

Ditch the Problem – Riparian Ownership

Extract from the West Sussex County Council (WSCC) publication

The publication is available in full from the WSCC Highways website and search on Riparian Responsibilities

What is a watercourse?

A watercourse is every river, stream, brook, ditch, drain, culvert, pipe and any other passage through which water may flow. A watercourse can be either natural or man-made. Watercourses drain the land, prevent flooding and assist in supporting flora and fauna. Historically, watercourses have taken water runoff from buildings and roads, as well as fields and parks. In the process of development many have

been culverted (piped) or changed in other ways. In normal conditions a watercourse may be a dry channel in the ground; in heavy storm conditions it may become a raging torrent. Watercourses do not include public sewers but it could be in a pipe under the ground.

A Main River is... usually a larger stream or river. However, locally important smaller watercourses can be designated as Main Rivers. The Environment Agency has authority, powers, rights and responsibilities for managing Main Rivers in England and Wales; a 'Flood Map' detailing their locations can be found on the Environment Agency website at www.environment-agency.gov.uk. An Ordinary Watercourse is... any other river, stream, ditch and culvert not defined as Main River. The responsibility for maintenance of ordinary watercourses lies with anyone who owns land or property adjacent to a watercourse. This is known as Riparian Ownership. It may not always be possible to see a clear physical difference between watercourses designated as either Main River or Ordinary Watercourse.

What is a Riparian Owner?

A riparian owner is the person, or people, with watercourses on, next to or under their property.

Riparian owners have the responsibility for maintenance of these watercourses. Riparian responsibilities usually lie with the person who owns the land or property but may be the tenant depending upon the agreement in place.

How much of the Watercourse am I responsible for?

If both banks of a watercourse runs through (or under) your land, you are fully responsible for its maintenance. If it runs adjacent to your land (even does not fall within your property boundary as set out by your Title Deeds e.g., if it is the other side of a boundary fence) then you are likely to be responsible for the maintenance. Of the watercourse bank on your side, to halfway across the bottom of the watercourse.

What are my Responsibilities?

The Riparian Responsibilities under law are;

- To pass on water flow without obstruction, pollution or diversion that would affect the right of others.
- To maintain the banks and the bed of the watercourse (including any trees and shrubs growing on the banks) and any flood defences that exist on it.
- To maintain any approved structures on their stretch of the watercourse and keep them clear of debris. These may include trash screens, culverts, weirs and mill gates.
- Riparian owners must not build new structures (for example a culvert, bridge or board walk) that encroaches upon the watercourse or alter the flow of water or prevent the free passage of fish without first obtaining permission from the Local Authority or Environment Agency.



A ditch in need of improvement

Elector's Meeting

The meeting was held on Saturday 25th July 2022 during the morning in the Village Hall and attended by 60 to 65 residents. Due to the pandemic it had not been possible to hold such a meeting for two years and ask residents for their suggestions and to pass on information concerning the recent work of the Parish Council.

Three presentations were given by parish councillors on the topics of:

- Birdham Parish Council's Neighbourhood Plan review and the housing number implications**
- Community Highways scheme, traffic issues and speed monitoring**
- Future suggestions for improving the playing field and playground areas.**

These presentations were well received with comments and suggestions forthcoming that have subsequently been considered by the Council.

