

**MINUTES** of a Meeting of the Full Plaistow and Ifold Parish Council held on **Wednesday 13th October 2021** at **19:30**, Winterton Hall, Plaistow.

**Please note:** - These minutes are to be read in conjunction with the [Clerk's Report](#), published on the Parish Council's [website](#) with the [agenda](#) in advance of the meeting. The Clerk's Report provides all necessary background information for the matters considered at the meeting.

**Present** Cllr. Paul Jordan (Chair); Cllr. Phil Colmer (Chair of the Finance Committee); Cllr. Nick Whitehouse; Cllr. Jerusha Glavin; Cllr. David Ribbens; Cllr. Doug Brown; Cllr. Nicholas Taylor; Mrs Sara Burrell, (Chair of the Neighbourhood Plan Steering Group, Co-opted Member, no voting rights) and Catherine Nutting (Clerk & RFO).

West Sussex County [Councillor Janet Duncton](#)\* and Chichester District [Cllr. Gareth Evans](#) were in attendance.

\*[Cllr. Duncton](#) is also a Chichester District Councillor for Loxwood Ward.

One (1) Member of the Public was present in person.

**C/21/159** **Apologies for absence & housekeeping**  
Apologies were received and accepted from Cllr. Sophie Capsey (Vice Chair); Cllr. John Bushell; Cllr. Angie Jeffery; Cllr. David Griffiths and Mr Jon Pearce (Co-opted Member of the Planning & Open Spaces Committee, no voting rights).

**C/21/160** **Disclosure of interests**  
Recommendation: - To deal with any disclosure by Members of any disclosable pecuniary interests and interests other than pecuniary interests, as defined under the Plaistow and Ifold Parish Council [Code of Conduct](#) and the Localism Act 2011, in relation to matters on the agenda.

None received.

**C/21/161**

**Minutes**

It was **RESOLVED** to **APPROVE** the minutes of the full Parish Council Meeting held on 8th September 2021, which will be **SIGNED** by the Chair, via Secured Signing in accordance with Standing Order 9(d), as a true record and published on the Parish Council's [website](#).

Actions:  
Clerk & Chair

**C/21/162**

**Public participation**

To receive and act upon, if considered necessary by the Council, comments made by members of the public in accordance with relevant legislation and Plaistow and Ifold Parish Council's [Policy](#). Questions, or brief representations can be made either in person, or in writing provided they were sent via email to the Clerk no later than 4pm Wednesday 13th October 2021. Public Participation shall not exceed 10 minutes, unless directed by the Chairman. A speaker is limited to 5 minutes.

None received.

**C/21/163**

**To receive reports from County and District Councillors.**

District Cllr. Evans' report is appended to these [minutes at A](#). County and District Councillor Janet Dunton's report is appended to these [minutes at B](#). Both reports were published on the Parish Council's website in advance of the meeting.

Action:  
Clerk/ Cllr.  
Dunton

Cllr. Evans advised that he would be participating in the 'Big Sleepout' - Stonepillow, Chichester's annual major fundraising event. [Stonepillow](#) is a charity which supports and empowers homeless and vulnerable people to achieve sustainable independence and wellbeing.

Cllr. Dunton advised that there will be a major review of West Sussex County Council's [Definitive Map for footpaths](#). Any path which does not appear on the Definitive Map after the review will not be considered a public right of way. Therefore, the Public Rights of Way Team are inviting information about all paths used within the Parish from the public and Councillors alike. The Clerk will circulate a link to the Definitive Map to all Members.

The following queries were raised with Cllr. Dunton:

1. *"Why has it taken so long to replace the 'Welcome to West Sussex' sign at the County boundary on the Dunsfold Road?"*  
The sign has been gone for over two years and has

historically been reported to West Sussex County Council (WSSC).

2. Please could WSSC advise the Parish Council of the new date to undertake the road works scheduled for Rickman's Lane, Plaistow which were cancelled due to inclement weather.
3. If the WSSC Public Rights of Way (PRoW) Team have any concerns whatsoever about public safety along the footpaths around Lagoon 3, Crouchlands Farm, the paths should remain closed.

In relation to matters 1 & 2, Cllr. Duncton confirmed that she would find out and update the Parish Council at the next meeting. In relation to matter 3, Cllr. Duncton advised that this was the ongoing position of WSSC's PRoW Team.

**C/21/164**

**Ifold Play equipment project**

[See Clerk's Report](#)

- a. To receive an update from the Kelsey Hall Management Committee's AGM

Jean Costello, Treasurer of the Kelsey Hall Management Committee (KHMC) attended the meeting. Ms Costello stated that the project was raised at the KHMC's AGM and Committee meeting. The proposal received comments both for and against, which were noted by the KHMC. The KHMC recognise that there is a strong demand for play equipment within Ifold and that Ifold families were not well represented at the AGM/Committee meeting. Nevertheless, the overall view was supportive and therefore, in principle, the KHMC wish to take the proposal forward and participate in the project management. The KHMC's main areas for consideration are:

- Avoid any impact to the carparking facilities (25 cars)
- Avoid any adverse impact on neighbouring properties
- Avoid any damage to existing trees
- Careful consideration regarding the playpark's entrance

The Parish Council **RESOLVED** to **CO-OPT** Ms **COSTELLO** onto the Playpark Steering Group which will spearhead the project.

- b. To consider and resolve to approve the recommended next steps set out in the Clerk's Report.

The Parish Council **NOTED** the Clerk's Report and two further reports appended to these minutes at C and D regarding [insurance](#) and [project recommendations](#).

Actions:  
Clerk /  
Playpark  
Steering Group

The Parish Council **RESOLVED** to: -

- i. **AGREE** a **BUDGET** of up to **£740** to obtain legal support to draft the **LEASE** between the Parish Council and KHMC.
- ii. **INCLUDE** the Ifold **PLAYPARK** within its **INSURANCE** / public liability **POLICY**.
- iii. To **INSTRUCT** the **PLAYPARK STEERING GROUP** to **OVERSEE** the project. To include: - organising further public consultation / ascertaining any planning requirements / liaising with Ifold Estates Limited | KHMC | Little Acorns and the direct Neighbours / managing public expectation regarding what equipment the site can reasonably host (query with Redlynch Leisure) / liaise with the Finance Committee regarding 2022/23 budget / follow the Council's Finance Regulations regarding obtaining quotes for work.

**C/21/165**

**Financial Matters**

Actions:  
Clerk

**a. Order for Payments**

The Order for Payment was published on the website and circulated to Members via email in advance of the meeting. It is appended to these [minutes at E](#). The Order for Payments includes income and expenditure for September – October (up to 07.10.2021) since the last full Council meeting.

It was **RESOLVED** to: -

1. **NOTE** the expenditure listed.
2. **NOTE** the receipt of the Public Works Loan Board (PWLB) loan of £49,975 (£25 admin fee deducted at source) and second instalment of 2020/21 Precept, £46,000.
3. **APPROVE** the expenditure as set out in the Order for Payments.

**b. External Audit**

The Parish Council **RESOLVED** to **NOTE** the signed **EXTERNAL AUDIT REPORT** and [Notice of Conclusion of Annual Audit](#).

The External Auditor has completed its review of the Council's Annual Governance and Accountability Return and has found that the Council has conducted itself in accordance with Proper Practices and that there are no causes of concern. The signed External Audit Report is published on the Council's website, to accompany the Annual Governance and Accountability Return for the year ended 31 March 2021. The Council has not claimed exemption. Therefore, Regulation 13 of the Accounts and Audit Regulations 2015 stipulate

that the following documents must be published on its website: (a) The Statement of Accounts and Annual Governance Statement (b) The auditor's certificate and opinion (c) Any public interest report or other recommendation of the auditor (not applicable) (d) A form of Notice of Conclusion of Annual Audit (via website and on the four notice boards). The notice states that an elector may inspect these documents at all reasonable times and without payment. The address and times when this inspection may be carried out is given on the notice.

