



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 Parish Council Meeting  
held on Wednesday 8<sup>th</sup> November 2023  
at 7pm

**Present:** Cllr Timothy Firmston (Chairman,) Cllr Catherine Salamons (Vice-chair)  
Cllr Elizabeth Hamilton, Cllr Gordon Churchill, Cllr Stephen Hastings  
WSCC Pieter Montyn CDC Elizabeth Hamilton CDC Iain Ballantyne  
Clerk and 1 member of the public (Zoom) and 24 members of the public  
present.

---

**1. Apologies**

Cllr Jan Devos **Absent:** Cllr Susan Taylor

**2. Declarations of interest**

- i. Cllr Firmston declared an interest in item 6vi as a berth holder at the marina  
Cllr Iain Ballantyne declared an interest in item 6vi as a berth holder at the marina
- ii. There were no dispensation requests

**3. Minutes – to agree and sign the minutes of 11<sup>th</sup> October 2022 meeting**

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

The chairman announced that Item 6vi on the agenda “Houseboat and Recreational Vessels” would be brought forward to Item 6i.

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

There were no questions.

**5. To receive a report from CDC Members for Birdham  
Cllr Ballantyne**

- i. Cllr Ballantyne reported that he had just come out of a meeting about the CDC Local Plan. Since the Parish Council last met, CDC had engaged with MP Gillian Keegan, and senior planning officers and they had succeeded in arranging a meeting with the Minister of Roads. There would be another meeting on Friday. Cllr Ballantyne said that it did not mean that they were particularly hopeful, and the plan would still have to be submitted but hopefully it would speed things up. With regard to the plan, they were hoping for a stepped introduction to the 5-year land supply.
- ii. He said that one other big issue was the sewerage. Southern Water is a statutory Consultee and traditionally an objection would be raised and then they were told that they had a statutory duty to accept. That now seems to be changing.
- iii. Cllr Ballantyne reported that there were lots of initiatives coming from CDC with regard to warmer homes and insulation. Anyone interested should contact CDC.

**Cllr Hamilton**

Cllr Hamilton reported that the “Initiatives” magazine had been delivered today by CDC.

She had nothing further to report.

(Cllr Churchill arrived at 7.09pm)

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

### **i. Houseboat and Recreational Vessels**

The chairman thanked the public for attending the meeting to discuss this important subject and for sending lots of information through. He said that there were legal advice, personal comments and conspiracy theories!

He said that the Parish Council was not part of the planning inspectorate, was not a planning inquiry and was not part of CDC planning and that, thus far, no planning application had been received concerning the installation of the water lodge at the Marina, and no contact from anybody at the District Council about houseboats had been received. The Council had been made aware of it by the good offices of a resident of Birdham.

The Chairman said that this was not the first time that the Marina owners had tried to install lodges there, and that this had previously been objected to by the Parish council in June 21 and June 22.

Eventually the Harbour Conservancy had issued their Principle 19 which covered those lodges allowed on the canal, but not on Birdham pool. The definition of what constitutes a houseboat was very old and would be considered a weak set of definitions these days.

It was said that there had always been issues with people living on yachts and houseboats and that it was a grey area in planning terms – as was the enforcement issue.

Principle 19 said that new and replacement houseboats in the marina should not displace a recreational mooring now or in the future, and that it must be linked up to mains sewage. The Harbour Conservancy said that a maximum of 5 houseboats could be installed per marina or 1% of the total moorings.

Cllr Ballantyne said that the houseboat had been advertised for residential purposes. CDC's argument was that until someone took up residence on the boat, they could not challenge it. Aquavista say that there is a storage tank on board for sewerage, but this tank still has to be emptied. The houseboat is now 70 foot long (previously the houseboats they wanted to install were 40 foot), and the fact is, that it is not possible to get a 70 ft houseboat through the 4ft6 width on a tide. He said that the CEO of CDC is now involved in this, and he hopes that it will be looked at again. It needs to go to a higher level at CDC. He understood that there might be nothing for them to enforce yet, but that what was required was a planning application.

