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## Notice of the Hybrid Parish Council Planning Meeting On Wednesday 15<sup>th</sup> June 2022 at 7pm

**Present:** Cllr Timothy Firmston (Chair), Cllr Graham Campbell, Cllr Laurie Pocock  
Cllr Elizabeth Hamilton (Vice-Chair)  
CDC Elizabeth Hamilton  
Clerk (Zoom) and 10 members of the public and 1 member of public (zoom)

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The Chairman opened the meeting by welcoming old and new members of Birdham's community to the meeting.

### 1. Apologies

Cllr Bush

**Absent:** Cllr Churchill, Cllr Glover

### 2. Declarations of interest

- i. Cllr Firmston declared an interest as a berth holder with a boat on Birdham Pool
- ii. There were no dispensation requests

### 3. Planning Matters – applications to be decided

Planning Application number	Address	Details	Comment deadline
BI/21/02040/FUL	Birdham Marina	Change of use to enable the installation of 5 no. water lodges to be used as holiday accommodation	16 <sup>th</sup> June 2022

The deadline for comments for this application is 16<sup>th</sup> June.

The Chair asked if anyone at the meeting had comments supporting this application. There were no supporting comments.

The Chair invited members of the public to express their views.

Mr Paul White – planner and architect representing Mr Antonio Battista had registered an objection on behalf of his client last year. He said that he didn't understand why they application had not been determined before now. A lot of the 103 objections posted on the website were self-evident: nitrates into the water and the impact on the AONB. He said that all their comments were set out in the objection letter submitted last year.

With regard to the new car parking plans and the viability assessment he wasn't sure whether they had added new spaces or just new EV charging points. He said that there was nothing to justify the harm that would be caused to the AONB in the viability assessment.

The Chair explained to the meeting that this application had last been discussed last year in June and since that time ownership of the Marina had changed and it was now owned by Aquavista, who were looking to incorporate houseboat ownership suitable for holidays and mid-week breaks for customers who did not wish to own a boat. Of the 219 berths provided they were proposing 5 water lodges moored amongst the existing boats. (Later they contradict this statement). The change of

ownership seemed to have resurrected this application although as far as the Parish Council was concerned this application had been dealt with last July. Between 30<sup>th</sup> June 2021 and 12<sup>th</sup> June 2022 there were 133 documents on the portal and 105 objections.

The agents for Aquavista, the Pegasus group, had been in correspondence with CDC and there seemed to be contradictory information. There would be capital income in addition to long-term mooring fees. They cite the water lodges as being “sensitively designed to minimise impact whilst providing high quality holiday accommodation.”

CDC Economic Development service were unable to support the application. “The applicant has not supplied sufficient evidence to demonstrate economic benefits and demand for this type of accommodation in this location. The marina is designed for marine activities and as such does not lend itself to tourist developments which are not sympathetic to the boating community and the AONB that it lies within.”

Nothing more has been heard from The Harbour Conservancy and CDC about planning policy 19 – concerning House Boats about which they had started a discussion.

Cllr Hamilton had been in touch with the officers in the last couple of days on why it had all gone quiet, and they said that the applicants had added information and that they were still considering the application. If CDC grants permission but the Parish Council maintains its objection, then the application automatically goes to planning committee.

Cllr Firmston said that last year on 20<sup>th</sup> September the agents for the applicant gave their response to the objections (8 pages) and concluded that the proposal was in accordance with relevant development plan policies and that there were no material considerations raised during the consultation that suggest the application should be refused”. And yet 98 people thought there were substantial reasons for objection.

Cllr Firmston invited residents to share their views.

A member of the public said that her family had owned the marina from 1946 – 2000 and they had never had houseboats. What was the point of a houseboat on a tidal marina which has lock gates? She asked who would move these boats in an emergency? The piles could be pulled out (as happened the other day) as these structures don't have engines. She said there were more cars coming down Court Barn Lane and the road belongs to the Church Commission. She asked whether they had anything to say about it. She said that she strongly objected to the application.

Cllr Firmston said that as he understood it all previous objections to the application would still stand and be taken into account. Anything else added tonight would also be considered.

The member of public said that visitors coming in and out every week would clearly increase the amount of traffic on roads that are already diabolical.

(Cllr Firmston reminded that meeting that the Electors' meeting would be held on 25<sup>th</sup> June and the project for traffic calming would be discussed.)

Mr Michael Norden said that he had submitted an application last year and now actually lives in Court Barn Lane and continues his objection. He asked if there had been a time extension?

The clerk explained that on the planning portal the application end date was 16<sup>th</sup> June 2022. If the application has not been determined by CDC by the end date, then it automatically goes to appeal. The clerk queried with the case officer the end date of 16<sup>th</sup> June but the deadline for comments date of 27<sup>th</sup> June. The case officer responded that they had agreed an extension of a “few weeks” with the applicant but did not give any dates. The clerk's view was that getting any further comments in to CDC by tomorrow would ensure that they would be taken into consideration.