**c. Ratification of decisions made by the Clerk**

[See Clerk's Report](#)

The Parish Council **RESOLVED** to **RATIFY** the following decisions made by the Clerk pursuant to paragraphs 3.1.3 – 3.1.6 of the [Scheme of Delegation](#):-

1. Purchase of a dedication plaque for the official re-opening of the Lady Hope Playpark
2. Instruct ROSPA to complete a post installation inspection of the playpark prior to its official re-opening.

**d. Playpark bin**

[See Clerk's Report](#)

The Parish Council **RESOLVED** to purchase a **PLASTIC LITTER BIN** for the Lady Hope Playpark due to the cost being much cheaper than wooden ones. Councillors acknowledged that a wooden bin would be more in keeping with the area. However, responsible spending of public money was considered the overriding objective, particularly given that it is a replacement of an existing plastic bin.

**e. New Homes Bonus (NHB)**

[See Clerk's Report](#)

The Parish Council **NOTED** its **SUCCESSFUL NHB APPLICATION** for £2,158 towards the Safer Bus Stop project and **RESOLVED** to **EXECUTE** the **CONTRACT** with Chichester District Council (CDC). The Parish Council **NOTED** the terms of the Agreement, particularly in relation to the restricted use of the monies and the requirement to seek CDC's Grants and Concessions Panel's authorisation for changes to the project. Members were referred to the draft Agreement and to clauses 2.1.4 and 2.1.5, available on the [website](#). The Parish Council **RESOLVED** to **ACCEPT** the conditions.

<b>C/21/166</b>	<p><b>Lady Hope Playpark</b>  <a href="#">See Clerk's Report</a></p> <p>The Parish Council <b>NOTED</b> the project update as outlined in the Clerk's Report. The Playpark Steering Group will consider the need for additional seating/picnic tables and make recommendations to the full Council in due course.</p>	<p>Actions:  Playpark  Steering Group</p>
<b>C/21/167</b>	<p><b>Annual Assembly</b>  <a href="#">See Clerk's Report</a></p> <p>The Council <b>NOTED</b> and <b>APPROVED</b> the event information published on the Parish Council's <a href="#">website</a>, including the agenda, menu, and poster.</p>	
<b>C/21/168</b>	<p><b>Neighbourhood Plan</b></p> <p>The Parish Council <b>NOTED</b> the Neighbourhood Plan Steering Group's report and recommendations, appended to these <a href="#">minutes at F</a>.</p> <p>The Parish Council <b>RESOLVED</b> to: -</p> <ol style="list-style-type: none"> <li>1. <b>ENDORSE</b> the conclusion of the AECOM HRA</li> <li>2. <b>SEND</b> the HRA to CDC and the Examiner and <b>PROPOSE</b> that the Neighbourhood Plan section on Infrastructure be amended with an additional Policy Ci3 Water Usage in New Residential Development.</li> <li>3. <b>PROPOSE</b> to CDC and the Examiner that the wording of AIM 4 (to Safeguard Water Resources) be extended and applied to measures undertaken by the Parish Council with the various Authorities to improve the reduction in use of water by existing households and businesses in the Parish, thus aiming for water neutrality.</li> </ol> <p>The Parish Council <b>AGREED</b> that it would be guided by the Examiner regarding the need for further public consultation regarding the amendments to the Plan.</p> <p>The Parish Council <b>NOTED</b> that the AECOM HRA includes all proposed new development, including CDC's DPD site, windfall development within Ifold and proposed development on the brownfield site.</p>	
<b>C/21/169</b>	<p><b>E-Newsletter</b>  <a href="#">See Clerk's Report</a></p> <p>The Parish Council <b>NOTED</b> that 110 copies of the E-Newsletter were emailed to website sign-ups. This is a fantastic number. Members expressly thanked Cllr. Glavin for putting the newsletter together</p>	<p>Action:  Clerk</p>

and Cllr. Bushell for contacting community groups in receipt of grants to encourage sign-up from their members. The Clerk will ensure that paper copies of the E-Newsletter are provided to the few individuals who have requested it in this format.

**C/21/170**

**The Drive, Ifold Entrance Refurbishment project update**

[See Clerk's Report](#)

The Parish Council **NOTED** the project update as outlined in the Clerk's Report. The Parish Council **RESOLVED** to: -

1. **APPROVE** Mr. Naldrett's tree surgery quote of £780 and **INSTRUCT** him to undertake the tree work on 22nd November.
2. **ORGANISE** a **MEETING** between volunteers and Ms Palmerton to discuss the job specifications and complete a risk assessment.
3. **LIAISE** with IEL regarding their financial contribution towards the project.

Actions:  
Clerk

**C/21/171**

**Queen's Platinum Jubilee Steering Group**

[See Clerk's Report](#)

The Parish Council **RESOLVED** to formally set up the Queen's Platinum Jubilee Steering Group (QPJSG) and appointed the following Members: **Cllr. Jeffery | Cllr. Glavin | Cllr. Capsey.**

The Parish Council **RESOLVED** to appoint the QPJSG to oversee the project management of the Plaistow Village Green Re-Wilding area under the Sessile Oak.

A meeting of the QPJSG will be arranged, and the Clerk will invite representatives from local groups/organisations who may wish to participate in the organisation of the community's celebrations.

Actions:  
Clerk

**C/21/172**

**Highway Matters**

**a. Matters to be reported by Members.**

Members noted that although there have been some works on the Dunsfold Road, the stretch to the County boarder has been overlooked.

There is an issue with flooding by Pound Cottages on Shillinglee Road. The drain becomes blocked due to an inappropriate grill. The fence currently holds the water back. The Parish Council **RESOLVED** to notify WSCC Highways of the issue.

**b. Road works**

Road works are to begin along the Dungate/Dunsfold Road on 18th

Actions:  
Clerk & WSC  
Cllr. Duncton

October and are due to be completed within a maximum of 5 days. Rickman's Lane was due to be closed on 30th September for road maintenance; however, this did not take place due to poor weather conditions. A new date has not been set; however, County Councillor Duncton will update the Parish Council in due course. See C/21/163 above.

**c. Bridleway closure**

The Parish Council **NOTED** the Temporary Closure Notice (Issue no. 29357) regarding Public Bridleway No. 636 (part). The closure continues to be necessary due to an unsafe bridge; however, works to install the new bridge are hoping to commence week beginning 27th September 2021. The route will continue to be closed from 1st October 2021 for 21 days or until the works are completed. The Parish Council **RESOLVED** to seek an update from WSCC.

**C/21/173**

**West Sussex Association of Local Councils (WSALC) & Chichester District Association of Local Councils (CDALC)**

[See Clerk's Report](#)

a. CDALC AGM.

Cllr. Taylor attended the meeting on behalf of the Parish Council and submitted a report to Council, which was **NOTED** and is appended to these [minutes at G](#).

b. WSALC's AGM

Members **NOTED** the WSALC's AGM agenda, reports, and accounts which were circulated to Councillors via email in advance of the meeting and published on the Parish Council's [website](#).

c. Appoint the Clerk as Proxy to attend the AGM and vote on behalf of the Parish Council.

The Parish Council **RESOLVED** that the Clerk should not attend the WSALC AGM and that no other representative of the Council would attend the meeting. The Parish Council is content to receive the AGM minutes and consider any matters arising which require the specific attention of Plaistow and Ifold Parish Council.

**C/21/174**

**Cycling events within the Parish**

The Parish Council **RESOLVED** to **DEFER** this matter to a future meeting. However, Members commented on the poor condition of

Action:  
Clerk



local roads and queried if it was appropriate that cycle events are held in this area.

**C/21/175**

**South Downs National Park (SDNP)**

[See Clerk's Report](#)

The Parish Council **RESOLVED** to **DEFER** this matter to a future meeting. However, the following **ACTIONS** were **AGREED**:

1. Cllr. Taylor to seek some informal information from CDALC
2. The Clerk to contact Kirdford Parish Council to ascertain their experience with the process.