A member of the public, who was a berth holder said that Aquavista have displaced a recreational mooring to install the lodge, which is against Principle 19.

A resident of Birdham had acquired advice from a KC, and a solicitor had given a good legal opinion on the situation.

A member of the public and a lawyer, Mr Richard Gubbins, said that he thought that CDC were hiding behind unclear legal advice. Given the advice obtained from the KC and solicitor he felt that if lawyers disagreed, the only way forward would be for them to get around the table and sort it out. He felt that it would be sensible for CDC to take advice from a KC and that they shouldn't continue to rely on inhouse legal advice. Given that the legal advice obtained by Mr Batista (resident) had been shared with CDC they clearly were not taking this onboard.

Cllr Firmston said that The Harbour Conservancy consider that Planning permission is required and that a proper system needs to be in place for the waste water. CDC had been inconsistent in their interpretation, where in previous years they had required planning permission, they were now saying that it wasn't necessary.

With regard to Planning Principle 19 the Harbour Conservancy now says that this was a guideline and not rigid in its interpretation.

The solicitors are now writing to each other at CDC.

Mr Batista thanked the meeting for inviting him and to all the residents for coming to the meeting. He has a property just inside Birdham Pool Marina. There have been applications for houseboats since 2018 and the most recent in 2022 for 5 floating lodges had been withdrawn. The issues connected to these house boats were treatment of sewage, light pollution, parking, increased traffic and the danger of flooding (up to the jetties). The fact that this boat is now 70ft long and not 40ft, is

even worse. He said that there could be many more of this type of structure in several years. He said that he had felt that it would be useful for the local community to voice their concerns to CDC which they have done. He said that this has changed slightly the stance taken by CDC planning officers (and that Simon Ricketts (solicitor) would comment on this). He had engaged Simon to give him legal advice as well as a KC. They think that there are question marks over CDC's stance. He said that they were hoping that good sense would prevail but also why he had engaged legal advice. There is no provision for sewage and there should not be any houseboats. The decision notice was wrong in several ways, and he asked Simon Ricketts to explain why to the meeting, so that a proper decision could be made. The Chairman said that the council was unable to make a decision as there was no application as yet but that comments could be made.

(At this point in the meeting 4 young people who had been creating a disturbance were asked to leave the meeting – which they did.)

Birdham Pool does not see that they are breaking any regulations – they will work around those regulations – for example they will pump out the sewage to a lorry, and there will be no postal address. It will be marketed in a similar way to caravans, so not classed as residential, and the owners would be limited to a certain number of days or months a year to create a break in the residency.

The Chairman asked Mr Ricketts to explain the advice he had given to Mr Batista, to the meeting.

Mr Ricketts said that the situation was simpler than the discussion implied, and that he had been in correspondence with CDC over the last month. Mr Ricketts was clear where the differences were and where there was the opportunity for input from the Parish Council, should it wish to do so.

