



Imogen Whitaker - Clerk & RFO to the Council  
T: 01243 575094/E: [clerk@birdhamparishcouncil.gov.uk](mailto:clerk@birdhamparishcouncil.gov.uk)  
[www.birdham.org.uk](http://www.birdham.org.uk)

---

Minutes of the of the Hybrid Parish Council Meeting  
held on Wednesday 14<sup>th</sup> September 2022  
at 7pm

**Present:** Cllr Timothy Firmston (Chairman), Cllr Graham Campbell, Cllr Laurie Pocock  
Cllr Elizabeth Hamilton Cllr Churchill Cllr Glover  
WSSC Pieter Montyn CDC Elizabeth Hamilton  
Clerk (Zoom) and 2 members of the public

---

**1. Two minute silence for the demise of the Crown**

All at the meeting stood and observed a two minute silence in memory of Her Majesty Queen Elizabeth II who died 8<sup>th</sup> September 2022

**2. Apologies**

Cllr Bush

**Absent:** Cllr Barrett CDC Cllr Taylor CDC

**3. Declarations of interest**

- i. There were no declarations of interest for matters on the agenda
- ii. There were no dispensation requests

**4. Minutes – to agree and sign the minutes of 13<sup>th</sup> July 2022 meeting**

The minutes were proposed by Cllr Pocock, seconded by Cllr Campbell, were unanimously **AGREED** to be a true and accurate record, and were duly signed by the Chairman.

**5. Public Question time from residents of Birdham in accordance with Standing Orders 1d – 11**

There were no questions.

**6. Co-option of Councillors**

Ms Jan Devos (Lock Lane), and Ms Catherine Salomans (Church Lane), had both submitted applications which had been circulated to the Council. Neither of the applicants were present at the meeting and had sent in their apologies.

Ms Jan Devos was proposed by Cllr Campbell, seconded by Cllr Pocock and unanimously **CO-OPTED** onto the Council.

Ms Catherine Salomans was proposed by Cllr Hamilton, seconded by Cllr Campbell and unanimously **CO-OPTED** onto the Council.

Both new councillors will sign their Declarations of Acceptance of Office before the next full council meeting.

Birdham Parish Council now has its full complement of 9 councillors.

The clerk will forward the Councillor Code of Conduct.

**7. To receive a report from WSSC member for Birdham Cllr Montyn**

- i. Cllr Montyn had earlier in the day circulated photographs of an unauthorised felling of an entirely healthy and well-established oak tree at Cambridge House immediately after Tawny nurseries. The felling of the tree was not part of the planning permission, and he has enquired at CDC whether a site visit had been made and is awaiting a reply. In any case it is too late and deeply saddening.
- ii. Cllr Montyn reported that the road works causing back up of traffic along the main road are due to Southern Gas. He has sent a message to the head of street works at WSSC highways department. The works are not finished yet.

Cllr Campbell asked if there was any news of the Parish Council's submission of the Community Highways' Scheme. There is no further news as yet.

**8. To receive reports from CDC members for Birdham**

- i. Cllr Hamilton reported that the meeting on the strategic development west of Chichester had been cancelled due to the period of mourning as had all other meetings.
- ii. In her capacity as Chair of the District Council Cllr Hamilton had been informed early of the death of the Queen and had gone to CDC to oversee the lowering of the flags to half-mast. With the bell tolling at Chichester cathedral, she said that it had been a sad and sobering moment.
- iii. On behalf of the Parish Cllr Hamilton had attended the Proclamation of the succession of King Charles III at 1pm on Sunday at County Hall.

**9. Planning matters including appeals, applications and CDC delegated decisions.**

- i. **Notifications of new Planning Enforcement Notices – there were none received**
- ii. **Notifications of Planning Appeals – there were none received**
- iii. **Updates on Planning Enforcements – Birdham Traveller update had been forwarded to councillors**
- iv. **Planning applications to be decided:**