Actions:  
Clerk / Cllr.  
Taylor

**C/21/176**

**Correspondence**

The Parish Council **NOTED** that there was no formal correspondence to consider at this meeting.

**C/21/177**

**Clerk's update**

[See Clerk's Report](#)

- a. Lagoon3

The Parish Council **NOTED** the update report appended to these [minutes at H](#) from the meeting with CDC and Kirdford Parish Council on 5th October. The Clerk will provide all Members with the [Crouchlands Farm Screening Opinion](#) and make it available on the Parish Council's website.

- b. Public consultation results

The Parish Council **NOTED** the Results and Consultation Article, written by Cllr. Bushell, which have been added to the Parish Council's [website](#).

- c. Northern Parishes Meeting update

The meeting agreed that it was up to the individual Parish's to pursue fully joining the SDNP rather than it being a matter to be considered by this forum. The meeting acknowledged that the forum had no legal status and was more akin to a Steering Group to support each other and feedback information and recommendations to the respective full Councils. Kirdford Parish Council have already instructed a legal team to issue a Letter Before Action regarding their concerns with CDC's Enforcement abilities. Wisborough Green Parish Council is not yet minded contributing to the 'fighting fund' until there is a clearer objective for the expenditure.

Actions:  
Clerk

d. Meeting venues

Meeting have returned to face-to-face and both halls have WIFI capabilities. Therefore, the Council will resume its equal split between Ifold and Plaistow. However, for simplicity the venue split is worked out monthly i.e., in October all meetings are in Plaistow; in November all meetings are in Ifold etc. The meeting timetable for Full Council and Planning can be found [here](#). However, using the [website](#) is the best way to keep up to date. Please use the drop-down-boxes to filter the meetings to the correct year and month. The Clerk will query with WSALC if the Parish Council can lawfully defer to the Clerk via the Scheme of Delegation and reduce the number of face-to-face meetings.

e. WSCC Winter Services

WSCC has confirmed that, after reviewing last winter's service, there is no change for winter 2021/22. Winter gritting routes can be viewed on their [website](#).

f. Society of Local Council Clerks (SLCC) national survey

The first national survey of the local council sector for 30 years was launched in September. This significant piece of research will look at every aspect of the work of a Clerk and how Councils operates and has the potential to influence changes in local government. The Clerk has completed the survey on behalf of the Council.

**C/21/178**

**Items for inclusion on a future agenda**

None specified.

**C/21/179**

**Meeting Dates**

- Planning & Open Spaces Committee, 20th October 2021, 7:30pm – Winterton Hall, Plaistow
- Planning & Open Spaces Committee, 9th November 2021, 7:30pm – Kelsey Hall, Ifold
- Winter & Emergency Plan Committee, 17th November 2021, 7:30pm – Winterton Hall

Actions:  
Clerk

There being no further business, the Chair closed the meeting at 20:54

## District Councillor Update

### Covid Update

Booster jabs are now being issued across the county. There is no need to contact the NHS or the local doctor's surgery. Residents will be contacted when it is their time. I have seen this in operation as my father has received his call.

17- and 16-year-olds can now also book their vaccinations should they choose to.

Flu jabs are also being administered and these are being held on Saturdays at Loxwood Medical Practice to get through the backlog

### Lagoon 3

A meeting will take place on the 5<sup>th</sup> October at 3pm in order that we can receive an update now that the legal team have stepped in since the enforcement lapsed back in May. This came off the back of my request for a written update. This meeting will involve CDC, EA, Plaistow and Ifold and Kirdford Parish Councils and Janet Duncton and I.

### Loxwood Claypit

1500 plus objections have now been received and there was such a large amount of interest on this that I understand West Sussex County Council are still uploading objections to the portal.

The STCP group (of which I am a founding member) asked Gillian Keegan MP to visit the site on Sunday 19<sup>th</sup> September so she could see for herself the impact this application would have on the community. She left very clear of the issues and large numbers of the community were there at the end of the visit to ensure Gillian understood their feelings. Thanks to Rick for also attending and sharing his knowledge with our local MP.

This is likely to go to the WSCC planning committee meeting on or around 9<sup>th</sup> November

### Chichester District Council Updates

#### Unauthorised encampments on council own land

CDC been consulting with some of their local communities on what further options they would like to see us take to help deter unauthorised encampments on council owned land. This action follows a number of recent unauthorised encampments, which have caused distress to those living nearby and created excessive littering. CDC are currently looking at a rolling programme of improvements to try and make the community spaces that they manage more secure. CDC will be taking the feedback from the consultation events to the next cabinet meeting with proposed solutions. You can find out more here: <https://www.chichester.gov.uk/article/35806/Council-to-introduce-additional-security-measures-to-deter-unauthorised-encampments>

#### Local Connection Tests

Many projects were discussed at the cabinet meeting in September, including the decision to introduce a local connection test that must be met by people opting to buy a home as part of the Government's First Homes Scheme. The scheme is designed to help local first time buyers and key workers onto the property ladder by offering homes at a discount of 30% compared to the market price. The idea is to help mortgages and deposits to be more affordable. You can find out more here: <https://www.chichester.gov.uk/article/35807/Chichester-District-Council-adopts-local-connection-test-to-help-first-time-buyers-access-Government-housing-scheme>

#### Staff Changes

Linda Grange, Divisional Manager for Housing has decided to retire at the end of November. From 1 November, Kerry Standing will manage Housing, as well as Revenues and Benefits, while Pam Bushby will manage Communities and Customer Services from 1 October.

## Natural England's Position Statement for Applications within the Sussex North Water Supply Zone September 2021 – Interim Approach

Natural England's updated at the recent DPIP meeting regarding Sussex North Water Supply Zone 2021. A document is also in the public domain.

In summary at the meeting Toby Ayling made it clear that currently developments cannot come forward unless they can prove they are water neutral. The IR will not increase water usage. CDC is working on mitigation solutions so in due course development can come forward providing the mitigation is provided. It is unclear how long it will take for the mitigation measures to become available.

We are awaiting an update on this

### District Councillor Surgeries (in person surgeries back!)



*Cllr. Gareth Evans  
Autumn Surgery Dates*



Sat. **18th September**, The Onslow Arms, Loxwood, 12pm - 2pm  
Sat. **2nd October**, The Forester Arms, Kirdford, 11am to 1pm  
Sat. **16th October**, The Half Moon, Northchapel, 12pm-2pm  
Sat. **30th October**, Plaistow Stores, Plaistow, 11am - 1pm  
Sat. **13th November**, Old Mill Cafe, Wisborough Green, 11am-1pm  
Sat. **27th November**, Stag Inn, Balls Cross, Ebernoe, 12pm - 2pm  
Sat. **11th December**, The Onslow Arms, Loxwood, 12pm - 2pm

 [gbevans@chichester.gov.uk](mailto:gbevans@chichester.gov.uk)  07958 918056

[Back to top](#)

## **C/21/163 – Appendix B – County & District Councillor Duncton’s Report**

One of the big concerns in our area is the directive from Natural England regarding water supply for new development.

I may have mentioned before that if it was for a replacement dwelling or some type of extension to a property that complied with Planning Policy it may well get permission to build. At the other end, the larger development of new properties the situation is a bit different and not yet settled so this is just the most up to date information that the Leader of West Sussex County Council has provided after his discussions with the water provider.

Basically, the developer needs to provide proof/information that the development intended will either be neutral or indeed have less water requirement than the area concerned has at the moment. This is of course down to the developer. At the moment as I think I understand it if the developer cannot show neutral or less water requirement it is likely that they will be looking at a refusal of application. I am sure there will be more to come forward on this item in the near future.

County Council is gradually getting back to face to face meetings although many of the smaller working groups and meetings like for instance the Member Development Group on which I sit will continue for a while yet to be held virtually.