1. Does the use of boats in the marina for residential use require planning permission? Yes, it does – undoubtedly. Do CDC agree that it does? Yes, they do.
2. Does that include the use as a second home or holiday home? Yes, it does. CDC now accept that that is the case.
3. When does the breach start? Is it when the lodge is fitted out or when the resident moves into the boat? On this point, there is a difference with CDC. Mr Rickett's legal view is that the use starts when the property is fitted out and there is evidence of its intended use. The barrister Dr Ashley Bowes agrees with this view. CDC are wriggling on this view, and it is a worrying one because of the practical concern that once a boat is sold to someone as their home, enforcement will be protracted and difficult. It is therefore important that CDC takes proactive action which could involve several things. They could write to Aquavista now warning them, in writing, that they would require Planning permission and that they would enforce it if that were not done. They haven't done that, and the enforcement officer has only verbally conveyed to the marina manager and planning agent that the use of any boat as a dwelling house would constitute a material change of use and would require planning permission. Doing this verbally was not enough in Mr Rickett's view. CDC simply needed to write so that there was a written record.
4. Secondly, they could be issuing a planning contravention notice indicating the use which they consider to be a breach of planning control, and which would result in enforcement action and, thirdly, they could actually take enforcement action now as it is clear from the advertisement that this boat is intended for residential use and is fitted out for residential use. If they took that step now life would be so much simpler because no one will buy the boat.
5. In conclusion there are two issues for the officer : whether there is a breach of planning control, and he seems to accept that there would be when the boat is occupied, but is wriggling on whether the breach has yet happened; secondly whether it would be expedient to enforce. In Mr Rickett's view it would be much simpler as the consequences of residential use in the marina are potentially very significant for the environment in relation to discharge of water given the protected waters, and operation and conservation of habitats' regulations. If there was a breach of planning control, there was no doubt in Mr Rickett's mind that the authority should move swiftly to enforce and be proactive now.
6. How would this affect the Parish Council now? He felt that it would be entirely appropriate for the Council to make comments as a stakeholder and important consultee and write formally to CDC to indicate that in its view there was a breach of planning control in the case of houseboats which are being advertised for residential use in the marina and that the

Parish Council expects the authority to take prompt enforcement action and ask what they are doing about it.

The Chairman thanked Mr Ricketts for his clear summary of the situation and opinion. He said that although Birdham Parish Council was a statutory consultee its view was sometimes listened to and sometimes not – however important the issue to Birdham.

He asked for any further information from the meeting.

A resident asked Mr Ricketts whether in his view the breach of planning applications also applied to what would traditionally be regarded as “proper” boats and yachts that people were currently living on in both Chichester Marina and Birdham Pool?

Mr Rickett’s said that this was a very good question as the first response from the enforcement officer had been incorrect. It had relied on the fact that the vessel was a boat designed for the purposes of leisure and navigation as the reason why there wasn’t a material change of use. The only question was whether the boat is being used for residential purposes, whether intended for navigation or not. Any other form of boat being used for residential purposes, home or holiday home requires planning permission.

A member of the public said that they were looking to the BPC to give residents a voice and write to CDC. The Chairman asked the Council what they would suggest should be done? Cllr Hastings said that the council should do exactly what they had been asked to do by the residents they represented. It was complex but with the right legal advice it should be done. The question of whether the prospective residents would become homeless was a moot point for him, as they would be unlikely to be able to afford the boat in the first place if they were without resources.

It was agreed that a letter should be written citing the legal arguments that had been heard and the letter should be sent to the CEO, Andrew Frost and Shona Archer.

It was further agreed that a letter would be drafted and sent to the Clerk for dispatch to CDC making reference to the well-attended meeting.

Action	Mr Ricketts /Clerk
--------	--------------------

Cllr Firmston thanked all the residents for their attendance and input into the meeting.

- i. Notifications of new Planning Enforcement Notices – there were none received**
- ii. Notifications of Planning Appeals** – the Chairman informed the meeting that the decision on the appeal of the 150-home site in Birdham had been delayed as the Inspector had been “diverted to other work”. He also reported that the letter against the appeal for Upper Creek had also been written and submitted on the planning inspectorate website. There will soon be an appeal for the 5 homes at Birdham Straight House.
- iii. Updates on Planning Enforcements – there were none**
- iv. Planning applications to be decided:**

Planning application number	Address	Details	Comment
BI/23/02174/DOM	Waders, Westlands Estate, Birdham, Chichester, West Sussex, PO20 7HJ	Conversion of garage into habitable space, new rooflight to garage North elevation, alterations and additions to existing kitchen space, new pool house, swimming	No objection on condition that the dark skies policy is adhered to, and the design code of Harbour Conservancy is also followed.