#### New documentation from applicant

A new financial case has been submitted and a design and access statement. The applicants were taking the view that as CDC were encouraging more tourism, they would use this angle in their application. They have substantially ignored the harm it would cause to the AONB, or said that the benefit outweighed this. They will also be supplying a nutrient assessment.

Mr White said that the CDC Economic Development Service comments should be referred to in the response.

Mr David Longhurst, secretary of the Berth Holders' Association said that he had looked through the documents. They are proposing using parking spaces that they don't actually own; the marina does flood and when it does you can't access boats on the pontoons; the economic assessment contradicts itself - it quotes the initial income they will get from selling the water lodges and later says that the income is no different from renting to traditional boats.

Cllr Campbell encouraged all present to submit comments right up until 27<sup>th</sup> June. He said that all comments would be taken into consideration.

Cllr Firmston said that he had read all the information and on the financial side they quote having capital income as a one-off, in addition to having traditional mooring fees. They want people to buy the water lodges and then either use themselves or sub-let them. Five independent landlords all arranging separate holiday lets. They then say that all the water lodges will be moored along the causeway to avoid people slipping off the pontoons at night, but later contradict this by saying the water lodges will be interspersed between the other berth holders.

Cllr Pocock said that the most important aspect of the council objection should not only be that it is a major development in an AONB but also on terms of Health and Safety. If someone buys a boat, they know precisely what they are buying and the risks. They take training in safety and equip their boats accordingly and they know what to do in an emergency. People renting these lodges will make an assumption that it is "safe." It doesn't matter whether it is moored on the causeway or in the marina – transferring from land to a floating vessel is always a risk. Boat owners are dressed for this activity; holiday makers will not be. On this alone the council should put forward a strong objection.

Cllr Campbell said that this also involves a change of use for the marina. It changes from being a place for the storage of boats between sailing trips, and a static floating home which can't sail. It is also a contradiction to the heritage, history and position of the marina within the AONB.

#### Wildlife

Cllr Firmston said that the comment received from the CDC environment officer said that proposed development was likely to have a significant impact from an increase in residential development in the 5.6kl buffer in the Chichester harbour area where recreational disturbance is recognised to have a significant effect on some of the qualifying features that have made it an AONB". Cllr Firmston said that this was twice that CDC had said that this was not a suitable application.

Cllr Bush had been unable to attend the meeting but had emailed his observations:

- The parking issue needs to be raised
- There is no issue with Financial Viability – boat ownership and marina occupancy rates have improved dramatically in last five years.
- Water lodges will cause harm to the AONB
- In terms of tourism, Cllr Bush was not sure why a water lodge would provide greater tourism opportunities than a boat.
- In terms of local employment, water lodges will produce less. There are a multitude of industries which are associated with boats, annual maintenance such as antifouling etc and water lodges do not depend on these industries. The water lodges are not made locally.
- Removing Berths in the long term is going to reduce the viability of a marina – the point of water lodges is to make one off capital sums. Existing berth holders oppose these water lodges – many might leave which will be detrimental to the marina. It appears that the development of water lodges is proposed for immediate capital gain at the expense of long-term viability.

#### Sewerage

Cllr Hamilton said that there was some new information concerning sewerage. The Pegasus group recent documents show that the biodigester is above the approved limit. How will they pump out the sewage? They will have to tow the lodges to a pump out which currently doesn't exist – the nearest being at Itchenor.

Cllr Campbell said that the applicant considered the nitrate levels acceptable but that there was insufficient evidence for this.

Cllr Firmston asked if anyone had any further comments to add to all that had been said.

Mr Longhurst added that if the owners of the water lodges let them out and made an income then they would come under the purview of the Marine Maritime Coastguard Agency. He added that the pontoons at night were a trip hazard particularly after spring tides, as they were made from flat softwood with a slippery surface and not grooved.

The Council reviewed all the comments made. It was proposed by Cllr Hamilton, seconded by Cllr Pocock and unanimously **AGREED** to **STRONGLY OBJECT** to the application.

The main concerns were:

1. Major development in an AONB against the NPPF article 11
2. CDC Economic Development services objection
3. CDC Habitat Regulations screening objection
4. Harm to AONB outweighs any slight increase in tourist activity
5. Car parking inadequate
6. Miscellaneous contaminants being discharged into the harbour – biodigester inadequate as is general information at disposal of the public
7. Safety issues
8. Flooding
9. Dark skies policy contravened
10. Birdham Pool is a listed heritage asset in a rural area and this development would be completely incongruous

The clerk will draft the objection and circulate to Councillors tomorrow and the objection will be submitted before midnight.

Any member of the public can send in their comments by email to :

[dcplanning@chichester.gov.uk](mailto:dcplanning@chichester.gov.uk)  
[mmew@chichester.gov.uk](mailto:mmew@chichester.gov.uk)

or directly on the online planning portal for CDC.

#### **4. Date of next meeting**

The next meeting will be on Wednesday 13<sup>th</sup> July 2022 at 7pm

There being no further business to discuss the meeting closed at 8.30pm

Signed: \_\_\_\_\_  
Tim Firmston - Chairman

Date: \_\_\_\_\_