Friday the 22<sup>nd</sup> is Council day and this will actually be in the Council Chamber which as you some new Councillors have not had the opportunity to experience, and it will also be good to meet those who you have to work with over the next 3.1/2 years. Planning & Rights of Way this week will also meet in the Chamber although on this occasion there is only a Rights of Way issue to be considered and a Secretary of State decision on a path in Rogate.

Childrens Services are still improving, and the Fire and Rescue Service is continuing to put in place items the Her Majesty’s Inspectorate wanted improvements on but these are not significant and are all being worked on. One of course is that we need more diversity in the Service. Of course, we don’t have an argument with this but you cannot force people to apply for positions and of course when they do it is essential that they are capable after training for the very rigorous work often involved in the Fire and Rescue Service.

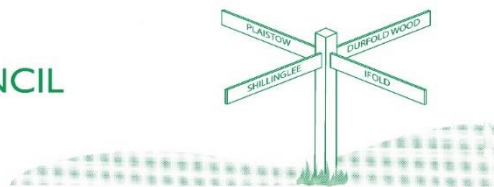
Budgets are of course being set now for 2022/23. It’s going to be tough both at County and District level. Some, I am sure will not like some of the things that we may have to cut which are not Statutory. Statutory we have to find the money for, but other items are what you could call things that are desirable. As I have said before sometimes things can be provided in a different way so you can be assured that everything will be looked at.

I hope everyone is keeping well. Let’s hope there are no big spikes in either Covid 19 or Flue in this coming winter. Keep safe

If you want to contact me it’s [janet.duncton@westsussex.gov.uk](mailto:janet.duncton@westsussex.gov.uk) or [jduncton@chichester.gov.uk](mailto:jduncton@chichester.gov.uk)

[Back to top](#)

## PLAISTOW AND IFOLD PARISH COUNCIL



**Report FC/002/21**

**Agenda Item No:** 6  
**Committee:** Full Council  
**Date:** 13th October 2021  
**Title:** Insurance for play equipment within Ifold  
**By:** Catherine Nutting, Clerk & RFO  
**Purpose of Report:** To update the Council regarding the insurance implications for installing play equipment on the Kelsey Hall curtilage.

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### Recommendations

**Full Council is recommended:**

- a. To approve the inclusion of any play equipment installed at the Kelsey Hall, Ifold within the embrace of the Parish Council's insurance policy.

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### 1. Background

- 1.1 Plaistow and Ifold Parish Council holds insurance with Came & Company Local Council Insurance, which is part of the Gallagher group of companies.
- 1.2 Gallagher is one of the world's largest insurance broking, risk management services and consulting firms.
- 1.3 As a point of note, Came & Company is rebranding to Gallagher on 4 October 2021; bringing together its specialist teams and enabling it to provide insurance solutions to more of the public sector. This rebranding will have no affect whatsoever on the Parish Council's insurance policy, terms, and conditions.

### 2. Ifold play equipment

- 2.1 The Parish Council was first made aware of the demand for play equipment within Ifold when it began the Neighbourhood Planning public consultation process in 2013.
- 2.2 246 people attended the Ifold consultation for the Neighbourhood Plan. Written comments were collected on a wide range of local topics illustrated by the consultation exhibition.

- 2.3 303 comments were received on a range of topics, which were allocated into 19 areas, such as the settlement boundary, infrastructure, roads/traffic concerns etc.
- 2.4 Specific requests/comments for play equipment within Ifold represented 4.6% of all comments received.
- 2.5 The more pressing concerns, which received the highest number of comments and informed the drafting of the Neighbourhood Plan (such as retaining the SPA and roads/footpaths) achieved 8.24% and 11.5% of comments respectively. Therefore, the percentage of comments received regarding play equipment within Ifold is not dissimilar to the other results.
- 2.6 The results of the June 2021 public consultation illustrate that the requirement and strength of feeling to see play equipment installed within Ifold remains resolute.
- 2.7 The consultation received 135 responses, which is considered a good response rate at 27%. Typical survey response rates can vary anywhere between the 5% to 30% range.
- 2.8 51% of respondents live in Ifold and 31% of those specifically called upon the Parish Council to provide dedicated playpark facilities within Ifold.
- 2.9 Therefore, the Parish Council can be confident that there is a desire and need within the community of Ifold, which has been consistent over the past 8 years.
- 2.10 The Parish Council has written an Open Letter to the Kelsey Hall Management Committee (KHMC) dated 28th September 2021 asking it to consider designating a small area for the installation of play equipment at the Parish Council's expense, in accordance with:
- The recommendations of the Newsletter Steering Group dated 11th August 2021, [item 3](#)
  - The recommendations of the Finance Committee dated 18th August 2021, [F/21/005](#)
  - Resolution of the Full Parish Council dated 8th September 2021, [C/21/143 b & C/21/145](#)
- 2.11 The Open Letter has been cc'd to Ifold Estates Ltd / IFRA / Little Acorns Pre-School / Plaistow Pre-School / Plaistow and Kirdford Primary School and published on the Parish Council's website and Facebook page including on Plaistow and Ifold Village Facebook page.
- 2.12 Within the Open Letter the Parish Council pledges to:
- Organise and manage the project, including further public consultation to advise on the type and style of play equipment.
- This can be done via a [free 10 question Survey Monkey online](#), via the website and Facebook in partnership with IEL/KHMC/IFRA/Pre-Schools and School. The Parish Council has recently organised and project-managed the renovation of the Lady Hope Playpark within Plaistow and therefore has the knowledge, contacts, and expertise.*

- Work in partnership with the KHMC to ensure that the project does not adversely interfere with the day-to-day running of the hall, or inconvenience hall users.  
*Carefully organised and agreed, any installation of play equipment could take place during the working day over a holiday period when Little Acorns Pre-School is not using the hall facilities.*
- Ensure that the design of the play area is in keeping with the visual amenity of the hall and the Ifold community generally.  
*This would be supported by the public consultation in terms of design and working with KHMC and IEL.*
- Pay for the equipment, safety surfacing, signage, and additional fencing/gates to ensure that the area complies with health and safety laws and public liability insurance.  
*The Parish Council has an available budget of £15,000 in 2021/22 for play equipment and associated costs. This budget can be further considered and amended when drafting the 2022/23 annual budget in December 2021. IEL have agreed to consider financially contributing towards the project. The final costs will be determined by:*
  - a) the combined and agreed budgets of the Parish Council and IEL*
  - b) design of the area (equipment type as informed by public consultation and partnership working and feasibility owing to spaces/trees etc)*
- Organise and pay for the annual mandatory play equipment safety inspection.  
*The annual cost will be no more than £90.*
- Budget for the ongoing maintenance and/or replacement of the equipment.  
*The Parish Council ordinarily maintains an annual budget of £9,000 for Village Maintenance and Community Reserve fund and can apply for a Public Works Loan when equipment needs replacing within the next decade or more as it has done for the Lady Hope Playpark.*
- **Insure the area at the Parish Council's cost.**  
*See 3 below.*

### **3. Insurance**

- 3.1 The Parish Council's insurance company has advised that the Parish Council can insure any designated play area within the Kelsey Hall curtilage under its own policy and public liability.
- 3.2 Written permission (a license) would need to be obtained from the KHMC that the area is designated for the purposes of a children's play area and that it is to be insured and managed by the Parish Council.
- 3.3 This agreement would not confer any ownership rights of the land to the Parish Council.
- 3.4 The Parish Council's current insurance policy includes legal advice at a discounted rate. Support to draft a formal licence between the KHMC and Parish Council will take between 2 –



4 hours at £185 per hour; (discounted from £300ph). Alternatively, the Council can instruct the Clerk to draft the license.

3.5 The Parish Council would be responsible for ensuring that the area had the correct signage to alert users who to contact in the event of an issue.

3.6 The Parish Council's insurance company would liaise with the KHMC's insurers to ensure that they were properly kept apprised of the matter. This is standard practice.

