

Wadhurst Neighbourhood Plan

Clarification to Examiner Concerning Inaccuracies in 6 December 2023 Response by Kember Loudon Williams LLP to Independent Examiner's Note 1

Prepared by the Wadhurst Neighbourhood Plan Steering Group
15 December 2023

Dear Sir,

This Note has been prepared by the Steering Group (SG) for the Wadhurst Neighbourhood Plan. It is submitted because the SG consider there are two important inaccuracies and four potentially misleading statements in the Response by Kember Loudon Williams LLP (KLW) to the Independent Examiner's Note 1.

Inaccuracies

1. **The second sentence of the first paragraph of KLW's Response states** "... *Elite Leisure, Salmons UK Ltd (sic¹), who have a controlling interest over the Bewl Water Estate ...*".

The SG believes the following is correct:

- The freehold of the 800 acres of the Bewl Water Reservoir area (Bewl) is owned by Southern Water Services Ltd (SW).
- Salomons UK Ltd (Salomons) have a 99-year lease from 30 April 2007 over 70 acres of these 800 acres.
- Policy WAD14 of the Wadhurst Neighbourhood Plan applies to the *whole* of the 800 acres of Bewl (including that leased by SW to Salomons) – to the extent that it lies within Wadhurst Parish (estimated at 25% to 30% of the 800 acres).
- However, *almost all* of the 70 acres leased by Salomons lies within Wadhurst Parish.

2. **The first sentence of the penultimate paragraph states** "... *the Neighbourhood Plan is seeking to restrict development at Bewl by designating the majority of the site as a Local Green Space ...*".

If KLW's reference to 'the site' is to the 800-acre Bewl Water Reservoir area, the c.13 ha. (or c.32 acres) designated in policy WAD16 as a Local Green Space (LG13) is an insignificant part – approximately 4%.

¹ For the avoidance of doubt the party is Salomons UK Ltd rather than Salmons UK Ltd as referred to in the 6 December 2023 Response by Kember Loudon Williams LLP.

If K LW's reference to 'the site' is to the 70 acres leased by Salomons, the 13 ha. (c.32 acres) designated as a Local Green Space is less than half – approximately 46%.

Potentially Misleading Statements

3. The third paragraph starts "*Bewl is privately owned ...*".

Whilst SW is a private sector company, it is subject to regulation by OFWAT and subject to the Water Industry Act 1991, Section 3(5) of which imposes a duty on it "*to ensure that the water or land is made available for recreational purposes and is so made available in the best manner.*"

As to the 70 acres, this is not privately owned but held on a lease from SW with restricted uses and public safety obligations, which has 83 years to run. The statutory accounts of Salomons indicate that it is ultimately controlled by K.R. Spencer and A. Spencer.

4. The first sentence of the pre-penultimate paragraph states "*It is not the purpose of the planning system to unilaterally designate private land for non-profit community-based activities.*"

WAD14 does not prevent the private landlord (i.e. Salomons) charging a commercial rent to a non-proprietary, members' club or community organisation.

5. The fifth paragraph starts "*Since taking on the management of the site, our client has worked extremely hard to support sailing at Bewl and to make it accessible to as many people as possible.*"

Whilst this statement may be technically correct, it risks giving a misleading and contrary impression when considered in the context of the following information:

- Sailing activity at Bewl is a fraction of its pre-2016 level.
- Between the 1977 and 2015, Bewl was a vibrant, thriving, premier UK sailing centre. The non-proprietary, member's sailing club was a major UK dinghy and windsurfing club, with a Royal Yachting Association recognised training centre, use of a full facility club-house, over 1,500 members with more than 1,300 boats stored in three boat parks at Bewl Water. Bewl Water was a scene of family recreational sailing, weekly club racing and national race meetings.
- Due to cash flow difficulties arising from the rent under a new lease from the first lessee of the 70 acres, who declined to agree a temporary rent accommodation, the sailing club was put into administration in July 2015. It was subsequently liquidated, thus surrendering its lease of its club-house and three boat storage parks.

- In late summer 2015, the sale of the lease of the 70 acres to a company controlled by the present controllers of Salomons was publicly announced by their interests, with completion taking place in January 2016. The sailing full-facility clubhouse was immediately converted into a bistro, which had very limited opening hours, and deprived sailors of a physical base.
- In November 2016, detailed plans for tourist accommodation in the form of 58 earth lodges on two of the former boat storage parks were announced at a public exhibition. The subsequent planning application (WD/2017/0210/MAJ) was dismissed on appeal in October 2019. Since then, these two former boat storage parks have been run by Salomons as a five-month long summer campsite with just the, much smaller, third now available for sailors' boat storage.
- Sailing and windsurfing at Bewl Water now only take place with passes purchased from Salomons. Misleadingly, it refers to such pass holders as club members. A new non-proprietary, members sailing club has been formed since 2016 but it lacks a physical base in the form of a club-house and it is understood its membership is only 100 to 200. Of course, Salomons can demonstrate an increase in numbers of sailors and windsurfers from almost none, when it acquired the lease of the 70 acres in 2015/16. But, without a full-facility clubhouse, numbers remain immaterial in the context of their pre-2016 level.

6. The third sentence of the third paragraph states: *“Like sailing, membership numbers have demonstrably increased across the board in all of the above-mentioned water-based activities”.*

“membership numbers” refers to numbers of holders of passes purchased from Salomons. Whilst there is a non-proprietary members' club for fishing, membership does not afford any right to fish.

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