

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPEAL BY GREAT LAKES UK LTD

REF: APP/C3105/W/20/3259189

**LAND TO THE EAST OF M40 AND SOUTH OF A4095,
CHESTERTON, BICESTER, OXFORDSHIRE OX26 ITE**

REBUTTAL PROOF OF EVIDENCE OF

JOHN ASHWORTH MBA, LLB

1. My name is John Ashworth. I have already provided a main proof of evidence with appendices for this appeal.
2. This rebuttal evidence is submitted in light of receipt of the evidence Andrew Bateson, Paul Almond and Thomas Darlington of CDC and the evidence of Steven Sensecall on behalf of PAW in relation to golf matters. Generally, they raise matters which I have already covered in my proof of evidence or issues which I will address at the Inquiry without the need for a rebuttal. However, I have identified below certain points where I consider it would be helpful and appropriate in advance of the inquiry itself to provide a response in writing. This is not intended to be an exhaustive document and it should be read with my main proof of evidence and appendices.
3. I include rebuttal comments from Howard Swan, an expert golf course architect who provided the appendix to my main proof of evidence. The Appellant has sought to avoid the need to call more than one witness dealing with golf matters, but reserves the right to request Mr Swan to give evidence to the inquiry if it would assist the inquiry or if necessary to respond further to any matters raised by the parties.
4. For ease of reference, I will refer to witnesses by name and the relevant paragraphs of their proofs of evidence in short order below.

Paul Almond

5. Paragraphs 5.2 – 5.8. In these paragraphs Mr Almond argues (amongst other things) that the Appellant only proposed alternative provision for the remaining golf course one day before the application was determined and the illustrative plan submitted showing the ability to accommodate 18 playable holes on the remaining 9 holes would provide a less suitable, poor and potentially unsafe layout. Mr Goddard provides a rebuttal response to this suggestion and the sequence of events.
6. As to the criticism of the redesign based on that illustrative plan, these criticisms are academic in light of the principle to provide a redesigned facility and the principle of what can be achieved as addressed in the material provided by Howard Swan attached to my main proof of evidence, but Mr Swan has responded briefly to this suggestion as well in the appendix I attach.
7. As to the principle of using the existing 9 holes for the Appeal Proposal, my main proof of evidence explains in detail why what is proposed by way of replacement on the remaining part of the golf course is not just equivalent, but better and why (amongst other things) any perceived loss will be clearly outweighed by what would be provided. I address paragraph 97 of the NPPF and Policy BSC10 in more detail in that evidence.

Thomas Darlington

8. At paragraph 3.1 of his evidence Mr Darlington refers to there being 170 members. My own evidence suggests member numbers of 220 based on information supplied by the hotel management (paragraph 4.12). If the membership is less as Mr Darlington suggests, then the points I have already made will apply with even greater force.