Planning application number	Address	Details	Comment
BI/22/02149/FUL	Land North Of Cowdry Nursery Sidlesham Lane Birdham West Sussex	erection of barn for land management purposes	<b>OBJECTION</b> - the size of the agricultural plot does not justify the size of the barn and if permission were granted then conditions of use would apply
BI/22/01918/FUL - Minor Dev - Dwellings	Birdham Straight House	Removal of single storey sunroom to existing house and construction of 5 no. two storey houses together with garages, parking and revised access arrangements.	<b>OBJECTION</b> Overdevelopment and failing para 71 of NPPF
22/02064/FUL	Tideways Locklane Birdham	Like for like replacement timber sea wall on existing sea defence line	<b>NO OBJECTION</b> provided the requirements of Natural England are met; the Harbour Conservancy has no objection; work licences are obtained
BI/22/01742/FUL - Lge Scale Maj Dev - Retail/Dstrbtn/Servi	Chichester Marina Birdham	Demolition of three workshops/sheds for the comprehensive redevelopment of the Southwest area of the marina comprising four purpose built buildings including marine related workshops, offices, storage, reprovision and extension of the retail (chandlery) and a cafe/restaurant together with an additional 23 car parking spaces, boat parking and storage and appropriate landscaping (Variation of condition 3 from planning permission BI/12/00475/FUL - To allow building D to have a mixed use cafe/restaurant (use class Eb) to a maximum of 365 sqm.)	<b>NO OBJECTION</b> on condition that the maximum space does not exceed 365 square metres

BI/22/00896/DOM	Sherwood Redmoor Estate Main Road Birdham	rear extn and internal alterations	NO OBJECTION
BI/22/02102/TPA	Beechway Martins Lane Birdham West Sussex	Crown reduce by 25% (to previous pruning points) on 1 no. Oak Tree (T2) subject to BI/01/00039/TPO	REFER TO DISCRETION OF TREE OFFICER
: BI/22/01497/FUL	Premier Marinas , Chichester Marina, Birdham, West Sussex, PO20 7EJ	Installation of 1 no. hub pay station and associated works within the existing west car park at Chichester Marina	OBJECTION on grounds of detrimental knock-on effect of displaced free parking around the lanes of Birdham and the consequent effect on the environment.
BI/22/01498/FUL	Premier Marinas	Demolition of existing car park island and creation of new proposed ticket machine island, installation of 1 no. new hub pay station and 2 no. main entry lane hub ticket machines and associated works within the existing east car park at Chichester Marina.	OBJECTION on grounds of detrimental knock-on effect of displaced free parking around the lanes of Birdham and the consequent effect on the environment.
BI/22/01159/DOM	Rustic Main road Birdham	Siting of a static caravan in the rear garden to be used as ancillary accommodation.	OBJECTION on the grounds that it is a large caravan relative to the size of the garden in a highly visible position in the AONB and it fails paragraph 71 in the NPPF.
BI/22/01905/DOM	Birdham Straight House	Demolition of existing single storey extensions and garages. Erection of replacement single storey extensions and single garage with drive and parking spaces.	NO OBJECTION
BI/22/01925/DOM -	Danesacre, Lock Lane Birdham	Single storey rear/side extension, re-cladding of property, alterations and additions to fenestration, replacement porch, addition of solar panels and external landscaping works.	NO OBJECTION
22/01791/FUL.	Creek Cottage Westlands	replacement dwelling with removal of pond and redirection of water course	OBJECTION Further to its objection of 10 <sup>th</sup> August 2022 BPC in addition requires that the original tankage of the pond be maintained,

**v. Delegated decisions to be noted**

Planning Application number	Address	Details	Decision
BI/22/00733/DOM	Lock Keepers Cottage The Causeway, Birdham,	Replacement of 2 no. velux windows with 2 no. dormer windows and 1 no. velux window on north elevation	PERMIT

**vi. Reply from CDC to BPC letter on housing supply**

Cllr Firmston read out the reply from Andrew Frost CDC:

“I refer to the Parish Council’s letter of 30 June 2022 to Diane Shepherd, who has asked me to respond on her behalf. Firstly, by way of background, the Council undertakes an annual calculation of its 5-year housing land supply (5YHLS) using data supplied by West Sussex

County Council on housing completions and also information from developers directly as to the speed at which they are building out sites within the District. In recent years, the Council has then also passed its calculation through a 'critical friend' process, to ensure any assumptions are as robust as they can be, with the information to hand at that time. This assessment is based on identifying what is considered to be the most realistic prospect of delivery, neither underplaying nor overstating the likely delivery of housing over the next 5 years. It should be noted that the published 5YHLS is simply a snapshot of the position at the time of publication, any changes in circumstance may be considerations for further challenge of that position at a later date. The purpose of the 5YHLS is to provide an indication as to whether there are sufficient sites available to meet the housing requirement of the adopted local plan for the next 5 years. However, for the purpose of decision taking on planning applications, the assessment of supply is a complex and to some degree subjective process, which is not based solely on available land, but also on both local and national build out rates and professional views as to the likelihood of committed sites (those that have planning permission) coming forward in the required timescale. Unfortunately, much of the process is open to interpretation and is often the subject of challenge by developers. The most recent challenges to our 5YHLS have primarily focussed on two areas, whether the calculation should have included land at one of the Council's Strategic Development Sites in Tangmere and also (as you refer to) whether an allowance should be made for either minor or major windfall development through unexpected planning permissions or allowed appeals. At all of the four appeals that you reference, the Inspectors took a different position in each. It was the professional opinion of officers, reinforced by the significant experience of our 5YHLS consultant, that Inspectors had previously accepted similar assessments and allowances in determining 5YHLS at other appeals across the country.