3.7 Any use of the equipment by Little Acorns Pre-School during their sessions, when the hall and grounds are closed to the public, would be covered jointly by the Parish Council's insurance (in terms defective equipment) and the Pre-School's insurance, in terms of lack of supervision or incorrect use etc.

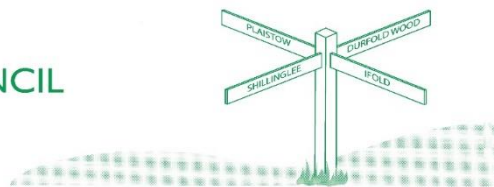
3.8 The Parish Council's insurance premium will increase this year by virtue of the equipment upgrade at the Lady Hope PlayPark, Plaistow. The sum insured for individual equipment items must be correct.

3.9 The Parish Council's insurance premium will increase by £50 for every £10,000 of equipment included in the sum insured amount.

3.10 The zip wire will incur a £224 additional premium, by virtue of it being a 'high risk' installation. This 'high risk' premium permits up to five 'high risk' installations (such as a skate park) and would include an additional playpark in Ifold, in general terms, as there will be a minimal increased of 'risk' to the Parish Council's insurance by virtue of having multiple playparks covered under the policy.

[Back to top](#)

## PLAISTOW AND IFOLD PARISH COUNCIL



Report FC/004/21

**Agenda Item No:** 6  
**Committee:** Full Council  
**Date:** 13th October 2021  
**Title:** Ifold Play Equipment Project  
**By:** Catherine Nutting, Clerk & RFO  
**Purpose of Report:** To provide the Council with recommendations to consider to progress the project of installing Play Equipment on the curtilage of Kelsey Hall, Ifold.

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### Recommendations

Full Council is recommended:

- b. To be read in conjunction with report FC/002/21, playpark insurance
- c. To approve the nine (9) recommendations set out in paragraph 2 (in bold); namely -  
**2.1 / 2.3 / 2.4 / 2.7 / 2.10 / 2.11 / 2.12 / 2.14 / 2.15 / 2.17**

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### 2. Background

3.11 On 8th September 2021, at [C/21/145](#) the Parish Council resolved to approve the recommendations of the Newsletter Steering Group (NSG) dated 11th August 2021, which included the following:

- a. That the Finance Committee consider the implications of taking the full £50,000 loan to fund the Lady Hope Playpark in Plaistow thereby 'freeing up' £10,000 to be redirected into Ifold; (see 1.2 & 1.3 below).
- b. That the Parish Council write an open letter to the Kelsey Hall Management Committee with the consultation results asking if they would be willing to dedicate a small area within the hall's curtilage to some play equipment, if the Parish Council is able to fund the project; (see 1.5 below).
- c. That the Council approach Ifold Estates Limited to ascertain if they can contribute financially towards providing play equipment in Ifold; (see XX below).

3.12 On 18th August 2021, at [F/21/005](#) the Finance Committee recommended that the full Council take the maximum £50,000 loan to fund the Lady Hope Playpark regeneration works, thereby providing a ring-fenced reserve of £10,000 towards the cost of play equipment within Ifold, if land can be sourced.

- 3.13 The full Council resolved to adopt the Finance Committee's recommendation on 8th September 2021, at C/21/143(b).
- 3.14 The Finance Committee further resolved at F/21/005: -
- a. That the £3,000 allocated budgeted for an unnamed project contingency this financial year (2021/22) should be removed to offset a £15,000 reserve item for Ifold play equipment.
  - b. That anticipated underspends in other allocated budgets this financial year will see further offsetting.
  - c. Any expenditure on Ifold play equipment would not take place this financial year and therefore should be shown as a reserve item.
- 3.15 On 28th September 2021, the Parish Council wrote an [open letter](#) to the Kelsey Hall Management Committee asking that it consider allowing the Parish Council to install play equipment on the small grass area to the front of the hall.
- 3.16 The letter set out the following proposed terms:
- a. Organise and manage the project, including further public consultation to advise on the type and style of play equipment.
  - b. Work in partnership with the KHMC to ensure that the project does not adversely interfere with the day-to-day running of the hall, or inconvenience hall users.
  - c. Ensure that the design of the play area is in keeping with the visual amenity of the hall and the Ifold community generally.
  - d. Pay for the equipment, safety surfacing, signage, and additional fencing/gates to ensure that the area complies with health and safety laws and public liability insurance.
  - e. Organise and pay for the annual mandatory play equipment safety inspection.
  - f. Budget for the ongoing maintenance and/or replacement of the equipment.
  - g. Insure the area at the Parish Council's cost.
- 3.17 On 4th October 2021, the Parish Council's proposal was considered by the KHMC at its AGM/Committee meeting.
- 3.18 On 5th October 2021, the Chair of the KHMC emailed the Parish Council:  
*"I am pleased to inform you that we had a larger turn out of residents than in the recent past at our meeting last night and the feeling was very positive. In principle KHMC is supportive, subject to T&C's as already proposed in your letter of 28th September and our Treasurer [...] would like to attend your meeting next week to share feedback from our meeting."*
- 3.19 Ifold Estate Ltd has indicated that it will consider the Parish Council's invitation to contribute financially to the project at a forthcoming meeting, as its remit includes: *"to do all*

*such other things as are incidental or conducive to the attainment of the above objectives or calculated to enhance the value or amenities of land at Ifold.”*

#### **4. Recommendations to advance the project**

**4.1 To instruct its Insurance Company’s legal department to draft a licence agreement between the KHMC and Parish Council, as outlined at 3.4 of report FC/002/21 setting out the terms in the Parish Council’s open letter dated 28<sup>th</sup> September and indicated at 1.6 above.**

4.2 Legal support is included in the Council’s existing insurance policy premium and so attracts a discount price. A formal licence will take between 2 – 4 hours to draft; therefore, a maximum budget of £740 ex VAT would be sufficient. The Insurance company has advised that a license is a standard requirement. Please see paragraph 3 of report FC/002/21.

**4.3 To instruct the Playpark Steering Group to oversee the project.**

**4.4 To Co-Opted a Member of the KHMC onto the Parish Council’s existing Playpark Steering Group.**

4.5 The KHMC representative would have no voting rights *per se*, as an unelected Member, however they would participate in the Steering Group’s discussions and assist to formulate recommendations regarding the project put to the full Council.

4.6 The current Steering Group members are Cllr. Paul Jordan, PC Chair; Cllr. Sophie Capsey, PC Vice Chair and Cllr. Jerusha Glavin. Steering Groups have no decision-making powers. Their function is to do the ‘leg work’ and make recommendations to the full Council to ratify at its meetings and generally oversee the project.

**4.7 To organise a short local public consultation regarding what play equipment the Ifold community would like to see.**

4.8 The consultation can be run via the Parish Council’s website and promoted via Facebook and Schools; (as was utilised for the Lady Hope Playpark consultation in 2020).

4.9 A free service from either SurveyMonkey or Google can be used at no cost to the Council. (Google has the ability for survey respondents to see the ‘real time’ results of the consultation, which is a great feature).