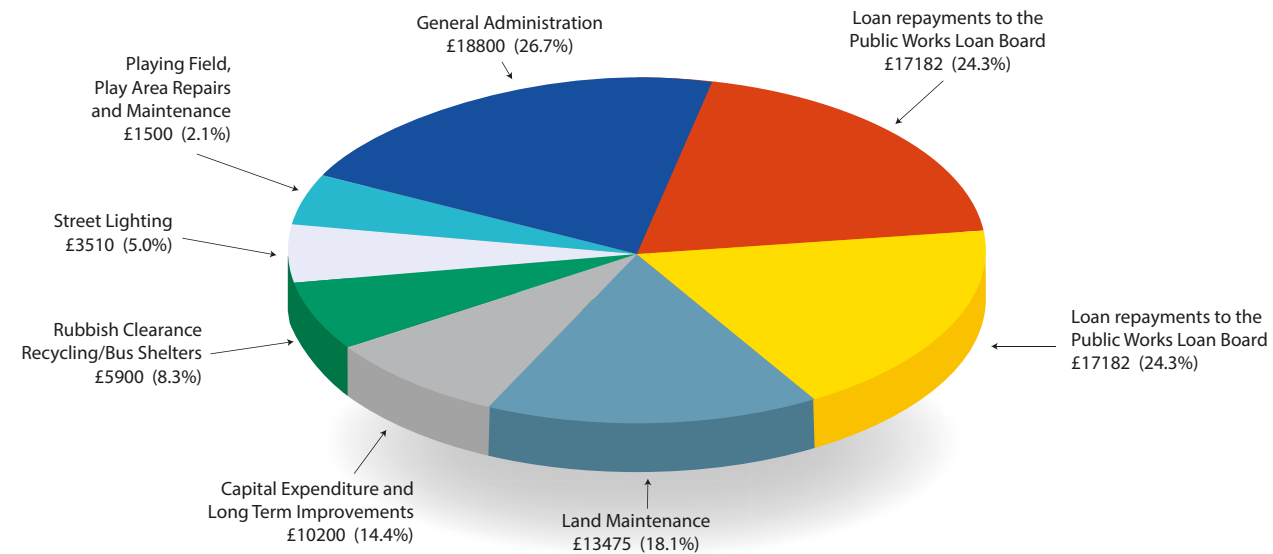
The Neighbourhood Plan became @made' or substantive in 2016 and the review has updated a few of the policies and sections of the Plan. Progress on completing the Plan is awaiting the final allocation of new housing numbers for the parish when issued by the District Council as part of their updated Local Plan Review. At the time the recently planted tree whips on the playing field were beginning to suffer with the dry weather and several suggestions were forthcoming on how best to provide water to these whips. Additional playground equipment has been sourced and a new ball wall with sport fixtures placed on the playing field as suggested by a young resident. A Speed Watch Group has been operating in the Church Lane, Crooked Lane and Westlands Lane area. Quotations are being sought for an all-weather footpath leading from the Village Hall to the main Road A286 Footbridge. Discussion on the need for and location of possible parish allotments came to no clear conclusions. Thanks were given to the residents who were able to be present and for their ideas.



The new double swing within the playground

Budget for Financial Year 2023-2024

£70,666 for the Parish



Parish Councillors, Clerk and Parish Meetings

The Parish has an allocation of nine councillors, and there are currently eight in post. Each can be contacted by their parish council email address..

Councillors

Graham Campbell	g.campbell@birdhamparishcouncil.gov.uk
Gordon Churchill	gordonchurchill@birdhamparishcouncil.gov.uk
Jan Devos	j.devos@birdhamparishcouncil.gov.uk
Timothy Firmston <i>Chairman</i>	timothyfirmston@birdhamparishcouncil.gov.uk
Elizabeth Hamilton <i>Vice-Chairman</i>	e.hamilton@birdhamparishcouncil.gov.uk
Laurie Pocock	lauriepocock@birdhamparishcouncil.gov.uk
Catherine Salomons	c.salomons@birdhamparishcouncil.gov.uk
Rachel Glover	r.glover@birdhamparishcouncil.gov.uk
Imogen Whitaker	clerk@birdhamparishcouncil.gov.uk

Postal Address

Birdham Parish Council, Birdham Village Hall, Crooked Lane, Birdham PO20 7HA.

Pump Café Saint James Centre

The Pump Café within the Centre adjoins St. James Church and is open from 10.00 a.m to 12.00 noon each Friday and Saturday. There is parking at the rear of the Church adjacent to the churchyard.

An excellent place to meet residents of Birdham and often used by the walkers and cyclists using the adjacent SALTERS Way.

Forthcoming Parish Council Meetings

Monthly meetings are held on the second Wednesday of each month apart from August, commencing at 7.00 p.m. in the Village Hall in Crooked Lane. Meetings are open to members of the public and at the start of each meeting there is the opportunity for any person to ask a question with no prior notice required.

