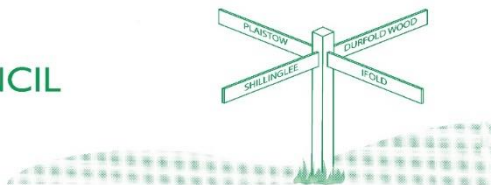


PLAISTOW AND IFOLD PARISH COUNCIL



29th June 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 comprising up to 121 holiday units; the construction of a spa with accommodation of up to 50 bedrooms; the conversion of the former clubhouse into a restaurant and farm shop; the formation of a new vehicular access from Foxbridge Lane, new internal roads, footpaths, cycle routes and car parking areas; the construction of a concierge building and new hard and soft landscaping, including the formation of new ponds. All matters reserved except for means of access. | Foxbridge Golf Club
Foxbridge Lane Plaistow West Sussex RH14 0LB**

Plaistow and Ifold Parish Council notes the submission by the Applicant of a further two documents (published on the public portal on 9th June), namely: -

1. responding to WSCC's LLFA comments; and
2. Envireau Water's 'Water Neutrality Report Review' commissioned by Kirdford Parish Council to assist the LPA in its decision-making.

Water Neutrality

With reference to document 2 above and the issue of Water Neutrality, the Parish Council notes the Applicant's assertion that *"a considerable amount of the comments made are outside the jurisdiction of Kirdford Parish Council and fall under the remit of the Environment Agency exclusively."*

With respect, Parish Councils are Statutory Consultees within the planning process – confirmed by Central Government on its website regarding the process for efficient and inclusive consultation of planning applications ([here](#), please refer to Table 2 – Statutory consultees on applications for planning permission). Where a Parish Council has requested notification from the LPA of planning applications within its area¹ the LPA must adhere to the requirements of article 25 and 25A of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) particularly paragraph 2, which states: -

¹ [Schedule 1, paragraph 8, of the Town and Country Planning Act 1990](#)

(2) A local planning authority must not determine any application in respect of which a parish are required to be given information before—

(a) the council of the parish inform them that they do not propose to make any representations;

(b) representations are made by that council; or

(c) the period of 21 days mentioned in paragraph (1) has elapsed,

*whichever occurs first; and in determining the application the authority **must take into account any representations received from the council of the parish.***

Therefore, Kirdford Parish Council is acting within its statutory jurisdiction to make representations to the LPA and submit documentation in support of their submissions.

The Environment Agency (EA) is likewise a Statutory Consultee. Whilst it has the power to determine issues within its jurisdiction, it is the LPA alone who determine planning applications; and whilst EA permits maybe a requirement to action some of the Applicant's preferred options – and therefore a material consideration - it does not follow that once EA permits are confirmed the planning application will be permitted. There are a multitude of considerations at play, and the majority fall outside of the EA's remit. The LPA can take into consideration all information relevant to the application, particularly when it comes from equally competent sources.

Plaistow and Ifold Parish Council respectfully highlight that both Quantum CE (instructed by the Applicant) and Envireau Water (instructed by Kirdford Parish Council) are both equally competent sources – both water engineers, who offer very similar services to their clients: -

[Quantum CE](#) “We are a team of Engineers & Environmentalists bound together by our passionate commitment of going beyond innovative engineering design and enhancing the natural environment [...] We pride ourselves in providing solutions where others cannot and in unlocking constrained sites. Whether your site constraints are utility services, flood zone 3 issues, SUDS, highways constraints or complicated earthworks, our innovative, integrated and holistic approach provides a comprehensive and cost effective solution.”

“[Envireau Water](#) [...] are a team of expert water scientists and engineers [working] collaboratively with all our stakeholders to provide guidance on the management and regulation of natural water systems. We solve complex water problems, keeping sustainability and quality at the forefront of every result while delivering robust, cost-effective solutions.”

Neither organisation is the ultimate authority on 'water neutrality' and considering that they are competitors within their sector it is not surprising that they professionally disagree; especially given the unique nuances of water neutrality itself and the solutions sought to overcome the restrictions. The Applicant calls the proposals 'innovative development', and the conclusion of Quantum CE's

'Water Neutrality Response Statement' illustrates the issue perfectly: *"The comments [made by Envireau Water] have missed the opportunity for a pragmatic discussion to facilitate the delivery of **what would be the United Kingdom's first Water Neutrality eco tourism development.**"*

[own emphasis]

The bottom line is the proposals are novel, unproven, and untested.