9. In this paragraph Mr Darlington like Mr Almond contends that an alternative course layout and business plan were presented too late and the alternative design is not acceptable. I refer to the response of Mr Goddard.
10. In this paragraph Mr Darlington now seeks to criticise the report that was produced by England Golf in ways which are not justified and show a misunderstanding of the report. He claims *“England Golf concluded that the local area was already sufficiently provided for, should the loss of 9 holes be agreed on this site”*. That is incorrect. EG’s conclusion relates to the CDC area not to BHGS. EG have correctly assessed that: *“Within the identified region there is a relatively low demand for golf when compared to the average for the South East region. The demand is split evenly over the 9 golfing profiles, both club-based and independent. There is a high level of golf provision within the area in comparison to the demand, with a good number of traditional 18-hole courses. There is only one stand-alone 9-hole course (Kirtlington GC). There is also a good number of practice facilities that are open to the public, including one stand-alone facility. Based on our initial analysis, most clubs are proactively targeting new audiences through coaching programmes and a wider range of membership options, which we will continue to support and encourage.”* All of this is consistent with my own assessment and evidence.
11. In paragraphs 2.9 to 5.11, Mr Darlington claims: *“The Council’s evidence is that the conclusions of that new England Golf report were based on erroneous assumptions because in fact only three of the nine 18-hole courses referenced are actually within a 20-minute drive time of BHGS.”* Again, this involves a misinterpretation of the EG report, and Mr Darlington is incorrect. What the EG report actually identifies is that there are 7 facilities (1 being BHGS and 1 only a driving range) within CDC’s administrative area, not necessarily within 20 mins drive of BHGS; and there are 4 facilities in other local authority areas but within 20 mins drive of BHGS. Mr Darlington then seeks to log drive times from BHGS for all the other 10 facilities (9 courses and 1 driving range) in order to suggest that only 3 are within 20 mins drive *“so the base assumption of the England Golf report as to local facility provision is wrong. Rather than 9 other courses providing 197 golf holes plus a further driving range all being local to the BHGS appeal site only 3 courses providing 53 holes are within the 20-minute drive time; about one-third”* – para 5.11. As can be seen, Mr Darlington is misinterpreting the EG report and the EG conclusions are correct.
12. In paragraph 5.12 Mr Darlington attempts to argue that satisfying golf demand by encouraging travel from the Bicester sub area to other golf courses more than 20 mins drive away is unsustainable. However, the basic premise of this argument is flawed as he appears to be suggesting that all users of BHGS live on the golf course itself. They could just as easily live closer to alternative golf courses and travel to BHGS to play their golf. Again, Mr Darlington’s analysis is flawed. In addition both he and others appear to use a 20 minute drive time as some sort of absolute maximum limit. This is artificial. It is used as a rule of thumb only, and drive time analyses are not hard and fast limits on the attraction of a golf course or any other facility. They provide a guide to likely demand not prescription and it is wrong to discount facilities that would take a little longer to reach.
13. In paragraphs 5.13 – 5.14, using population forecasts, Mr Darlington now appears to be claiming that EG has not taken into account population growth in Cherwell to 2031 based on planned new house

building numbers. However, no population forecasts for the area are provided by Mr Darlington. The latest population forecast published by CDC is identified in my evidence.

14. Mr Darlington's further criticism of the EG report is also unsound: *"The report conclusion, which suggests that local demand for golf is only about half that within the rest of the South East region is therefore unsound"*. The evidence in EG's report is clear.
15. Between paragraphs 6.1 and 7.2, Mr Darlington attempts to suggest that the proposed development is contrary to BSC10 and para 97 NPPF (although without expressly stating his reasons for those conclusions). He asserts that the proposals would fail to deliver a sustainable development contrary to para 14 NPPF – *"by causing significant harm to golf facility provision in the Bicester sub area of the District"*. I refer back to my main proof of evidence and the analysis in it which demonstrates that this is clearly not the case. Mr Darlington's assessment does not address the points made in my evidence, including the basic problems in the Nortoft document on which he appears to rely.
16. I therefore do not consider Mr Darlington's evidence to provide any proper basis for supporting reason for refusal 1.

Steven Sensecall

17. In paragraphs 6.58 to 6.61, Mr Sensecall seeks to rely on 2006 and 2008 CDC strategies (ie old documents) in order to try and justify a need to protect all sites of open space identified in the supporting audits from that time. These documents are very out of date. Chesterton Golf Course (former name for BHGS golf course) was identified in the Green Spaces Strategy 2008. Mr Sensecall states that *"PAW is of the view that this demonstrates the continued need for the facility contrary to the assertions of the appellant."* This is illogical. The 2008 audit and strategy is obviously not up-to-date and cannot be described as such and it is up-to-date evidence that is required for the purposes of paragraph 97 of the NPPF and Council policy BSC10.
18. In paragraph 6.63, Mr Sensecall refers to the Golf Strategy 2018 which appears to have been produced as part of material for the Review of the Local Plan, but without any assessment of its robustness and the basic problems with it that I have identified in my main evidence.
19. In paragraph 6.64, Mr Sensecall claims that there would be a need for unsustainable further travel by BHGS members if the proposed development is permitted, but I refer to my comment in response to paragraph 5.12 of Thomas Darlington's proof of evidence.
20. In paragraph 6.66, Mr Senscall states that the *"value and usability of the subsequent provision"* is unclear, whereas both I and Mr Swan have provided evidence about this.

Annex B: Report on behalf of Members of the Golf Committee at Bicester Golf Course

21. Mr Sensecall has attached a document which is described as a report on behalf of members of the Golf Committee at Bicester Golf Course, although it is not clear who is the author of that document

but it is not an independent report. It does not address the points I and Mr Swan deal with in our evidence.