Residents are encouraged to attend.

If you wish to have regular agendas and minutes of council meetings, and other topical documents sent to you by email please contact the Parish Clerk and pass on your request.

12 th April	XX th June Electors Meeting	11 th October
17 th May APCM	12 th July	8 th November
14 th June	13 th September	13 th December

Birdham Parish Council

Newsletter

Spring 2023



Chairman's Introduction

Two main topics occupy the work of the Parish Council at the moment, sewage and planning appeals. The discharge of untreated sewage in to the Harbour and the sea are well publicised with pictorial evidence readily available. The Birdham sewage flow is to the Sidlesham Waste Water Treatment Works and thence to discharge in to Pagham Harbour. Many meetings are being held with many organisations to hopefully make progress for a longer-term solution. With these meetings held we await some actual work by Southern Water to be undertaken to reduce the problem.

Planning appeals require a considerable amount of evidence preparation, coordination with other parties and other parishes and the ability to present a well argued and factual case to a planning inspector. Several appeal hearings have taken place over the last year in Birdham and on the Manhood Peninsula with mixed outcomes. The support of residents at these appeals always assists on the day and is appreciated by those councillors who have prepared and presented a particular case.

Our biodiversity work continues with the knowledgeable help and volunteers from the Manhood Wildlife and Heritage Group who comprise the normally monthly work parties especially through the winter months. The tree planting on the playing field badly suffered through the dry winter and very hot summer months. Some remedial tree planting took place in the autumn of 2022.

Changes to the parish councilors have taken place with the departure of Clive Bush who was a great help with planning applications and appeals, and the co-option of Catharine Salomons and Jan Devos. We welcome Jan and Catherine and hope they enjoy their contribution to the Birdham community.

The councillors will always work in ways that benefit the Parish and are available to listen, suggest and refer any matter you may wish to raise.

Timothy Firmston

Proposal for a Village Sign

Unlike many parishes and villages Birdham does not have a village sign. The proposal is to utilise the existing metal frame and post at the private house 'The Old Bird and Ham'; at the corner of Church Lane and the Main Road A286. In recent times this building had been used as a public house and a tea room / hotel.

The style of the sign would use the existing four quadrants each depicting a different aspect of village life. It will be determined if a planning consent is required to replace such a sign and ensure the new sign is listed as is the house.

Residents will be asked to donate money to a new account run by the Parish Council to fund the project and ensure a clear distinction for the money. If more funds are raised than the cost then the surplus will be put to use on other village assets such as the village pump on the Green, a commemorative bench or a tree planted.

If insufficient funds are raised then external money will be sought maybe from heritage trusts or public grants to complete the work.

As the project continues, we will pass on the information to residents.

District Council's Local Plan and Birdham's Neighbourhood Plan

Local Plans are a way of managing housing development in Districts and are meant to ensure development takes place in the correct areas, and infrastructure provision is adequate.

Chichester's current Local Plan was adopted in July 2015. This Plan required a review 5 years, and the District Council has been struggling to get a review in place since 2018. This is largely due to a Government requirement increasing Chichester's housing requirement from 435 houses/year to 635 houses per year. The government justifies the increase because houses in Chichester are very expensive relative to earnings.

Because the Review has not been completed, the Local Plan became out of date, and this opens the gate to all the speculative planning applications we have seen over the last few years.

Relief, however, is appearing on the horizon. The District Council has at last published its proposed Review document, which details housing allocations for the period up to 2039. The good news for Birdham is that the housing allocation from now until 2039 is 0.

This does not mean there will be no building in Birdham, as development will still be permitted within the Settlement Policy Area. However, it

does rule out significant numbers of houses being built in Birdham, as there is only very limited land availability.

This publication, which is open to consultation on specific points of legality and soundness is only a step on the way to the Plan being ratified, and it is possible the housing numbers will change further along the process. This publication of the plan and does not yet carry much weight in planning decisions, but is very much a step forward.