The concerns regarding adverse effects on the integrity of the Arun Valley sites and the requirements for water neutrality sit with Natural England, who themselves are a Statutory Consultee and will have suitably qualified advisors (either in house and/or external) to allow them - as a Government body - to advise and assess the requirements/mitigation. Therefore, their reference to Envireau Water's report within their [email dated 12th May](#) should give the LPA confidence that it can equally rely upon the matters/conclusions and concerns raised therein: - *"Additionally, we would like to direct your authority to Envireau's review of the Water Neutrality Report commissioned by Kirdford Parish Council located on the portal to aid with your conclusions."* Natural England, having regard for both water neutrality reports / positions provided by two equally competent sources, Quantum CE and Envireau Water, has not sought to discredit Envireau Water's conclusions, but to signpost and rely upon them.

Equally, the Parish Council notes with interest the EA's 'Advice to the Applicant' outlined in its [comments dated 9th May](#). The EA is deferent to the water neutrality position/requirements of Natural England: -

*"This proposal falls within the Sussex North Water Resource Zone and as such, **must achieve water neutrality in accordance with the Position Statement issued by Natural England.**"*

[own emphasis]

The EA's consideration of this matter is not mutually exclusive from the position of Natural England; an abstraction licence *may* be issued in due course – but if the water neutrality solutions proposed for the site continue to fail to meet water neutrality requirements, the application cannot be approved.

As highlighted by the LPA's recent decision to refuse prior approval regarding application [LX/23/00835/PA3Q at Mill House Farm](#) in Loxwood, for a proposed change of use from agricultural buildings to 1 dwelling - (C3 Use class) certainty is paramount.

The refusal was based on an inability to be *"certain [that] the proposal would not adversely impact the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site and Pulborough Brooks and Amberley Wild Brooks Site of Special Scientific Interest (SSSI)."*

[own emphasis]

Although the proposed water neutrality mitigation measures at Mill House Farm were different from those currently advocated by the Applicant, there are similarities between the two applications which cannot be ignored – that is to say, a prerequisite permission from a third-party had not been obtained;

and the LPA could not be sure that the mitigation measures could *“be satisfactorily secured or enforced by the LPA in perpetuity.”*

Given the various outstanding Environment Agency (EA) licences required by the Applicant and the novel / unproven / untested nature of the Applicant’s proposals, which they acknowledge to be *“...the United Kingdom’s first Water Neutrality eco tourism development”* the Parish Council respectfully asserts that likewise, the LPA cannot be *“**certain [that] the proposal would not adversely impact the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site and Pulborough Brooks and Amberley Wild Brooks Site of Special Scientific Interest (SSSI)**”* **and** that the mitigation measures can *“be satisfactorily secured or enforced by the LPA in perpetuity.”*

Following on from the LPA’s ‘Mill House Farm’ decision discussed above, it is key to note that Natural England is not persuaded by the Applicant’s assertions that the application can/should be determined in advance of the requisite EA licenses being obtained. Plaistow and Ifold Parish Council are in full agreement and defer to the greater knowledge of Natural England on this and all matters relating to water neutrality: -

*“...the applicant has responded to our comments in a letter dated 05/04/2023, advising that as all stages pursuant to obtaining the license have been completed the matter should be conditioned in the outline planning approval to allow the application to proceed. **Natural England is unable to agree to this as the delivery of any proposed borehole must be sufficiently secured and likely to work before it can be considered at the Appropriate Assessment (AA) stage of the Habitats Regulations Assessment (HRA).** For boreholes abstracting >20m³ per day **this would mean an abstraction license agreed with the EA, otherwise the delivery of the borehole is uncertain and adverse effect cannot be ruled out.**”*

[own emphasis]

The Parish Council notes that the Applicant continues to refer to ongoing assessments / future stages and future licences from the Environment Agency: -

“This matter will be fully resolved at the detailed design stage upon which the appropriate aquifer discharge license will be sought.”

“...we therefore anticipate that the Borehole License will be issued as soon as they have completed the final assessment process.”

[Paras 1.12 & 1.14, Quantum CE’s ‘Water Neutrality Response Statement’]

Given the degree of certainty required by Natural England and the LPA regarding water neutrality mitigation, the Parish Council queries if an outline application was most appropriate for such an innovative development with the Sussex North Water Resource Zone.