22. The report refers to projected population growth of 34,500 between 2017 and 2031. Reliance on population growth only serves to emphasise the benefits of the improved golf course facilities that the Appeal Scheme would deliver. It will provide a significantly better facility and offer to a wider range of people to respond to that population growth than the existing facility

1. Context

23. The report claims that there has been an increase in new members in 2020, but the evidence is clear that there has been an overall decline in membership numbers. There is a claim of an increase in PAYP golfers but without any supporting evidence. But again, the proposed improved facilities can only benefit any increased interest in golf if it has occurred.
24. The report refers to extracts from the Directors' Statement in returns to Companies House, but the extracts from each of 3 years identified that: *Golf subscriptions have followed the national trends with a continued decrease in membership numbers.* None of these comments support the claim that: *"The above extracts from Bicester Hotel Ltd's accounts serve to illustrate that the golf course continues to be attractive for players new and old and remains viable"*. Likewise, relying upon comments in Golfbreaks web site to suggest the health of the course in attracting tourist visitors and a rating as one of the *"Top 10 Best Golf Resorts in the UK"* carries no meaningful weight as ~~in~~ In order to qualify for an entry in this sort of promotional rating, one merely needs to be a client of Golfbreaks, a tour operator, with a minimum of 10 reviews. This does not provide any meaningful indicator of the golf course's attributes or health. But even if it did, it further illustrates the benefits that improvements to the golf course would be able to deliver for attracting visitors, along with the benefits of the Appeal Proposal alongside such an improved facility.
25. The report seeks to criticise the CBRE report for use of statistical evidence claiming that the CBRE report was selective in its use of data and that it should have shown a rise in participation in 2019, but that is an artificial criticism. The latest figures for 2020 show a substantial drop to well below 2019. The report attempts to rationalise this fall, but that attempt is misguided in that it compares a 6 month period from Nov 2019 to May 2020 with the full year figures for 2019 failing to acknowledge that the Nov – May period includes the winter months when daylight hours are limited and golf participation is naturally down anyway. The correct analysis would have been to compare November 2019 – May 2020 with Nov 2018 – May 2019. But none of this affects the overall clear trend, nor the basic virtues of improving the golf course provision here to make it more attractive and usable to a greater number of people. Similarly, the report seeks to address the value of 9 holes compared with 18 holes and makes comments about the accessibility of 9 holes to visiting golfers on all 18-hole golf courses, but I have already addressed this in my main proof of evidence.
26. The report claims that over 75% of members would leave to join another club if BHGS reduced to 9 holes, but this claim is based against the backdrop of a failure to assess, or acknowledge, the enhanced facilities that would be provided at BHGS (as identified in more detail in my main evidence and that provided by Mr Swan).

27. The report also criticises the assessment of golf course provision in the area by reference to drive times, along with criticising the England Golf Report on a similar basis, but again these points are artificial in reality for the reasons I have identified already. Drive time analyses of this kind are artificial if one sets a 20-minute drive time as some sort of hard and fast maximum beyond which people will not travel which is simply not the case. Even if the drive times are assumed to be those that the report suggests, such minor differences do not affect the substance of the assessment provided by England Golf or by CBRE.
28. The report refers to a lack of consultation with members of the golf club, but again this is artificial. The Appeal Proposals have been subject to extensive pre-application consultation as dealt with in the evidence of the Appellant's other witnesses.

