonable assumption to make that the proposed holiday units will be used akin to hotel rooms. The Applicant will have no ability to control the water use within the units (number of showers taken each day / how many washing machine loads per day (unit types 3,4 and 5), or how many additional visitors are entertained by paying guests e.g., in the private pools (Type 1 Holiday Units)). Similarly, the Applicant will not be able to control / account for any changes made to the water efficiency fittings, spray taps and showers installed once units are privately sold/purchased in accordance with the Applicant's business plan. Therefore, the Applicant cannot provide the required assurance that the site will remain water neutral until at least when the long-term water supply alternative will be available.

The Parish Council respectfully asserts that when assessing the solutions proposed by the Applicant, the Planning Officer reminds themselves of the definition of water neutrality: -

*“For every new development, total water use in the region after the development must be equal to or less than the total water-use in the region before the new development.”*¹⁵

The Parish Council notes the Applicant's statement on page 23 of their newly submitted Water Neutrality Report (Feb 2023) that *“Foxbridge Golf Course was closed in 2019 and the water was turned off as there was no need for it. Therefore, we are unable to provide water bills covering the last 3 years.”*

The Parish Council concurs with the position of CDC's Environmental Strategy Unit that *“due to the site being closed the water use across the site has been 0 for the last three years. Water Neutrality calculations are based on the water use over the last three years so we have to conclude that the existing water use of the size is 0 and any water use from the proposal is classed as additional water use.”*

The Parish Council notes that Natural England have been consulted on this application but have hitherto been unable to provide a substantive response.

¹⁴ [Sussex North Water Neutrality Study: Part C – Mitigation Strategy](#), Final Report, Dec 2022, Executive Summary, pg., vii

¹⁵ [Natural England's Advice Note: February 2022](#), pg., 2 – restated in the Mitigation Strategy, Dec 2022, Executive Summary pg., iv

Notwithstanding this, the Parish Council respectfully refers the Planning Officer to page 12 of Natural England's updated FAQ document for Developers (March 2022) which sets out the following analogous situation and Natural England's response: -

Where a building has been demolished prior to an application for planning permission is it possible to offset the water use of the demolished building against the proposed water use when calculating the net water demand of the development?

This will depend on when the building was last in use and if evidence of recent water consumption (e.g., within the last 3 years) can be provided. If the building has not been in use for many years and has been demolished the use of offsetting is not considered precautionary. It is important to consider the designated sites are already drying and concerns are from actual use not theoretical or licenced amounts.

The Parish Council notes that the Applicant's water neutrality proposals continue to be reliant upon further *pending* information before they can be properly assessed. For example, the outstanding survey of water features required by Environment Agency before they will consent to the proposed borehole installation; production of the Hydrogeological Impact Assessment and compilation of the monitoring evidence, which are all *"currently underway, and will be submitted to the EA shortly"*¹⁶; and approval from the Environmental Health Office regarding the borehole water treatment strategy, as well as a letter of commitment from theWaterBank.

The Parish Council queries the methods used by theWaterBank. It notes the Applicant's description of its methods: *"theWaterBank is a database that matches developers with existing property owners willing to offer their existing buildings for retrofits to achieve significant water reductions... [and has] secured local schools and local houses to participate in the provision of water offsetting credits by reducing consumption of water through the retrofitting of existing water fittings with more efficient water fittings and rainwater harvesting."*¹⁷ However, the Mitigation Strategy details how water efficiencies in schools, consisting of *"water audits, retrofitting water efficiency devices and where practical installing rainwater harvesting"*¹⁸ was considered as a potential offsetting measure, however whilst analysis of this method showed that the school retrofit programme achieves lowest cost per litre, *"it also has the lowest potential capacity for water demand savings"*¹⁹. The Mitigation Strategy goes on to say that *"pilot projects of water efficiencies in schools, and non-household rainwater harvesting are recommended to be developed [and] should these methods prove successful and deliverable they can be applied alongside flow restrictors potentially at lower cost."*²⁰ The key point is that retrofitting existing water fittings within schools is not yet a proven successful / deliverable methodology for offsetting and more work is required (pilot projects). Therefore, the business model and assertions of theWaterBank must be considered carefully. The Parish Council notes the Mitigation

¹⁶ Applicant's Water Neutrality Report (Feb 2023) pgs. 24 - 25.