		pool and associated landscaping	
23/02188	Pipers Mead	tree works	Defer to tree officer
BI/23/02274/TPA	32 Walwyn Close Birdham Chichester	Reduce height and east sector by 1.5m (back to previous pruning points) on 1 no. Oak tree (quoted as T1, TPO'd as T3) subject to BI/97/00037/TPO.	Defer to tree officer
BI/23/02327/TPA	23 Longmeadow Gardens Birdham	Re-pollard (back to previous points) by 4m on 1 no. Poplar tree (T5) subject BI/97/00036/TPO.	Refer to tree officer with request that the pollarding be reviewed to give the tree back the structure and shape of a poplar which it does not currently have.
<b>APPEAL:</b> <b>22/01164/FUL</b>	Upper Creek End Westlands Lane, Birdham,	Alterations to existing 2 no. flats to create 1 no. detached house and construction of 1 no. dwelling, detached garage and associated works	Letter written and submitted on planning inspectorate portal

**(Cllr Montyn arrived at 8.13pm)**

The Council provisionally discussed application 23/02415 Plovers Cottage and 23/02400 Copper Beech. It was agreed to ask for an extension for decisions and to discuss at the next meeting.

**v. Delegated decisions to be noted**

Planning Application number	Address	Details	Decision
BI/23/01926/TPA	14 Pipers Mead	Reduce southern sector by 2.5m on 1 no. Monterey Pine tree (quoted as T1) within Group, G2 subject to BI/83/00023/TPO.	<b>PERMIT</b>

**vi. Houseboat and recreational vessels – covered above**

**7. Trees project by CDC and funding**

CDC is encouraging multiple species to be planted. It was asked whether the whips which are not thriving on the recreation ground could be replaced. It was agreed to ask Jane Reeve to have a look at them on 16<sup>th</sup> November and perhaps to thicken them out. The council does not own any other land, so it is difficult to know where to plant the trees.

There had been a comment made to a councillor that the bund created at the footpath installation should have been put in front of the proposed scout hut. Cllr Firmston said that a fence will be provided for the new hut.

**8. To receive a report from WSCC member for Birdham**

- i. Cllr Montyn reported that work on the budget was completed although still subject to a final decision. The total funding for 2023 – 25 will be £730 million. £574 million is council tax and the rest is unspecified grants/business rates. He said that expenditure and service pressures had risen enormously from £36m to £53m in 6 months. When they started the budget there was a deficit of £44.9 million but he stressed that there would not be cuts as



- they were putting an extra £53 million into front line services. Informally there would be a council tax rise of 4.9%.
- ii. Cllr Montyn reported on the continuation of the mobile recycling unit. Both Selsey and East Wittering do not wish to continue, but if there is just one parish that desists then the whole system will collapse. Cllr Montyn asked if Birdham PC wished to continue with paying for the unit. It was agreed by councillors that it was useful, well-used and worth paying for. The increase for the next three years would be around 5%.
  - iii. WSCC had issued a consultation to the public to ask for views on what they would like to see prioritised in the WSCC budget. At the Drop-In organised by the Parish Council residents had expressed views that the budget should be increased to mitigate flooding and to increase funding to repair the state of the roads. Cllr Montyn said that £4.5 million extra had already been allocated to repair of potholes and surfaces and that it has been working well. Cllr Montyn said that in future WSCC would be more aggressive about refusing development where flooding was likely.
  - iv. There was still the issue of the bale of hay blocking the bus stop and Cllr Montyn had referred it to CDC who are responsible for clearing. They were aware of it but were tied up with other issues at the moment.

### **9. Electors' Meeting report**

Cllr Salamons has written a report. She asked that if anyone else had comments to note them whilst still fresh in their minds. It was thought that about 40 residents came, and a lot of people were spoken to, and ideas exchanged. It had been very helpful to have the Community Speedwatch, the Manhood Wildlife and Heritage group, WSCC, the neighbourhood plan, the Church and the Scouts there too. The main topics raised were traffic speed and pedestrian safety, dog waste and litter, anti-social behaviour and transport. Also, the bus stops in the village. They also asked for improved communication from the council and a website that included updates from the wider community. They would also like to see more activities in the hall, and although this was not directly under the remit of the council, the PC could help to stimulate more interest.