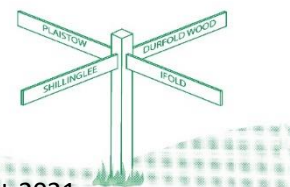
**4.10 To formally invite Ifold Estates, KHMC and Little Acorns to set out their own ideas for the area.**

**4.11 To consider any planning requirements in relation to the project.**

- 4.12 To instruct the Finance Committee to look at the budget for this project in 2022/23.**
- 4.13 The Finance Committee will begin to prepare the draft budget in the coming weeks for the Council to ratify in January 2022. The project is unlikely to get underway before 1<sup>st</sup> April 2022. Therefore, the Council must ensure that this project has a ring-fenced reserve this financial year (see 1.2 and 1.4 above).
- 4.14 The PC to work with Ifold Estates Ltd regarding any financial assistance it can offer the project.**
- 4.15 Instruct at least three playpark companies to visit the site and draft a design (based on the public consultation results).**
- 4.16 This is a free service offered by playpark companies. The Council invited Eibe, Redlynch and Wicksteed to quote in relation to the Lady Hope Playpark.
- 4.17 The Playpark Steering Group to make recommendations to the full Council on the company/design to approve.**

[Back to top](#)

## PLAISTOW AND IFOLD PARISH COUNCIL



Schedule of receipts and order for payments for Sept-Oct 2021  
To be approved at the Parish Council meeting on 13.10.2021

Agenda Item: 7(a)

The signed original document is filed in the Accounts file, YE 31/03/22

**RECEIPTS**

Date:	Payer:	Detail:	Cost Centre/Code	Amount:
17.09.2021	Chichester District Council	Second instalment of 2021/22 Precept	1076	£46,000.00
21.09.2021	Public Works Loan Board	Loan payment for the Lady Hope Playpark		£49,975.00
			<b>Total</b>	<b>£95,975.000</b>

**PAYMENTS**

Invoice Date	Payee	Regular payment 5.6 <a href="#">Financial Regs</a>	Detail	Cost Centre/Code	Amount (gross) Specify when VAT cannot be recovered
07.10.2021	Miss C E Nutting	Monthly Working from Home payment and Monthly subscriptions to Secured Signing; Zoom; BT phone bill. All paid via Clerk's personal bank account.	Expenses – monthly subscriptions for Secured Signing September 2021   Zoom 30.09 – 30.10.2021   BT phone bill September   WFHA September	4135 4102	£117.66
27.09.2021	West Sussex County Council	Staff salary and oncosts including pension contributions, NI and PAYE	Salary for September	4101	£2,806.70  <i>VAT not applicable</i>
24.09.2021	Moore		External Auditor – fixed rate fee for completing the 2020/21 external auditor's limited assurance review		£480.00
07.10.2021	Naldrett Tree Service		Tree works for the Ifold Bus Stop area as part of the rejuvenation project		£780.00  <i>VAT not applicable</i>
				<b>Total</b>	<b>£4,184.36</b>

**EXPENDITURE TO BE RATIFIED – paid since last Parish Council Meeting pursuant to 5.5 [Financial Regulation](#):**

Invoice Date	Payee	Regular payment 5.6 <a href="#">Financial Regs</a>	Detail To comply with s.7(3) <a href="#">The Openness of Local Government Bodies Regulations 2014</a>	Cost Centre/Code	Amount (gross) Specify when VAT <u>cannot</u> be recovered
16.09.2021	The North Singers		s.137 LGA 1972 Grant payment authorised 08.09.2021, C/21/143 b	4211	£250  <i>VAT not recoverable</i>
21.09.2021	Sussex Land Services Ltd	Continuing contract for ground maintenance and grass cutting.	Grounds contract for August 2021.	4301	£406.80
15.09.2021	BT	Continuing contract for WIFI at Winterton Hall, Plaistow.	Winterton Hall WIFI charges for September 2021	4201	£35.94
15.09.2021	Bankline	Monthly in arrears. Paid by DD.	Monthly bank charges for August 2021	4140	£0.80  <i>VAT not applicable</i>
04.10.2021	Brunel Engraving		Dedication plaque for Lady Hope Playpark		£247.74
01.10.2021	BT	Continuing contract for WIFI at Winterton Hall, Plaistow.	Winterton Hall WIFI charges for October 2021	4201	£35.94
				<b>Total</b>	<b>£977.22</b>

**Total receipts                    £95,975.00**

**Total expenditure            £5,161.58**

Signed by Chair: ..... Date: .....

Signed by Chair of Finance Committee (bank signatory): ..... Date: .....

Signed by Councillor: ..... Date: .....

(Not a bank signatory)

Signed by Councillor: ..... Date: .....

(Not a bank signatory)

Signed by Clerk/RFO: ..... Date: .....

(bank signatory)

[Back to top](#)

**Report to Plaistow and Ifold Parish Council Meeting 13 October 2021  
Update on the Neighbourhood Plan**

**Examination.**

It was agreed with CDC and the Examiner that the examination be suspended to allow time to investigate and consider the implications of the HRA produced by CDC and to determine if there was an alternative course of action. The CDC HRA had concluded that the accumulative impact of new development on fresh water supplies in the North Sussex area had likely potential adverse impact on the sensitive Arun Valley SPA, SAC and Ramsar.

**Further Advice**

The Steering Group sought professional advice from Locality (C.Govt body supporting Neighbourhood Planning). Locality provided technical support through AECOM.

AECOM have now produced a further HRA for our Neighbourhood Plan area, a copy of which is attached. This HRA has concluded that with modification to policy wording within the neighbourhood plan, as set out in the HRA and below, this would ensure that the Neighbourhood plan would have no adverse effect on international designated sites. The HRA has considered all potential new development in the Parish including that allocated by CDC and windfall development.

The HRA conclusion reads as follows:

*“4.1 Following Appropriate Assessment, a recommendation was made to improve the policy framework provided in the Plaistow & Ifold Neighbourhood Plan. It is considered that in order to draw a conclusion of no adverse effect on site integrity ‘in-combination’ with other projects and plans regarding abstraction effects on the Arun Valley SPA/Ramsar/SAC, text should be added into the Neighbourhood Plan, possibly as a new policy: ‘Applicants for net new housing within the parish will need to maximise the potential for water neutrality by minimising water usage levels in new residential development. Developments should be designed to minimise water consumption with an overall target of 90 litres per day per person across the whole development and incorporating as appropriate the water saving measures. This policy will remain in force until a sustainable source of supply is brought into use for the Sussex North WRZ’.*

*4.2 It is concluded that subject to recommendations made in this assessment, combined with the overarching Chichester District Council Local Plan Review 2035, the Plaistow & Ifold Neighbourhood Plan will contain sufficient policy framework to ensure no adverse effects on the integrity of international designated site will occur in isolation or in combination with other projects and plans.”*

**Recommendation**

The NPSG recommend that the Parish Council endorses the conclusion of the AECOM HRA and propose to CDC and the Examiner that the NP section on Infrastructure be amended with an additional Policy Ci3 Water Usage in New Residential Development

Applicants for net new housing within the parish will need to maximise the potential for water neutrality by minimising water usage levels in new residential development. Developments should be designed to minimise water consumption with an overall target of 90 litres per day per person across the whole development and incorporating as appropriate the water saving measures. This policy will remain in force until a sustainable source of supply is brought into use for the Sussex North WRZ.

A preamble to the policy would be required as for other policies in the plan to explain and justify the requirement for the new policy. This would be taken from the HRA document but first it should be established that the proposed additional policy is an acceptable way forward with CDC and the Examiner.

The neighbourhood plan already has an aim, AIM 4, to Safeguard Water Resources. This AIM can be applied to measures undertaken by the PC with the various Authorities to improve the reduction in



use of water by existing households and businesses in the Parish, thus aiming for water neutrality. And the wording of AIM 4 could be extended to make this more explicit. The Parish Council is also recommended to propose this to CDC and the Examiner.

**VDS**

CDC should inform the Examiner that they have yet to adopt the VDS and this may happen by the end of this year and until such time references to the VDS in the NP will need to remain as given 'emerging VDS'.