Indeed, the Inspector at the Raughmere Farm Inquiry accepted the position of officers that it was appropriate to include a windfall allowance and that the Council's figure was reasonable. The Inspector at one of the other appeals considered that it was appropriate to add a minor windfall allowance but not major windfall, and at another, the Inspector concluded that it was not appropriate to add an allowance for either minor or major windfall. In the Council's view, these differing assessments of the same material are inconsistent and unreasonable, and we are extremely unhappy with them. As a consequence, the Council's leader, Cllr Eileen Lintill wrote to the Secretary of State for Levelling Up, Housing and Communities on 20 May 2022 to express our concerns and to request that the Planning Inspectorate applies a greater degree of consistency in its decisions than we have seen recently. The response received referred us to the legal challenge provisions concerning appeals, (which we had already considered and concluded there are insufficient legal grounds to pursue) but provided us with little confidence that our concerns will be properly addressed. In summary, we are satisfied that the Council's process for establishing its 5YHLS is rigorous and in accordance with government advice. Where there have been challenges to the Council's 5YHLS position at recent appeals, officers have taken account of the differing views of appeal inspectors and have sought to refine the Council's case. Nevertheless, should the Council's arguments be unpersuasive at future appeals, then the Council may have to accept that it cannot currently demonstrate a 5YHLS. The Council is continuing to assess planning applications for housing development against its Interim Position Statement on housing delivery and any housing sites which are granted either by the Council, or at appeal do count toward the Council's 5YHLS going forward. I trust this is of assistance."

Cllr Pocock said that a letter should be sent from Birdham PC asking Gillian Keegan MP to take up the concerns raised by CDC with the Secretary of State with regard to windfall sites.

Cllr Glover said that CDC have already shown that their practices are insufficient, and their refinements have been unsuccessful. Why is CDC failing in its attempts to provide a 5-year housing supply and what are they going to do about it.

Cllr Pocock said that every inspector had their own interpretation of the rules and that was not allowed. It shouldn't be the case that expensive barristers through interpretation always win the day.

Cllr Campbell said that a copy of A. Frost's letter should be sent to local MP to say this is not good enough and that the new Prime Minister says differently. What is she going to do about it?

It was agreed that the Neighbourhood Plan group would draft a letter to G Keegan and CDC and ask the clerk to send it.

Action

Clerk/Cllr Campbell

**vii. 22/01301/DOM 7 Walwyn Close – Council to query permission following its OBJECTION**

Cllr Firmston said that on 20<sup>th</sup> June the Harbour Conservancy, who is not a statutory consultee, had made no objection to this application but the Parish Council, which is a statutory consultee, had strongly objected and was disregarded. Why was this application not reviewed at Planning Committee and why was the delegated officer's decision taken?

The clerk said that an objection from the Parish Council should send the application to the planning committee. The Parish Council should write to Andrew Frost saying that procedure is not being followed – the Parish Council objected to this application, and it should have gone to planning committee.

Cllr Firmston will draft a letter.

Action

Cllr Firmston/Clerk

**viii. Report from meeting with Aquavista concerning Birdham Pool**

Cllrs Firmston and Campbell attended a meeting on 27<sup>th</sup> July 2022 with representatives of Aquavista with regard to the floating lodges proposed at the Marina. Cllr Firmston had declared an interest as berth holder at the marina. Aquavista had resurrected the application from previously owned Premier Marinas. When British Waterways was privatised some years ago the marinas were moved to become Aquavista and the canals were moved to become the Canal and River Trust. Cllr Campbell's suggestion to sell off the water lodges was rejected. As of 27<sup>th</sup> July there were 120 objections from individuals plus objections from ten organisations. Aquavista is owned by a venture capital group which has on its books 5 water lodges.

**10. Birdham Neighbourhood Plan Review**

a) Cllr Campbell said that nothing had happened for some time, and they were still awaiting information on housing numbers. They will be arranging a group meeting in the next couple of weeks.

**11. CDC Infrastructure Business Plan: to discuss any changes or additions**

No additions or changes to be made

**12. Clerk's report**

**i) Correspondence**

The clerk had received a letter from Jane Cunningham asking if the council were prepared to continue their contribution to the Manhood Peninsula project manager position for £438 per annum. Cllr Hamilton proposed, and Cllr Pocock seconded continuing the contribution for another year. This was unanimously **RESOLVED**.