The Parish Council notes the following point made by the Applicant in its response to WSCC’s LLFA comments: -

“The application is made in outline form with only means of access to be determined at this stage. All other matters are reserved for future approval through the submission of a reserved matters application, or through the discharge of planning conditions. Accordingly, the detailed technical and design information which is repeatedly requested by various technical consultees is simply not possible to produce at this stage, but clearly we will be able to do so once the design of the development progresses following a grant of outline planning permission.”

The Applicant chose to submit an outline application for an ambitious scheme, which is contrary to the pre-application advice received / does not sufficiently address the pre-application issues highlighted by CDC² and plainly requires far more certainty on key issues than an outline application allows for. These shortcomings are being highlighted by consultees such as WSCC as the Lead Local Flood Authority and Natural England. Rather than the Applicant accepting the limitations of their chosen application method and allowing the LPA to review all comments and determine the outline application accordingly (and in a timely way); their strategy appears to be to try and achieve an unorthodox hybrid version of an outline and full application, by addressing each ‘non-negotiable’ issue raised by consultees (which cannot wait for future reserved matters application, or through the discharge of planning conditions and could therefore stymie the successful determination of their application) in a piecemeal fashion.

In this way, the Applicant acknowledges the inadequacy of an outline application for the nature of their proposal whilst *“reaffirming a point, which has been well rehearsed through the course of this application, but which seems not to be reflected in the technical responses which we have received. The application is made in outline form...”*

The Parish Council respectfully suggests that the reason “the point” has not been reflected in the technical responses received is because the proposal flouts local and national planning policy, as well as fundamental planning issues e.g., flooding, wastewater management and water neutrality, which cannot be sufficiently addressed in outline form - more certainty is required by the LPA at the time a decision is made.

Nevertheless, whether or not the proposed mitigation strategies achieve water neutrality becomes a moot point if the development proposals fail to adhere to planning policy!

Planning Policy

The application contravenes the policies of the Chichester District Local Plan 2014 – 2029 (CLP); and the policies of the emerging Chichester Local Plan 2021 – 2039 (eCLP); and a range of national policies as set out in the National Planning Policy Framework (NPPF) e.g., para 174 to conserve and enhance the natural environment, which are all material to the determination of the application.

² Please refer to the [Parish Council’s representations dated November 2022](#), section 3 ‘Pre-Application’, pgs., 2-3

Being a commercial / non-residential application, the Local Plan 2014 - 2029 policies continue to be fully relevant to its determination – such as policies 1, 2, 3, 8, 25, 30, 31, 39 and 45 - and must be applied in earnest. On this basis alone, the application should be refused. The proposals do not constitute sustainable development and there are significant and demonstrable reasons for it to be refused as outlined in detail within the Parish Council’s comprehensive representations made in November 2022.

Appeal decisions

In addition to [paragraph 4, ‘Planning History’](#) of the Parish Council’s submission dated 23.11.2023 (pgs. 3 – 6) there are two further recently dismissed appeals (regarding much smaller commercial / non-residential proposals than those proposed at Foxbridge Golf Club), which demonstrate that CLP policies continue to be consistent with the NPPF and are robustly applied by inspectors in decision making.

In particular, the Parish Council draws attention to the recent application of CLP policies 1, 2, 8, 39 and 45 in decisions dated February 2023 and May 2023, submitted alongside this document for ease of reference: -

(1) J Reid BA(Hons) BArch (Hons) RIBA | Appeal Ref: APP/L3815/W/22/3302155, paragraphs 3 and 4, pg. 1 | **Goose Cottage**, Durbans Road, Wisborough Green RH14 0DG | 13 February 2023

“LP Policy 1 reflects the presumption in favour of sustainable development in the National Planning Policy Framework (Framework). In line with LP Policy 1, LP Policy 2 sets out the settlement hierarchy for the District, and it explains that outside Chichester city and the designated Settlement Hubs, the Service Villages will be the focus for new development and facilities. In the Rest of the Plan Area outside the Settlement Boundaries of the settlements listed in LP Policy 2, development is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with LP Policies 45 to 46.

LP Policy 45 states that within the countryside, outside Settlement Boundaries, development will be granted where it requires a countryside location and meets essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements.”

