

## **The Boathouse Bistro WD/2025/1539/MAJ**

(However, it is a water sports clubhouse and has hardly ever been a Bistro)

### **The Friends of Bewl Water**

### **The Objection for the councillors**



Photo: SuxxesPhoto

**One of the most important sites for community activity and ecological safeguarding, which would be destroyed by the inappropriate conversion of the clubhouse to holiday lets undermining the whole principle of the community being able to use the club facilities**

#### **Introduction**

- 1) This is a new planning application to convert the clubhouse at Bewl Water with its almost exclusively daytime activity to 11 year-round overnight holiday lets. There will be an extra floor with new windows and openings. The floor space will increase by 30%.
- 2) A near identical scheme was rejected by the local authority and also on appeal In September 2024. The Inspector dismissed the appeal predominately because of light spillage. The applicant claims light spillage is now dealt with by the use of SmartGlass. Wealden District Council suggests that the SmartGlass mitigates the light pollution, the councillors are bound to wave the application through. The officers say that because the Inspector on the last application used light pollution as the reason the appeal was dismissed, the planning committee is restricted to considering light pollution only. These are grave errors for two reasons. Firstly the SmartGlass fails to deal with a large part of the problem of light pollution. This problem is dealt with later in this paper. Secondly, each application is dealt with on the facts and the facts are now very different than the ones put before the Inspector. It might be convenient for those who wish to support the applicant to present this argument, but the argument does not comply with planning law if it seeks to disallow discussion of the new material planning considerations that have arisen since 2024

- 3) As the approach is flawed, councillors are invited to bring their own judgement and their own experience carefully to bear on the issues.
- 4) Wadhurst Parish Council has commissioned an ecologist to look at the planning application. The expert found serious faults with the applicants' findings and approach (more detail below).
- 5) The applicant's expert's report fails to properly deal with the issues (more detail below).

### **Bewl Water's unique position**

- 6) The original plan for Bewl Water when the reservoir was constructed was that the area should be open for recreational events during the day and be a sanctuary for wildlife at night. This policy helped with the security for the reservoir and attracted birds which are on the endangered lists (red list). Bewl Water is now a wildlife haven and is being considered for a Special Protection Area (SPA) designation, see The Status of the UK's SPA in the 2000: The Third Network Review (Phase 2), by the Joint Nature Conservancy Committee, the public body that advises the government, which was published in 2025.
- 7) The Friends of Bewl Water have been told that Natural England will designate the site as an Special Protection Area, and a Site of Special Scientific Interest (SSSI) in March 2026. The group is seeking clarification of this. The planners are invited to disclose the correspondence they have had with Natural England.
- 8) During dry weather there is less food for the birds and because of the water at Bewl Water, the reservoir provides an important source of food for the birds. Light at night is so dangerous to the wildlife that Bewl Water's manager's own ecologist, Sean McMinn, recommended that 'because of the internationally important roosting gulls, water based activity at Bewl Water should be restricted between October and March each year to 9 am and 3 pm. Further the use of torches at the shoreline should be prohibited during periods of darkness.'
- 9) Emily Craig MBE, leant to row at the rowing club at Bewl Water. She went on to become silver medallist at the 2015 World Rowing Championships and gold medal at the 2016 World Rowing Championships. In the 2021 Tokyo Olympics she missed out on a gold medal by 0.001 seconds but she won gold in the double sculls at the 2024 Paris Olympics. Sophie Ainsworth sailed at Bewl Water and represented the United Kingdom at the 2016 Rio de Janeiro Olympics and won a gold medal in the 2012 European Championships.
- 10) This application threatens all the clubs where the Olympians trained. It is also where thousands of members of the public wish to participate and enjoy healthy outdoors watersports. The ability to have the right facilities to comply with safeguarding obligations denies the clubs the opportunity to attract, train and foster younger people in healthy outdoor watersports and hold competitions. To take away the social facilities for the clubs makes it difficult to retain club members and attract new members.
- 11) The local community want to protect the wildlife there and reintroduce the daytime recreational activities that have been restricted by the manager's desire for night-time holiday occupation. In 2000, there were 1,250 dinghies and 30 other boats using Bewl Water. The rent on their club house, the subject of this application, was

doubled and the Sailing Club tragically went into liquidation in 2015. The premises were consequently lined up for residential occupation.