The all-weather path had been extremely well-received, and many comments had been made about housing and planning.

Cllr Salamons had a lot of email addresses that needed to be scanned in and then she will send to the clerk.

The report will be circulated and then the council will be able to see what can be achieved. It was agreed that some of the initiatives of the Parish Council could be included on the website. Cllr Firmston thanked Cllrs Salamons and Devos for having put in all the hard work to organise such a successful morning.

Cllr Hastings said that although he had arrived late, he had been impressed by the buzzy atmosphere and the good format which really worked well. He particularly liked the youngsters doing the refreshments as it was important to get people to chat and relax.

**Action**

**Cllr Salamons/Clerk**

### **10. Birdham Village Hall – trustees**

Currently the Village Hall has two trustees – Claire Mills and Alan Drew. Cllr Churchill represents the Parish Council (one only of the four possible seats). The Chairman asked if anyone would like to volunteer to be a Trustee. Cllr Salamons said that she would but only after the lease for the Scout hut has been completed, as she didn't want there to be a conflict of interests.

There were no other volunteers for the moment and the Chairman asked councillors to think about it and let the clerk know.

### **11. Draft Budget 2024 – 2025**

The clerk had issued the draft budget. Cllr Firmston said that they had already been quite ruthless in cutting costs to try and keep the precept down. For example, the new accountancy programme will not be implemented this year, (a saving of £1200), and capital expenditure reserves reduced by 50%.

It was agreed to finalise the budget at the December meeting when the final tax base will be known, and the clerk will submit to CDC.

### **12. Clerk's report**

#### **i) Correspondence**

- a) SOSCA (Save Our South Coast Alliance) is holding a seminar on 24<sup>th</sup> November at Middleton on sea. The subject will be "Dependency of new housing development on sewerage infrastructure"

The seminar is aimed at local Parish and Town Councils with neighbourhood development planning in mind. It will review the extent of sewerage infrastructure deficiencies in the Arun-Chichester area, how these deficiencies impact on the planning of sustainable housing developments and the scope for mitigation in the foreseeable future. Guidance for local councils will be produced in the light of the seminar.

Any councillor who would like to attend in person or on zoom please let the clerk know as soon as possible.

- b) There is a meeting of the Christians against Poverty group at St James on Nov 17<sup>th</sup> from 10.30 – 12. They want to be able to assess the poverty in Birdham and how to help those in need. Cllr Hastings to attend.
- c) The clerk has arranged for Jackson's to revisit to quote for the second height barrier which was damaged by a car exiting the village hall car park. The number plate was taken, and the clerk will contact the police for a report in order to make a claim on the insurance
- d) The Clerk confirmed the Appledram meeting's support for the proposed TRO to reduce traffic speeds along the A286. Donnington is already on board.
- e) CDC MPP officer is funded in partnership with CDC. The proposed contribution to the salary for Birdham for the next financial year will be £496 (based on the taxbase). Councillors AGREED to continue the contribution.
- f) A resident had written to the clerk delighted with the all -weather path.

**ii. To approve the payments for consideration**

The clerk notified the meeting that the proposed payment to SSE (Street lighting) was incorrect and was to be removed from the payments. The council confirmed that they wished to continue paying for the additional Neighbourhood Plan website which had been blocked due to lack of payment. It was agreed to continue to pay for the moment. The payments for consideration were proposed by Cllr Salamons, seconded by Cllr Hastings and unanimously **RESOLVED**.

**iii. Bank Reconciliation - circulated**

**13. Councillor Reports:**

**i. Play area and playing field**

- Cllr Firmston reported that the second height barrier had also been damaged by a car leaving the car park
- on the 16<sup>th</sup> November there will be a corporate day for Jane Reeve and the MPWG in Birdham
- Cllr Firmston asked the councillors whether they wished to progress the idea of the Teen shelter. It was unanimously **AGREED** to go ahead with it. Cllr Firmston proposed siting it near enough the village hall to be seen from the car park but not from the hall. It would be in proximity to the play area but not too much.