(2) Richard S Jones BA(Hons), BTP, MRTPI | Appeal A Ref: APP/L3815/C/21/3283324 / Appeal B Ref: APP/L3815/C/21/3283325, paragraph 47, pg. 6 | **Land at Manor Copse Farm**, Oak Lane, Shillinglee, Plaistow, West Sussex GU8 4SQ | 17 May 2023

“LP Policy 2 identifies the locations where sustainable development will be accommodated, which in terms of scale, function, and character support the role of identified settlements. Development outside the settlements, [...] is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with Policies 45 and 46. LP Policy 45 states that within the countryside, outside settlement boundaries, development will be granted where

it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements.”

Both these dismissed appeals sought consent for non-residential development on sites outside a settlement boundary as designated by the CLP and constituting development in the countryside. Since the Foxbridge Golf Club site is also unequivocally outside any settlement boundary and in a countryside setting, these decisions represent strong support for the consistent application of these policies.

In relation to Goose Cottage, the proposal was deemed contrary to Policy 45 of the CLP, as there was no evidence to show that the proposal needed to be in the countryside, or that it would meet an essential, small scale, and local need. Similarly, the appeal was dismissed due to its failure to meet the requirements of Policies 8 and 39 “...several office workers would reasonably be expected to commute to and from existing settlements on weekdays by car. The trips of visitors, and for servicing and deliveries, would also be likely to be made by private or commercial vehicles” (para 10).

In conclusion, the Inspector determined:

“...I consider that the proposed development would not be reasonably accessible for workers and visitors. It would be contrary to LP Policies 1 and 2, LP Policy 8 which aims for development to be well located to minimise the need for travel and to encourage the use of sustainable transport modes, LP Policy 39 which seeks for development to be located to minimise additional traffic generation, LP Policy 45, [...] It would also be contrary to the Framework which aims to promote sustainable transport modes and to actively manage patterns of growth” (para 13).

“I have found that the proposed development would be contrary to the Development Plan when taken as a whole” (para 18).

At this juncture, it is wholly relevant for the Parish Council to alert the LPA to an email received from WSCC’s Transport Co-ordination team on 26th June 2023 advising that: -

“Compass Travel bus service 42 will no longer operate in West Sussex from 23 July 2023. Currently this consists of just one return journey daily on Mondays to Fridays from Loxwood, Ifold and Plaistow to Godalming & Guildford, with little or no use of this service being made by West Sussex residents. Service 42 will continue to run nearby in Surrey running approximately every two hours with all buses running direct from Alfold Crossways to Dunsfold. Loxwood, Ifold & Plaistow will still have alternative Compass Bus services 64 & 69 which continue unchanged.”

To clarity, this is the loss of one of only 3 bus services within the Parish and clearly demonstrates that the Parish is not on a sustainable transport route.

The Parish Council respectfully refers the LPA to paragraph [2.7.1 of SW Transport Planning Ltd.'s](#) report submitted in November 2022 which explains the limited access to and from the site by public transport: -

“2.7.1 Options for access to the site by public transport are limited. The nearest bus stops, on Rickman’s Lane, are some 830m walk distance from the centre of the site (not 550m as stated in the TA). The two bus services (64/69) operating from these stops only run once per day on certain weekdays (the 64 runs Mon to Thu and the 69 on Tue and Fri only). The next nearest stops are at Plaistow Road (a 1.2km walking distance) from the site where the 42 bus operates once per day from Mon to Fri. The nearest rail station is 11.2km away at Billingshurst.”

Like the Goose Cottage site discussed above, the Foxbridge site is similarly inaccessible for workers and visitors. To approve the development of the site in the irrefutable knowledge that the exceedingly limited public transport services have been further reduced and are by no means secure would be irresponsible – it is certain that the predominant mode of travel to and from the site will be by private car.

To permit the development would be contrary to LP Policy 8 and 39. In fact, the conclusion of Planning Inspector J Reid in the Goose Cottage appeal is directly applicable: -

“...I consider that the proposed development would not be reasonably accessible for workers and visitors. It would be contrary to LP Policies 1 and 2, LP Policy 8 which aims for development to be well located to minimise the need for travel and to encourage the use of sustainable transport modes, LP Policy 39 which seeks for development to be located to minimise additional traffic generation, LP Policy 45, [...] It would also be contrary to the Framework which aims to promote sustainable transport modes and to actively manage patterns of growth” (para 13).