APPENDIX: REBUTTAL RESPONSE OF HOWARD SWAN

1. This rebuttal response is provided in light of the evidence of Mr Almond and Mr Darlington in relation to the question of the proposed enhanced provision at the remaining part of the golf course on the appeal site. Reference is made to an illustrative plan for the 9-hole golf course. Mr Goddard provides a more detailed response about the provision of that plan and the difficulties in obtaining a response from CDC during the pre-application and application process. CDC has not engaged in a constructive way with the Appellant about the obvious opportunities for improving the golf course provision at the golf course with the Appeal Proposals. I refer to my report attached to Mr Ashworth's proof of evidence which set out the very clear opportunities which these proposals present.
2. In these circumstances, it is somewhat academic to address the illustrative plan in the way Mr Almond seeks to do without recognising the ability in principle to improve the existing facilities in the ways I have shown in more detail. However, for the sake of completeness, I also note the following:
 - It is incorrect to suggest that an 18-hole golf course should have a par between 69 and 74 if it is going to be suitable for competitions (although the redesigned provision I have shown would have a par 70 anyway). There are a significant number of golf courses throughout the United Kingdom which have par less than 70 which are used for club competitions under the regulations of the relevant national golfing body and used for interclub as well as other competitions of a wider geographical nature.
 - In the illustrative plan that was provided, although some of walks between holes were potentially longer, the indicative drawing did not show that fairways needed to be crossed on which other golfers would be teeing off or playing. Again, this is academic anyway as it is clear that provision can be made which ensures that is not the case.
 - The principle of new teeing positions located close to likely landing zones from tees on the same shared fairway does not create a health and safety problem where the two sets of tees would not be in play at the same time on any particular hole. It would obviously not be possible for more than one group of players to be playing on the same section of the same fairway at the same time on any layout. In consequence the majority of this criticism is irrelevant as there would no sharing of fairways. One group of players may be playing only on a par three hole, two groups on a par four hole and perhaps three groups on a par five hole but they would not be playing the game in the same section of the fairway at the same time.
 - One gets the impression from Mr Almond's evidence that he believes that there would be parallel games going on the same fairway, which would be a basic and serious misunderstanding and misconception.
 - There is an assertion about how long it might take to play on a reconfigured course which is unjustified. It may be reasonably contended that it will take two hours to play nine holes, and if 18 holes are then played it will take a further two hours making a total of four hours.

- I emphasise, however, that Mr Almond’s criticism of the initial illustrative plan are academic and fail to address the principle of the ability to provide a redesigned and reconfigured course in the area of the type that I have shown in more detail about which CDC has not engaged. That design is based upon the existing layout and evolves the concept of the 18-hole layout but improves its detailing of the course in its length, par status, challenge and variety, flexibility and negates and nullifies any of the criticism and comments made by Mr Almond in his statement.

3. The features of the reconfigured golf course I have shown are included in the Appendix to Mr Ashworth’s evidence (and reprovided below).



4. This reconfigured design creates:

- A nine-hole golf course with nine additional tees.
- As eighteen holes the golf course has a length of 5800 yards, some 140 yards shorter than the present course when played from the yellow tee markers.
- It has a par of 70, greater than the present 18-hole course and suitable for competition play.
- It provides walks between greens and successive tees which are reasonable, convenient and safe.

- There are no evident internal safety conflicts arising from the revised routeing as an 18-hole layout whereby players would be required to endanger themselves to cross other playing areas.

5. By the careful use of the 18 no. tees in an alternating fashion a golf course with the following, is produced:

SCORECARD

HOLE	M	Y	PAR
1	320	350	4
2	440	485	5
3	100	110	3
4	415	445	4
5	370	410	4
6	280	305	4
7	140	155	3
8	330	360	4
9	275	300	4
OUT	2670	2920	35
10	275	300	4
11	350	385	4
12	140	155	3
13	365	400	4
14	435	480	5
15	300	330	4
16	150	165	3
17	280	305	4
18	335	365	4
IN	2630	2885	35
TOTAL	5300	5805	70

6. This card provides an improved layout with better flow, balance and variety within the holes than the existing 18-hole course. Each half is well balanced. There has been no essential change in routeing from what was illustrated previously, but the reconfigured layout includes modifications to improve its playability and its playing strategy.
7. The proposed, adjusted axes and orientation of the holes, together with the relocation and featuring of greens, tees and bunkering and other features improves both the internal and external safety parameters as compared with the existing 18-hole facility.
8. I consider that these nine holes are eminently playable as 18 holes, safely and without obvious delays in achieving the round and it is a significant improvement on the existing facility.
9. Neither Mr Almond nor Mr Darlington refer at all to the other enhancement of provision that was referred to in the attempted discussions by the Appellant with CDC. The Appeal Proposals offer the ability to deliver significant enhancements by way of an improved driving range, a custom-designed short game Academy, and a nine-hole Academy course for families and beginners. This represent a further significant enhancement over what is presently provided for and will give considerable opportunity for more participation in the game consistent with the aspirations of England Golf and reflecting my own experience as to what is clearly needed to secure the future of the game and participation by as many players as possible.