Planning applications already made, such as the application for 160 houses across the A286 from Birdham Stores are not ruled out by this step, so it remains necessary to object to planning applications until the Local Plan progresses further, and gains more weight.

It should also be remembered that after the new Local Plan has been ratified, it will have to be reviewed after a further five years.

In parallel with the evolution of the Local Plan, Birdham Parish Council set up a Neighbourhood Plan Review Group to update the Neighbourhood Plan to reflect changes in the Local Plan. A major and most difficult aspect of the Neighbourhood Plan is to accommodate the number of houses allocated by the Local Plan.

With an allocation of 0, this problem apparently disappears, so the Review Group are drawing up a draft of the Reviewed Neighbourhood Plan using the current allocation. This draft will be published in due course for public comment, but, because the housing allocation could change, no further progress can be made until the Local Plan progresses further.

For residents interested in more detail, the Local Plan Review 2021-2039 can be viewed at the web site:

https://www.chichester.gov.uk/media/37874/Chichester-Local-Plan-2021-2039-Proposed-Submission/pdf/Chichester_Local_Plan_2021-2039_Proposed_Submission.pdf

A version, covering the Manhood Peninsula only, is available here:

<https://www.chichester.gov.uk/localplannews>

The website for the Birdham Neighbourhood Plan can be found at birdhamreview.org, where details of the progress so far can be found.



Birdham Speedwatch Group

The group was founded at the Birdham Electors Meeting Saturday 25th June 2022, to which all parishioners were invited.

The Speedwatch campaign was set up to support two proposals submitted by Birdham Parish Council to West Sussex County Council Highways

- 1) 20mph limit for Crooked Lane, Church Lane, Martins Lane and Westlands Lane
- 2) Community Highway Scheme to slow traffic and improve safety for pedestrians and cyclists on the A286 network which has seen 7 deaths in the last 7 years, including two on the Birdham Straight road.

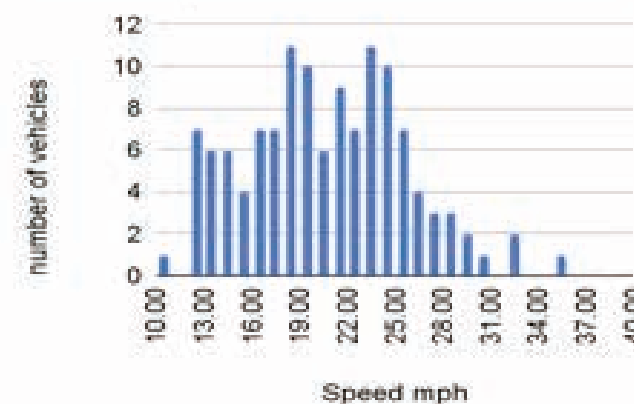
The Speedwatch group number eleven volunteers. Initial online training was by sessions with the local police service. The group is affiliated to the national Community Speed Watch, (CSW).

Results are submitted to the police CSW weekly, vehicles travelling at or more than 36mph in a 30mph and 47mph in a 40mph zone and above will be sent an advisory letter by the police. The Speedwatch campaign is about education, it is not about prosecutions, although repeat advisory letters will alert police forces to certain vehicles.

The campaign started November 2022, with sessions on Crooked Lane and Church Lane. One hour sessions generally record 130 vehicles, approximately 8% exceeded 30mph, but less than 1% travelled at 36mph or more, triggering the advisory letter from the police.

The three charts show the speeds of vehicles. On Church Lane and Crooked Lane, vehicles travel well

Traffic speeds Crooked Lane



below the speed limit of 30 mph, in fact the mean speeds are

Crooked Lane 20.2mph
Church Lane 23.4mph.

On the A286, 100m south of the Church Lane junction shows the mean speed as 33.74mph. It seems the sheer volume of traffic determines the constraint for speeding. Further sessions at different times of the day and as the weather improves may show higher speeds.