Action

Clerk

**ii. Village green and pond/condition of Village Drain/Ditch network**

- Cllr Firmston reported that the Manhood Wildlife and Heritage Group's funding ends next year and that they are looking for new sponsors. Cllr Firmston has written a report which he will send to them for use in their search for funding
- A family from Birdham whose father was the inventor of Scalectrix, had planted a tree in memory of their father some years back. Jane Reeve had reported that the tree had died. The family have asked to be able to replace it. Jane Reeve had suggested trees which were more suitable, and the family are keen to go ahead. The council unanimously agreed.

**iii. Communication working group** – the newsletter was distributed to the whole village.

**iv. Community resilience** – Cllr Firmston reminded Councillors to let people know that Birdham does have a resilience plan and in the case of emergency the council is prepared.

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

Cllr Churchill had attended the Patient Participation Group meeting where the problems of waiting lists and the new IT systems had been discussed.

He said that as a result of decentralisation of funding Cllr Churchill had suggested that the ECG should be moved to a health promotion “model” working as a preventative tool. There was general agreement on that, and it fits in with the health and well-being duties of the practice.

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

- agreement of precept for 2024 – 25

**16. Date of next meeting**

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

There being no further business to discuss the meeting closed at 9.40pm

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

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

**Bank accounts as of 5th November 2023**

Current Account	£ 46,886.30
Deposit Account	£ 100,709.24
National Savings	£ 7,099.85
<b>Total</b>	<b>£ 154,695.39</b>

Opening balance 1st April 2023	£ 201,592.77
add receipts in the year	£ 80,124.14
less expenditure to date	£ 127,021.52
<b>Balance</b>	<b>£ 154,695.39</b>

**Less**

Reserve @ 50% of Precept	£ 32,458.50
<b>Total</b>	<b>£ 32,458.50</b>

**Ringfenced Funds**

Op Watershed	£ 2,400.00
Culvert Ditch Maintenance	£ 14,000.00
Adams bequest	£ 6,500.00
CIL Payments	£ 75,553.43
NHB	£ 6,404.46
NP Grant Parish Land	£ 600.00
Car charging points	£ 1,500.00
Trees	£ 4,000.00
Ponds improvement long term	£ 2,000.00



Total	£	112,957.89
-------	---	------------

#### Available Funds

Total	£	9,279.00
-------	---	----------

#### Outstanding PWLB

Total	£	108,150.80
-------	---	------------

### Birdham Parish Council Payments for Consideration Meeting November 8th 2023

#### Balances on accounts:

Current account	£	46,886.30
Deposit account	£	100,709.24
NS&I	£	7,099.85
		154,695.39

#### Received since last meeting

cdc CIL	£	5,510.49
DaC Beachcroft	£	250.00
	£	5,760.49

#### Paid since last meeting

Edburton	Footpath (CIL)	£11,705.59
betty geary	Litter picking	£70.00
imogen whitaker	salary	£877.59
nest	pension	£64.00
hmrc	employer contributions	£64.65
boston seeds (clerk)	wildflower seeds for bund	£101.99
poppy shop	poppy wreath	£23.98
mh kennedy	grass cutting	£597.12
redemptive media (access by design)	web hosting	£180.00
Groundwork	NP grant repayment	£39,149.00
T Firmston	councillor expenses	£92.68
boxgrove pc	telephone contribution	£71.94
I whitaker	council running costs	£479.54
ico	data protection fee	£35.00
		£53,513.08

#### Payments for consideration

betty geary	litter picking	£70.00
-------------	----------------	--------

I whitaker	salary	£877.59
nest	pension	£64.00
sse	street lighting	£173.94
mh kenney	grass cutting	£298.56
adrian dover	grass cutting	£95.00
SLCC	subscription 50%	£284.94
local councils direct	subscription 50%	£60.00
Tsohost	np webpage renewal	£73.00
lake road landscaping	fencing	£972.00
st james birdahm	graveyard grant	£325.00
cdc	cost of election	£333.50
		£3,627.53