- 12) In June 2025, in a separate application, the planning officers at Rother District Council supported a holiday let, which was near the edge of Bewl Water, RR/2025/36/P. The Rother councillors refused the application with a very careful approach and persuasive ruling. The applicant appealed and, in January 2026, an Inspector dismissed the appeal, APP/U1430/W/25/3372099. In doing so, he made some very important remarks about Bewl Water. He said, 'The combination of the open water and unspoiled natural backdrop provide arresting, picturesque vistas readily appreciable from around the footpath. The area strongly exhibits core character components of the NL [National Landscape]'s natural beauty in that it possesses a deep sense of rurality, quietude and tranquillity, allows immersion in nature and a perceived distance from urban noise.'
- 13) It is understood that the planners at Wealden District Council are trying to undermine this statement by saying but it only applies to one side of the reservoir. The argument is untenable, because they are inserting words into what the Inspector said and they fail to see that the beauty and importance of Bewl Water has to be considered as a whole.
- 14) The Friends of Bewl Water and Ticehurst and Wadhurst Parish Councils object to the over-development of the site and the proposed overnight residential developments.

The principal objections are as follows.

#### **Objection 1 Light pollution**

- 15) The similar planning application for the clubhouse was rejected both by the planning authority and on appeal in 2024. The Inspector, on appeal, referred to the light spillage from the development and that there were new windows and openings. This includes the inevitable light generation from these openings at night time.
- 16) As already stated, light at night is so dangerous to the wildlife that Bewl Water's manager's own ecologist, Sean McMinn, recommended that 'because of the internationally important roosting gulls, water based activity at Bewl Water should be restricted between October and March each year to 9 am and 3 pm. Further the use of torches at the shoreline should be prohibited during periods of darkness.'
- 17) The important features of the new application include:
  - The doors and windows of the development open next to the shoreline. Once open, the type of glazing is irrelevant. This is not addressed by the applicant or their lighting specialist.
  - There are balconies with hot tubs. These will inevitably generate noise and light. If permission was granted, the hot tubs, which are outside, will be lit, see para 9.3.2 No 4 of the author of the lighting report. Hot tubs can be dangerous especially if those using them have taken considerable alcohol or are trying to show off. It is anticipated that Health and Safety officials would not permit a hot tub to be operated in an area that has no light at night. This is confirmed by the author of the lighting report. He or she says:

9.8.2. Lighting to the hot tub to be provided to ensure that the area under the water is visible. This is required for safety purposes so anyone under the surface can clearly be seen.

- The applicant relies on SmartGlass. The last application had SmartGlass, which was specifically mentioned by the Inspector. He was of the view the SmartGlass did **not** provide sufficient protection. SmartGlass of course is no protection for noise and light pollution for residents when they are outside the premises or when they're on the balcony or when the doors and windows are open.
  - Cars and residents will inevitably move around the site creating noise and light spillage.
  - The winter months are critical for the internationally important winter gull roost. During the dark late afternoon and evenings of these months, the proposed residential units would generate noise and light pollution.
  - The author of the applicant's lighting report concentrates on how much better SmartGlass is to ordinary glass. That is irrelevant, because no one is suggesting having ordinary glass. The issue is whether SmartGlass offers **sufficient** protection. This issue is side stepped by the applicant's lighting expert.
- 18) Wadhurst Parish Council has commissioned an ecologist to look at the planning application; their findings are listed in the next paragraphs and relate to light pollution.
- 19) The applicant has engaged DFL, who deal with lighting design but they are not claiming to have **ecological** lighting experience. Design is not the issue. They say they are concentrating on impact assessment, but in fact they are concentrating on measurements, whereas those who considered the application will need to concentrate on the impact the lighting would have on the surrounding wildlife. The report is interesting reading, partly, because it is in such a tiny font it's almost impossible to read. One can speculate why that was the font used.
- 20) DFL lists its aims for the lighting. They are:
- 9.2. Aims of the Proposed Lighting
  - 9.2.1. The core aims of the proposed lighting seek to ensure:
    - To provide a safe and comfortable environment for **those using the Proposed Development**
    - To ensure that the proposed lighting does not significantly impact sky quality
    - To ensure the proposed lighting does not significantly impact the surrounding area and to be unintrusive within the national landscape
    - To ensure that the surrounding **dwelling**s are protected from any negative effects of light pollution
- 21) At para 8.2.3, the report says, 'The **human** immunity receptors are detailed in error. Reference source not found.' This shows that no one read the report carefully after it was written and very little effort went into it. In fact the receptors are relied

on by the author. However it's clear that the receptors (which read the light readings) have been chosen to provide favourable results. Having a receptor at Hook Place, see PHAR 004 below, which is a considerable distance away provides no assistance. The receptors were in the following places, see page 36 of the report.