Sara Burrell  
Chair Neighbourhood Plan Steering Group

[Back to top](#)

**C/21/173a – Appendix G - West Sussex Association of Local Councils (WSALC) & Chichester District Association of Local Councils (CDALC)**

Chichester District Association of Local Councils (CDALC)

Meeting 4th October 2021

1. The meeting was attended by c.15 parishes out of a potential of c.60. CDALC has apparently historically been dominated by southern parishes and there was some discussion about whether CDALC was too big and whether smaller geographical groupings might be more relevant.
2. Anna Beams has replaced Carol Smith as Clerk.
3. A new constitution was approved. A copy will be circulated with the minutes of the meeting.
4. Trevor Leggo briefed the group on proceedings at West Sussex Association of Local Councils (WSALC):
  - a. WSALC has negotiated a 65% discount for Parish Online subscriptions (although the software is free for councils that insure with BHIB). He strongly recommended using the software to plot and keep up to date records for all parish assets, particularly trees. (A few years ago, Witley Parish Council faced £950,000 damages claim because it was unable to show that it had appropriately inspected and maintained one of its trees that fell, causing a lot of damage.) There is to be a Parish Online training/briefing day on 26th October.
  - b. There is a nationwide shortage of applicants for parish Clerk vacancies. WSALC is planning various initiatives to address the issue in our area. Some parish councils have changed their name to 'community council', since part of the problem seems to stem from the words 'parish' – associated with the Church – and 'Clerk' – viewed by some as old-fashioned.
  - c. WSALC is looking at ways to support local veterans.
  - d. WSALC organises twice yearly meetings between parishes (in 5 geographical groupings), the police and the Police & Crime Commissioner. If we'd like to be involved, we should contact Mr Leggo.
  - e. The next Chair's Forum is on 13th October.
  - f. Mr Leggo confirmed that all PC meetings must now take place in person. Clerks may attend remotely (one parish has a Clerk who lives in France) but if councillors are not present, they cannot vote and they cannot be recorded as being present. However, some parishes are making extensive use of a scheme of delegation to the Clerk: only some meetings take place in person; for the rest, the Clerk technically makes decisions, but does so on the basis of the views expressed in the online meeting. This may be something we want to consider.

5. CDALC's representatives on the WSALC board gave a very upbeat assessment of WSALC's post-crisis performance.

6. Reports were circulated in advance from the Chichester Harbour Conservancy (CHC) and the South Downs National Park Authority. CHC has found evidence that some 'no comment' responses to planning application consultations are being interpreted as 'no objection' and, by extension, as supportive. As a result, CHC is now not commenting at all rather than replying with a 'no comment'. This may be of interest to our Planning Committee.

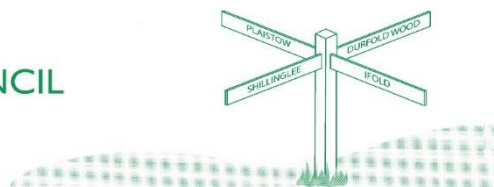
7. The current officers of CDALC are trying to get access to the 'old' CDALC bank account which has been dormant since 2016.

8. Neighbourhood Plan difficulties are on the agenda for the 5th October WSALC board meeting.

Nicholas Taylor  
5th October 2021

[Back to top](#)

## PLAISTOW AND IFOLD PARISH COUNCIL



### Report FC/003/21

**Agenda Item No:** 19a  
**Committee:** Full Council  
**Date:** 13th October 2021  
**Title:** Lagoon 3 update  
**By:** Catherine Nutting, Clerk & RFO  
**Purpose of Report:** To update the Council regarding the joint meeting with Chichester District Council (CDC) and Kirdford Parish Council (KPC) regarding progress of Enforcement action.

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#### Recommendations

##### Full Council is recommended:

- d. To note the update from the virtual meeting which took place on Tuesday 5th October 2021.
- e. Cllr. Paul Jordan & Catherine Nutting, Clerk were in attendance.
- f. Report to be read in conjunction with the meeting agenda (appended).

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#### 3. Introductions

- a. The last meeting was held on 26th May 2021.
- b. Tony Whitty, Divisional Manager for Development Management, submitted a report to CDC's Planning Committee regarding Lagoon 3. Please see [below](#).

#### 4. Environmental Protection issues update from Alison Stevens, Divisional Manager for Environment

- a. A site meeting was conducted on 9th September 2021 between CDC, the Environment Agency (EA) and West Sussex County Council's Emergency Planning Team.
- b. The EA undertakes a physical inspection of the integrity of the Lagoon's bund at these site meetings.
- c. The lagoon's cover has been altered due to the owner collecting a content sample for analysis (see 4 below). At the time of the site visit it was not possible to see where the cover had been cut due to the area being underwater. The EA inspector checked for gas leaks and saw one or two bubbles. The EA are reportedly unconcerned by this.

- d. The site meeting confirmed no significant change of the lagoon.
- e. A multi-agency meeting is to be convened in October where the EA will formally share their report from the site visit and the emergency plan will be reviewed. The minutes of this meeting will be made available to the Parish Councils in due course.

**5. Planning Issues update including report to Planning Committee, Tony Whitty - Divisional Manager for Development Management**

- a. CDC have instructed their legal team to progress Enforcement action against the lagoon's owner.
- b. The case is legally complex with significant amounts of evidence and relevant case law to be considered.
- c. CDC have instructed a specialist barrister to review the case prior to it being lodged with the Court.
- d. Once the legal papers have been submitted to Court, the matter and timescales will be determined by the Court.
- e. Successful Court action does not necessarily deliver compliance with the Enforcement notice. If found guilty, the landowner would have a criminal record and could face a significant fine. However, the owner may still not decommission the lagoon.
- f. Court action is less costly to CDC than Direct Action (bare the cost of the decommissioning themselves). The process to enact Direct Action requires Court action to be exhausted in the first instance. Seeking a prosecution is the first step in this process. If the Court action fails, or the landowner does not comply with the Court's ruling, then CDC will consider all other options at that time.

**6. Question from Plaistow & Ifold PC: "Does CDC know, as the LPA, if Lagoon 3s owner, Mr Luttmann-Johnson, has done a regulated test of the lagoon's content?"**

- a. CDC understand that the lagoon's owner may wish to seek a permit from the EA to spread the content to land.
- b. The landowner has submitted a small sample of the lagoon's content to the EA for analysis. The results have been shared with CDC without specification.
- c. A note on the sample analysis states that the sample was small, and it was difficult to complete all the requested/required testing.

- d. At the point the landowner applies to the EA for a permit to spread the lagoon's content to land, the EA is likely to request a much larger sample to test robustly before approving the application.
  - e. The analysis suggests that the sample was not representative of the lagoon's contents, which will have many layers. The EA will ask the landowner all the necessary questions about how the sample was taken.
  - f. A Member of KPC asked CDC to notify local landowners if/when the lagoon's content is to be spread on land, due to potential water contamination. The Member indicated that adjacent landowners to the lagoon, such as himself, may wish to get the local waterways tested before the spreading begins as a point of comparison.
  - g. CDC reiterated that the EA are responsible for issuing permits once they are satisfied that the content is safe for spreading. However, CDC will notify the EA of the concerns. The permit application process may be subject to publication. CDC will make enquiries and update the group.
  - h. It was noted by the meeting that the lagoon's owner does not own land in the vicinity of the lagoon upon which to spread the digestate.
- 7. AOB**
- a. It was noted that the public footpath around the lagoon remains closed by WSCC's Public Rights of Way (PRoW) Team. The PRoW Team are invited to the multi-agency meeting in October. CDC will query if the footpath needs to remain closed.
  - b. Next meeting agreed for three-months-time (January 2022).