The [Land at Manor Copse Farm](#) appeals were made against an enforcement notice to remove a sectional shed / pottery studio built without planning permission (at a site within the Parish area) contrary to LP Policies 1, 2 and 45 (among others). The appeals were dismissed, and the enforcement notice upheld. The main issue was whether the site was an appropriate location for the building, having regard to relevant CLP policies and the NPPF. At paragraph 48, the Inspector determined: -

“The appellant has not sought to show, and I do not find, that the building (and its use as a pottery studio) requires a countryside location, or that its purpose meets an essential local rural need or supports rural diversification. The development is therefore contrary to LP Policies 2 and 45 and to LP Policies 1, 25, and 48 and to the NPPF as a whole.”

Given these recent appeal precedents regarding the application of CLP policies in the north of the plan area, there is no reason why the proposals for Foxbridge Golf Club should not be subject to the same rigorous application of these policies.

Emerging Chichester Local Plan (eCLP)

In relation to the eCLP, the Parish Council particularly draws attention to Chapter 3 and paragraphs 3.21 – 3.29 and Policy S1: Spatial Development Strategy, which is supported by up-to-date evidence.

The Applicant's proposal to create a new destination holiday village in the countryside - with its associated traffic, light and noise generation, and general adverse impact on the area's historic and tranquil landscape – falls foul of the eCLP policies: -

- The site is in the North of the Plan area which is *“predominantly rural with few sizeable settlements, characterised by undulating countryside with a high proportion of woodland, typical of the Low Weald landscape. Conserving the rural character of the area, with its high-quality landscape and environment, is a key objective”* (para 3.22, pg. 36).
- *“Accessibility to services and facilities is a particular issue for this area, with local residents having to travel significant distances for many facilities”* (para 3.23, pg. 37).
- *“Previously, given the present constraints on development in the area, the Local Plan has provided for only limited growth, focused on enabling these communities to continue to sustain their local facilities and contribute towards meeting locally generated housing needs, as well as support for the rural economy, in line with the settlement hierarchy. However, due to the constraints on the A27 in the south of the plan area, this Plan has had to provide a moderate level of growth in the north to help to make up the overall shortfall of dwellings. Higher levels of growth were considered at Kirdford, Wisborough Green and Plaistow and Ifold, but ruled out due to the need to conserve the rural character of the area and its high-quality landscape and minimise the impact on the historic environment”* (para 3.24, pg. 37).

[own emphasis]

- *“In the rest of plan area, the Local Plan aims to continue to protect the countryside, but also recognises the social and economic needs of rural communities. As such, new development in the countryside will be generally limited to the appropriate diversification of traditional rural industries; small-scale housing that addresses local needs, and replacement dwellings/buildings* (para 3.28, pg. 37).

Paragraph 48 of the NPPF makes clear that decision makers can: -

“give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given)

....

c) the degree of consistency of the relevant policies in the emerging plan to [the NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The NPPF gives full support for this application to be considered against the policies of the adopted Development Plan and for weight to be attached to those of the emerging eCLP.

The up-to-date evidence base which informs the eCLP (relating to infrastructure, design, landscape impact and transport) all indicate that the adverse impacts which would inevitably arise from this large-scale holiday village would significantly and demonstrably outweigh any benefits. The NPPF's overarching priority is to achieve sustainable development. Where the evidence against such a conclusion is compelling then permission for speculative development should be refused.

In conclusion, as extensively highlighted by the Parish Council in its November 2022 submissions, the proposed development is plainly not small scale; it does not meet any objectively evidenced local need; it is not well located, being in the north of the plan area – in the countryside, outside a settlement boundary - in a remote and isolated setting away from public transport links. The proposal anticipates a high level of traffic generation and movement in an area acknowledged to be rural and tranquil. It is not designed to minimise the need for travel and is completely reliant upon the use of private cars and cannot 'encourage the use of sustainable modes of travel as an alternative'. It does not comply with para 174 of the NPPF, as extolled/upheld in the various appeal decisions for the area³. Consequently, the development is unsustainable and unable to comply with either local and national planning policy and therefore must be refused.

Yours sincerely



Catherine Nutting
Clerk & RFO of Plaistow and Ifold Parish Council

³ Please refer to [paragraph 4, 'Planning History'](#) of the Parish Council's submission dated 23.11.2023 (pgs. 3 – 6) for details of these appeal decisions.