22)The receptors that matter are those in the wildlife areas. The report concentrates on humans and residences, see the only significant paragraph in Section 8 of the Identified Receptors section.

## 8.2. Human Amenity

- 8.2.1. There are several dwellings located in the area surrounding the Application Site. Those dwellings closest to the Application Site have been selected as receptors. This is because as the distance from any installed lighting increases the effects of lighting will reduce, therefore these identified receptors provide a reasonable assessment for all surrounding dwellings.
- 8.2.2. These receptors are assessed for potential changes in views and the direct effects of lighting as are defined within GN01:2021.

The author of the report rather wisely declines to give their name. The author does not claim to have any qualifications at all or any experience. The report is irrelevant and misses the issues but it seriously damages the application.

- 23) This application's attempt to overcome the light problem is unsuccessful. It does not deal with the real issues.
- 24) The planning application therefore breaches, National Policy Planning Framework 2024 para 198.

### **Objection 2 The damage to the ecological balance and the ornithological threats**

- 25) Bewl Water is a site of international importance, because of the protection it gives to endangered birds, particularly those on the Red List (the most at risk) which roost there. The proposal threatens the birds because of the inevitable night-time light and noise from this shoreline development. This application is on the shoreline next to where the endangered birds feed and roost.
- 26) As already stated, Bewl Water is being considered for a Special Protection Area (SPA) designation, see The Status of the UK's SPA in the 2000: The Third Network Review (Phase 2) , by the Joint Nature Conservancy Committee, the public body that advises the government.
- 27) The recent Campbell report, dated May 2025, considered the threats to the birds from development at Bewl Water. It was a recent report dated May 2025. It was of course written before the most dangerous of developments, this boathouse conversion application. The author found:

‘16. In light of proposed developments at Bewl Water, this report presents gull roost count data from the site and other key water bodies around the UK alongside an overview of recreational activities at these sites. This is in order to inform decision makers on the potential ecological impacts of these developments at Bewl Water.

17. Reliable food sources and roost sites over the winter influence the breeding success of female gulls (Ankney & MacInnes 1978 per Clark 2014, in Phelps 2023). As gulls return to the same wintering sites annually, significant changes in food availability or disturbance at roost sites could push them to relocate, potentially reducing breeding success in subsequent years (Clark 2014 per Phelps 2023).

18. The roost is critical due to the lack of alternative sites nearby. Unlike other large inland water bodies, Bewl Water does not have comparable nearby secondary roost sites.

19. The effects of specific disturbances (e.g. new recreational developments) on gull roost sites remain for some types of disturbance largely speculative given the lack of controlled studies. However it is possible to make informed estimates about some types of disturbance. Sudden and unexpected noise events – as opposed to steady background noise such as from traffic, or routine maintenance operations– are the most likely to cause gulls to flush from feeding or roost sites (Hickling 1957). If allowed to continue unrestricted through the night during the winter months, noise events have the very real potential to cause total abandonment of a roost site (Hockin et al 1991, Gosler et al 1995 per Phelps 2023).

20. Where gull activity is deemed to be a threat to human Health and Safety, **ensuring gull[s] abandon rooftop roost sites** can be as simple as walking on the rooftop with a bright light several times in consecutive nights (Deacon 2019).'

28) The paragraph numbers 16-20 are from the report.

29) The Campbell report built on the work done by Matt Phelps, who reported in July 2023. He was asked to consider the ecological impact of the 2023 Clubhouse conversion application (the previous application) and the development of the Fishing Lodge application. His conclusions were as follows.

Page 13 section 6 'As discussed earlier in this study, roost sites seem primarily to be chosen based on their proximity to feeding areas as well as their respective size and levels of disturbance. Gulls prefer larger bodies of water where they can roost a safe distance from the shore, as well as offering them plenty of space to perform social displays prior to roosting (Hickling 1967). What all the sites included in this report have in common (including Bewl Water) is such an open area of water, largely safe from shoreline disturbance events, in order to roost undisturbed during winter nights.

Were disturbance events to increase for any reason at Bewl Water, it is clear that the likelihood of gulls temporarily or permanently abandoning the reservoir as a roost site would be a more probable outcome. With sometimes tens of thousands of both amber-listed Common Gull [which is not common and not the seaside pest]and Black-headed Gull gathering here in the winter months, this sort of site abandonment would have potentially internationally negative ramifications when it comes to the populations of both these species.