## **Chichester District Council**

### **Planning Committee**

**Wednesday 7<sup>th</sup> July 2021**

#### **Planning Enforcement Report**

**Crouchland Farm, Rickman's Lane, Kirdford, Billingshurst,**

**West Sussex, RH14 0LE**

#### **1. Contacts**

Shona Archer, Enforcement Manager [telephone number redacted by Parish Council]  
E-mail: [email redacted by Parish Council]

Tony Whitty, Divisional Manager, Development Management [telephone number redacted by Parish Council]

Email: [email redacted by Parish Council]

## **2. Recommendation**

**That Members of the Committee note the contents of this report.**

## **3. The site**

- 3.1 Crouchland Farm covers some 500 acres and is located on the west side of Rickman's Lane approx. 1.2km south east of the village of Plaistow and 2.8km north of the village of Kirdford. The area is rural in character and the site is surrounded by a mix of open countryside and blocks of woodland. Conserving the rural character of the area, with its high-quality landscape and environment, is considered a key planning objective.
- 3.2 The main farm buildings complex is located at the end of an access road which is also a bridleway open to all traffic (BOAT 643). The access road then continues north towards to Hardnips Copse [a block of ancient woodland] where it becomes a designated public right of way (PROW restricted byway 633). The site, the subject of this report, known as Lagoon 3, is located 500m to the west of the farm buildings, to the south of PROW 564/BOAT 3519 and covers an area equivalent to the size of two professional football pitches.
- 3.4 The nearest dwelling is situated within Crouchlands Farm and several properties are located approximately 400m to the north in Rickman's lane.

## **4. Introduction**

- 4.1 An appeal decision issued on 21 November 2017, relating to the development and use of Crouchlands Farm as a biogas plant, upheld the decision of this Council to issue two Enforcement Notices [PS/54 and PS/55 appended to this report] to require the use to cease, the plant to be dismantled and the removal of the lagoons and digestate from the land.
- 4.2 In reaching this decision, the period for compliance with the requirements of the notices was extended by the appeal Inspector to 18 months i.e. on or before 21 May 2019.
- 4.3 On 7 August 2017 administrators were appointed to Crouchland Biogas Limited and they decided to comply with the notices and bring about compliance. However, in doing so, they identified problems with the site including the scale of the decommissioning project and health and safety concerns.
- 4.4 The administrator alerted the Council that, as of the 1 October 2018, it was considering bringing the administration to an end having regard to the burden

of the debt incurred and what was likely to be incurred in the future. Lagoon 3 was passed back to the original owner and the remainder of Crouchlands Farm was retained by the administrators.

- 4.5 On 17 October 2018, the Planning Committee considered whether the Council should extend the period for compliance with the enforcement notices. It was resolved that a further period of two years should be allowed due to the complex nature of the works required to remove and empty a lagoon of this size, the unknown composition of the digestate within it and the extent of the operational development involved. As such the compliance date was extended to 21 May 2021.

## **5. Main Report**

- 5.1 This report considers the circumstances of the Site and the works undertaken to comply with the extant Enforcement Notices.

- 5.3 As of 5 October 2018 the use of the land as a biogas plant had ceased and it was found that the administrators had undertaken significant works of compliance to dismantle the equipment and remove it from the land. However, Lagoon 3 remained in situ and there was further restorative work to the rest of Crouchlands Farm required in order to comply with the enforcement notice.

- 5.4 On 13 June 2019, the owner of Lagoon 3 advised planning enforcement that, further to a change in the legal management of the site, he now had sole responsibility for Lagoon 3 and its removal from the land. He set out his intention to find farmers to take the digestate to spread on their land over a two-year period; to “fill in the lagoon and return it to field” and to do so before the end of the compliance period.

- 5.5 A letter was sent to Mr Luttmann-Johnson on 3 September 2019 to inform him that planning enforcement would keep in contact with him regarding the need for compliance. By November 2020 it became clear that it was his intention to sell the site of lagoon 3 whereupon responsibility for compliance would pass to another party.

- 5.6 On 31 July 2020 the Council was informed by Artemis Land and Agriculture (“Artemis”), that removal of Lagoon 2 was imminent. Artemis had been working with a specialist environmental waste management company to consider its options and had decided to remove the waste from Lagoon 2 by tanker lorries.

- 5.7 A potential purchaser for Lagoon 3 was identified but the Council was advised that the cost of restoration was considered too much of a risk for them without any empirical evidence of the gases present and the composition and quantity of the digestate to be removed. For this reason, a land sale did not proceed.

- 5.8 In an attempt to overcome this obstacle to a land sale, the current owner of Lagoon 3 advised on the 13 May 2021 that sampling of the lagoon would be commissioned.

## **6.0 Current Position**



- 6.1 A site visit on 24 May 2021 – three days after the expiry of the compliance period – showed that Lagoon 3 remains intact on site with no indications within the site that any works of compliance had been attempted or that they were imminent. The visit did however confirm that the Crouchland Farm site [under the management of Artemis] was compliant and that works required under the extant enforcement notices on land in its control had been carried out.
- 6.2 On 14 June 2021, the landowner advised that sampling of Lagoon 3 had taken place but a programme of works has not been forthcoming.

## **8. Conclusion**

- 8.1 Despite assurances from the owner of Lagoon 3 that steps would be taken to achieve compliance, no work has taken place.
- 8.2 The owner has reported that he faces legal and financial constraints, however at no point has a proposal beyond that ‘sketched’ out in February 2019 been presented to the Council; and an offer from planning enforcement of a meeting to discuss compliance was not taken up.
- 8.3 The additional two years of compliance, granted by the Council, has now passed without any physical change in the site having taken place. As such, Lagoon 3 remains in situ contrary to the requirements of enforcement notices PS/54 and PS/55.
- 8.4 This matter has now been passed to the Council’s Legal Services team for its consideration of the offence of failing to comply with the enforcement notices. It is considered that this instruction is a proportionate response to the circumstances of this case which has a long and complex planning and enforcement history. Normally the next steps for the Council would be to seek a prosecution of the owner of the land, for failure to comply with the requirements of the enforcement notice. The purpose of such action is to seek to compel compliance. Following such action, if compliance is still not forthcoming, Council could consider further prosecution(s) (with a threat of a higher fine being levied for non-compliance). Should the status of the land remain contrary to the requirements of the notice, the other options available to the Council would be to seek an injunction or take direct action.

## **9 Legal Implications**

The Town and Country Planning Act 1990

- 9.1 Under section 179 of the Town and Country Planning Act 1990 it is an offence not to comply with an enforcement notice, once the period for compliance has elapsed, and there is no outstanding appeal.

A person guilty of an offence is liable on conviction to an unlimited fine.

Crime and Disorder Act Implications

9.2 There are no implications.

#### Equality Act Implications

- 9.3 As part of the decision-making process, under the Equality Act, public bodies must have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.
- 9.4 In reviewing the planning issues set out in this report, it is concluded that a decision to increase the period of compliance would not adversely affect those with 'protected characteristics'.

#### Human Rights Implications:

- 9.5 The Human Rights Act requires the District Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary on a democratic society in the interest of (inter alia) public safety and the economic wellbeing of the country. Article 1 of the first protocol provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 9.6 Any interference with these rights needs to be proportionate to the aims sought to be realised. The extension of the time to comply with the requirements of the Enforcement Notices was given to assist the removal of development that is considered to be in breach of planning control. The potential of the development to have significant environmental consequences it is considered to invoke the rights under Article 1 of the 1st protocol - Protection of property. Article 8 of the Convention (Right to respect for private and family life) for private landowners and occupiers of nearby properties.
- 9.7 In assessing the implications of the identified articles on the proposed enforcement action, it is noted that the Human Rights Act 1998 does not impair the right of the state or local authorities to enforce laws as it deems necessary in the public interest. It is therefore considered that the proposed prosecution of the failure to comply with the extant Enforcement Notice/s and their objective of securing compliance with planning control by removing the unauthorised development, supports the aims and objectives of National and Local planning policies and recognises the importance of protecting the amenities of local residents and the amenity of the area. This cannot be achieved by any lesser measures and therefore the action to be taken is considered proportionate to the circumstances identified. There is no interference with the rights of others, as the Council deems the proposed action to be necessary in accordance with the interests of those living in the vicinity.

#### **10.0 Recommendation:**

10.1 That the contents of this reported be noted.

## **11. Background Papers**

11.1 Enforcement files PS/13/00015/CONCOU & PS/14/00104/CONENG;  
Planning history

## **12. Appendices**

Appendix A – Enforcement Notice PS/54

Appendix B – Enforcement Notice PS/55

[Back to the top](#)