¹⁷ *ibid*, pg., 30

¹⁸ [Sussex North Water Neutrality Study: Part C – Mitigation Strategy](#), Final Report, Dec 2022, Executive Summary, pg., ix

¹⁹ [Sussex North Water Neutrality Study: Part C – Mitigation Strategy](#), Final Report, Dec 2022, Executive Summary, pg., ix

²⁰ *ibid*

Strategy's reference to this form of retrofitting as being lower cost and would respectfully suggest that it is not unsurprising that a relatively newly incorporated private company (15.11.2021) would seek to deliver the cheapest option available.

In conclusion, the Parish Council fully endorses CDC's Environmental Strategy Unit's position that *"there are still a lot of unanswered queries for this proposal relating to the current water use, the borehole abstraction and water credits. Until these are resolved we are unable to determine whether the proposal would be water neutral"*. The Parish Council respectfully summarises the outstanding issues as: -

1. The LPA must justify how/why this application constitutes 'critical development'.
2. The Applicant must demonstrate, without doubt, how the site will achieve true water neutrality i.e., equal to or less than the total water-use before the new development.
3. By the Applicant's own admission, the water use across the site has been 0 for the last three years.
4. The Applicant is required to use the correct baseline water targets as set by Natural England.
5. All offsetting measures must be in place and proven to achieve water neutrality *before* the water demand is generated.
6. The LPA must ensure that the Applicant complies with the required consistent approach across the whole affected WRZ.
7. The LPA must be satisfied that the Applicant's offsetting measures will remain secure until the wider issues of water neutrality are resolved.

Sustainable Drainage Strategy

The Applicant has failed to provide any information, or even outline detail relating to foul drainage: -

7. FOUL WATER DRAINAGE

In terms of the foul drainage strategy, it is proposed to discharge at a rate of 5.1 l/s into the Southern Water public sewer network. The foul water is to drain by gravity into a new diverted foul water pipe located within the site.

The Parish Council notes from the Hydrogeological assessment that the *"water used in the development will be sent back into the Arun catchment, upstream of the Arun Valley SAC, SPA and Ramsar site via treated sewage effluent from Loxwood Waste Water Treatment Works so all of the water taken from the aquifer will be recycled into the sewage."* The report concludes, *"hence the proposed abstraction will therefore lead to zero net change in flow in the Arun catchment."*

The Parish Council respectfully suggests that this conclusion is predicated on the ability to discharge from the site into the wastewater system and Loxwood Treatment Works, which is at best unproven and at worst unachievable.

The Parish Council notes that there are only two possible connection points into the public sewer system from the site, both of which are some considerable distance away and would require easements from multiple landowners.

Manhole reference 2700 is at the junction of Foxbridge Lane and Plaistow Road; and manhole reference 8402 is in the Plaistow Road outside Burrells/Melrose. Both are 150mm diameter, which is unlikely to be sufficient for a peak flow rate discharge from 121 holiday cottages, 50 bed hotel and restaurant etc.

In addition, it is noted that the application site ground levels are lower than the public sewer system inverts and the site is separated from the public sewer system by an open water course. The Parish Council therefore questions the viability of such a proposal. The Parish Council respectfully requests that appropriate detail is made available to confirm that a viable, suitably sized foul water drainage connection into the public sewer system for 121 dwellings, 50 bed hotel spa, restaurant and associated facilities is achievable.

The Parish Council further notes that even if such a connection were possible, which it believes not to be the case, the sewerage network to which it would connect links directly to Loxwood treatment works, which is at capacity - so much so that all new development in Loxwood is not connected to mains foul drainage, but resorts to underground storage with effluent taken away by road tanker. The Parish Council notes and supports the comments made by CDC regarding water quality within its January 2023 [Sustainability Appraisal \(SA\) of the Chichester Local Plan](#) which it submits are directly relevant to this application and should not be ignored by the Planning Officer, namely:

*“With regards to water quality, the primary consideration is understood to be the capacity to treat additional wastewater in in the Plaistow / Ifold / Loxwood area, where the wastewater treatment works is currently operating above capacity (hydrological capacity and/or environmental capacity of the receiving watercourse). There **is typically potential to deliver capacity upgrades, but there can be challenges, hence there is a case for directing growth to locations with existing capacity, with a view to avoiding the risk of capacity breaches.**”²¹*

(emphasis added)

Southern Water’s ability to “*deliver capacity upgrades*” to meet and manage higher demand, in a timely manner, is outside the direct control of CDC. Southern Water has, to date, been unable to cope with the additional pressures on its infrastructure from new development within Loxwood village – hence the need for underground storage tanks with effluent taken away by road tanker. The draft Local Plan takes into consideration the existing and future pressures on this strained waste-water system. This application falls outside of the draft Local Plan and will serve to exacerbate the issues. “*Capacity breaches*” are already an issue within Plaistow and Ifold - during heavy rainfall, manholes lift, and raw sewerage runs down the roads in Ifold and sewerage backs up in people’s homes.

²¹ Sustainability Appraisal (SA) of the Chichester Local Plan, pg., 39

Southern Water has been unable to address these ongoing public health concerns, which will be worsened by discharge from this proposed development.

External Lighting Statement

The External Lighting Statement (Feb 2023) makes unsubstantiated statements suggesting that the Applicant will comply with design standards to ensure a low level of external lighting. However, the document fails to address - and indeed, is *unable* to address - how the Applicant will control light omission from the 121 holiday units and associated guest external entertainment facilities, including the Hotel/Spa and restaurant.

The Applicant acknowledges that they cannot control occupants' use of the buildings at night. Without intending to be facetious, the Applicant is unable to impose "switch off" / strict curtain closure curfews and/or warden patrols to enforce lighting requirements - managing the substantial light spill generated by guest activity will be an impossible task.

Lighting around the site is required for security and safety (such as around water and along paths), as such there will be no dark periods, as previously advised in the first ecology report. It is a significant point to note that the location is currently entirely dark. It is also a significant point to note that no other settlement within the parish has street lighting; neither the two villages of Plaistow and Ifold, nor the two hamlets of Shillinglee and Durfold Wood.

The Applicant states that required lighting, such as around water, will be downward pointing. Nevertheless, light spill is an inevitability and when considered alongside the other required lighting around the site and uncontrollable light spill from the holiday units, it will have an irrefutable detrimental impact upon nocturnal wildlife, such as the Barbastelle and Bechstein bats which inhabit the site, who will be deterred from flying over these water courses, as they must cross the lit margins and paths. Whilst the Parish Council acknowledges that the External Lighting Statement has been updated in response to the finding that Barbastelle and Bechstein's bats have been detected at the site, the document provides no specific detail on the intended light levels to be used. This continues to prevent any sensible assessment to be made on the impact this lighting scheme will have on the landscape and ecology.

The Parish Council also notes that the amended External Lighting Statement does not address the Landscape and Visual Impact Assessment's concession that the environmental zone of the site will deteriorate from E1 to E2 (para 10.48, p24). The Parish Council maintains its significant objection to this change; however, it seems particularly concerning given the confirmed presence of the bat populations at the site.

Landscape and Ecology

Please refer to the attached Addendum Technical Note, prepared by Ruth Childs Landscape Specialist (CMLI) on behalf of the Council.

Fundamentally, the proposals remain an over development of the site with a density of buildings and human activity which cannot be made acceptable.

The amount of lighting and human noise and activity on the site will adversely impact wildlife, which cannot be adequately mitigated save from significantly reducing the scale and density of the development. The Parish Council continues to note the LPA's concerns regarding size and scale raised within its Pre-application advice for 40 units – the current proposals are considerably bigger.

It must be accepted that a 20m buffer (designed to protect tree roots from damage from development) will not prevent noise and light travelling much further into wildlife corridors and to the edge of the development and the surrounding woodland. It will also fail to mitigate the negative impact of light spill on the bat population.

Please note, these additional comments are to stand alongside the Parish Council's original reports submitted in November 2022 and are not intended to undermine and/or detract from those representations.

Yours sincerely



Catherine Nutting
Clerk & RFO of Plaistow and Ifold Parish Council