STOP PRESS

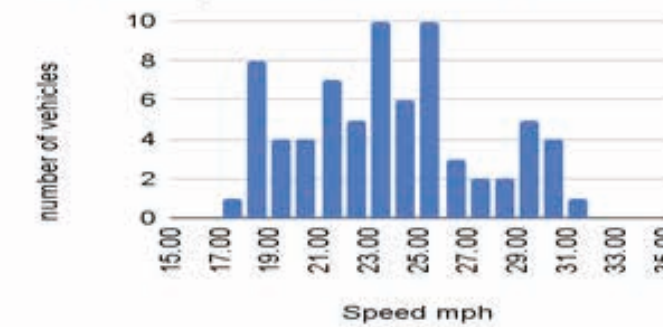
Some more average speeds recorded, different times of the day.

Bell Lane 11.00 hrs average speed 34.26 mph
Main Road A286 14.00 hrs average speed 34.92 mph

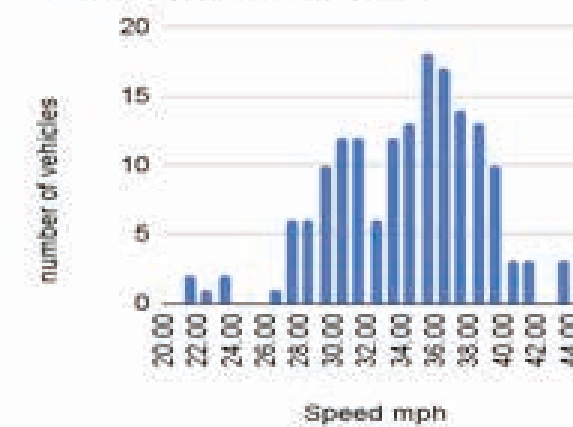
We have recently added a further site on Bell Lane, 50m south of Tawny Close, we do need more volunteers to run these sites.

Could anyone interested in helping please contact David Thompson on 01243 514349 or Mike Evans on 01243 514095

Traffic Speeds Church Lane



Traffic Speeds A286



Mobile Household Waste Recycling Service

The recycling service has been offered by West Sussex County Council for many years on a fortnightly basis on a Thursday at either Marine Parade car park at West Wittering, off Shore Road, or at the East Beach car park in Selsey. In 2021 the service was due to be withdrawn so now most of the parishes (including Birdham) and Selsey Town Council on the Manhood Peninsula together fund the service. This is now the only remaining mobile recycling service in West Sussex.

Each site is open from 8.15 a.m. to 3.00 p.m. at the latest and to determine which Thursday is involved visit the West Sussex County Council web site and look for;

Land, Waste and Housing, then Waste and Recycling, then Find a Recycling Centre, click on two mobile facilities and choose The Witterings.

Most materials can be recycled except for soil, hardcore, plasterboard, engine oil, hazardous materials, clothing and shoes at the moment. Recycling materials from commercial sources is not permitted.

If in doubt please ask the staff members on site who are very helpful and can often help lift the heavier bags and larger items into the various skip containers.

Manhood Wildlife and Heritage Group Birdham's Biodiversity

The Parish Council continues to promote a modest start to improving the biodiversity of the area with the assistance of the Manhood Wildlife and Heritage Group who have been involved over the past several years.

Their staff members and volunteers including some from Birdham are continuing to improve the village pond, Triangle Pond and Copse and Kingfisher



Pond, Triangle Copse is at the junction of Crooked Lane and Westlands Lane and it is open for a walk around by the public able to see the native tree planting and hedge work.

Such a project needs both people to start and equally important people to keep the maintenance going for these areas. If you are interested to

spending a day on these sites as much or as little as you wish please contact Timothy Firmston on email : timothyfirmston@birdhamparishcouncil.gov.uk.

Triangle Pond is well populated with water voles now, and you may be lucky enough to see one.

Tree planting took place on the playing field in the spring 2022 with the help of the 1st Birdham and Witterings Scouts and Cubs group and various local helpers. Given the dry winter and hot summer months these trees did not do well with a low survival rate. In the autumn of 2022 replacement tree whips were planted by the volunteers and staff members from the Environment Agency. We hope the survival rate will be much improved.



If you have other ideas of work opportunities and places that could further biodiversity in Birdham please do contact the Parish Clerk.