**ii) Payments for consideration**

Cllr Pocock proposed, and Cllr Churchill seconded the payments for consideration. This was unanimously **RESOLVED**.

**iii) Expenditure to date and Bank reconciliation** – Cllr Firmston said that the Expenditure to date would be used at the next meeting for a 6 monthly review of the budget. The bank reconciliation was circulated.

**13. Councillor Reports:**

**i. Play area and playing field –**

a) There are repairs to the fence to be done and the council is waiting for the fencer to assess.

b) Cllr Firmston had met with Jane Reeve who had said the condition of the newly planted trees was poor. Those that are doing better are those alongside the A286. She therefore had proposed to come back in the autumn and replace the dead trees with trees of their own.

- c) The proposed siting of an ambulance station at the Village hall will require some hedging being removed and a drive-off drive-on “layby” 10 metres by 3 metres wide onto Crooked Lane being installed. To avoid traveller incursion the space would be fitted with bollards into the concrete on the three sides giving onto the recreation ground/hall. To be looked into further at the October meeting. It was agreed that some kind of public consultation needed to be undertaken.

ii. **Village green and pond/condition of Village Drain/Ditch network** – no report

iii. **Communication working group** - no report

iv. **Community resilience** – no report

v. **Manhood Peninsula Action Group** – no report

#### 14. Reports of meetings attended by Councillors

Cllr Churchill had attended the Witterings Medical Centre Patient Participation Group. They now had a full complement of doctors working full time.

#### 15. Items for inclusion on the next agenda

- **Proposed ambulance station at Village Hall**

#### 16. Date of next meeting

- 12<sup>th</sup> October 2022
- 

There being no further business to discuss the meeting closed at 9.30pm

Signed: \_\_\_\_\_

Tim Firmston - Chairman

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

### Birdham Parish Council Payments for Consideration

#### Meeting September 14th 2022

#### Balances on accounts:

Current account	101419.12
Deposit account	100051.13
NS account	7093.25
	<b>208563.50</b>

#### Received since last meeting

Vat rebate	4028.86
	<b>4028.86</b>

#### Paid since last meeting

B Geary	litter picking	70.00
I Whitaker	clerk's salary	822.48
hmrc	employer's contributions	111.61
nest	pension	60.36
mark harrod	football goal posts and nets	1831.84
wsc	Streetlighting maintenance	1053.11
I Whitaker	council running costs	222.18
Mr A Dover	grass cutting and bus stops	85.00
MH Kennedy	grass cutting	575.78

Play safety	playground inspection	157.80
mh architects	neighbourhood plan	4800.00
sse	street lighting	101.40
Boxgrove Parish Council	telephone services (50%)	35.97
<b>pwlb</b>	<b>loan repayment</b>	<b>8591.04</b>
		<b>18518.57</b>

#### Payments for consideration

Betty Geary	litter picking	70.00
Betty Geary	litter picking	70.00
I Whitaker	clerk's salary	827.67
I Whitaker	clerk's salary	827.67
tsohost	np web hosting	73.00
nest	pension	60.36
nest	pension	60.36
mhkennedy and son Ltd	grass mowing	287.89
adrian dover	grass cutting and bus stops	85.00
adrian dover	grass cutting and bus stops	99.81
see	street lighting	104.46
sse	street lighting	104.46
councillor expenses	refreshments electors' meeting	37.84
Chris Milford	Handyman	125.00
Chris Milford	Handyman	425.00
Zurich	insurance	1,044.39
HMRC	contributions	111.61
		<b>4414.52</b>

#### Birdham Parish Council Meeting 14th Sept 2022

#### Bank accounts as of 12th Sept 2022

Current Account	101419.12
Deposit Account	100051.13
National Savings	7093.25
<b>Total</b>	<b>208563.50</b>

Opening balance 1st April 2022	215418.92
add receipts in the year	40448.23
less expenditure to date	47,303.65
<b>Balance</b>	<b>208563.50</b>

#### Less

Reserve @ 50% of Precept	28331.00
<b>Total</b>	<b>28331.00</b>

**Ringfenced Funds**

Op Watershed	2400.00
Culvert Ditch Maintenance	10500.00
Adams bequest (Fencing)	6500.00
CIL Payments	83990.66
NHB	8627.06
Neighbourhood Plan Grant	0.00
Neighbourhood Plan Grant	40667.87
Car charging points	750.00
Trees	2000.00
Ponds improvement long term	1000.00
<b>Total</b>	<b>152685.59</b>

**Available Funds**

<b>Total</b>	<b>27546.91</b>
--------------	-----------------



DRAFT