Sudden and unexpected noise events – as opposed to steady background noise such as from traffic, or routine maintenance operations, for example – are the most likely to cause gulls to take flight from feeding or roost sites (Hickling 1957) and, if allowed to continue unrestricted through the night during the winter months, have the very real potential to cause total abandonment of a roost site (Hockin et al 1991, Gosler et al 1995). Indeed, where gull activity is deemed to be a threat to human health or safety – on airport building rooftops, for example – concerted attempts to cause gulls to abandon such roost sites can be as simple as walking on the rooftop with a bright light several times in consecutive nights (Deacon 2019). This kind of sustained yet relatively low-level disturbance could unintentionally be seen as a likely consequence of further development along the shoreline of any major gull roost site, especially when one considers the various noise and lighting impacts presented by the introduction of overnight accommodation on the site.

Of particular concern must be the proximity of the proposed development to the central area of the reservoir favoured by the gull roost. As has been discussed earlier in this report, gulls choose sites where they can safely gather in open water away from any potential disturbance at or near the water's edge. As highlighted by Richard Cowser<sup>1</sup> in his letter to the Wealden District Council Senior Planning Officer, dated 27th September 2022, the proposed development of the existing Boat House Bistro and other buildings on the northern shoreline at Bewl Water will inevitably increase the potential for noise and lighting disturbance both during and after the construction process, within just 300-400m of the favoured gull roost area (M Phillips, pers. comm. 28th June 2023).

In the event of any proposed further development of tourist and recreational infrastructure at Bewl Water or any similar site – and the likely increase in human disturbance that would occur as a result – it would be prudent, at the very least, to install rigorous measures to minimise or prevent any such disturbance events. This could include further zoning of areas of the reservoir and surrounding landscape, no-go areas, soundproof screening and strict curfews on noise levels and general activity close to the shoreline, perhaps enforced by on-site security staff (though evidently there have already been issues controlling the behaviour of existing summertime visitors to the site).

Ideally though, any development that could allow or promote increased disturbance on the shoreline should be discouraged entirely.'

- 30) Wadhurst Parish Council has commissioned an ecologist, Charmaine Noel MSc CMLI MCIEEM and an arboriculturist, Ian Noel NDAH FdSC (Arbor) to look at this planning application. Their principal findings were as follows:

#### **Approach failures**

- a) The application conflicts with national and local policy on dark skies, biodiversity requirements and Bewl Water's ecological sensitivities.
- b) The application is not supported by adequate ecological information. No desk study using the Local Environmental Records Centre (Sussex Biodiversity Record Centre, SxBRC) has been used to fully inform the applicant's Provisional Ecological Appraisal (PEA) report findings. The site survey work was undertaken in January when there would be no/fewer field signs of mammals (bats, xx (a protected species), otter, water vole), reptiles (slow worm, common lizard, grass snake), and other likely present species, such as invertebrates, and birds, This is contrary to industry standard practice for Preliminary Ecological Appraisal. A recent SxBRC search for the site area (Ref. SxBRC/24/109, 29/05/2024) evidenced extensive protected/priority biodiversity interest that the application has not addressed, including Wildlife and Countryside Act 1981 Schedule 1 Part 1, which are birds recorded within the last 10 years and other legally protected species. On this basis, the application cannot demonstrate that impacts have been identified, avoided and mitigated.
- c) The SxBRC report confirms the site lies within High Weald National Landscape and overlaps two Local Wildlife Sites (Nos CR44 and CW83 –

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<sup>1</sup> The Conservation Officer at Sussex Ornithological Society

Bewl Water Reservoir), emphasising sensitivity. The SxBRC desk study for the site area reports 479 protected/designated species (12,298 records), indicating high ecological sensitivity that must inform surveys and mitigation. Table 3 of the PEA repeats the word not significant, and downplays the significance of the site's location, despite adjacent Local Wildlife site (LWS) and potential Special Protection Area (SPA), including ancient ghyll woodland and deciduous woodland, as well as the open water of Bewl Water, which are Section 41 habitats.

- d) SxBRC explicitly state their data should be used with PEA site visits and appropriate surveys to judge presence/absence issues and guide further survey needs (i.e., a desk study is a prerequisite to scope surveys). However, otter and xx (a protected species) records are withheld from SxBRC reports for confidentiality; therefore, absence of records in an application is not evidence of absence and cannot be relied upon to screen out impacts.
- e) The application does not address the evidence of key protected species.
- f) Without up-to-date Local Environmental Records Centres (LERC) data, particularly SxBRC data and a desk-study-led Preliminary Ecological Appraisal (PEA) survey scope, the application fails to identify reasonable likelihood of offences (e.g., Schedule 1 disturbance; damage to places of shelter for protected reptiles, mammals, birds) or to design proportionate avoidance/mitigation. This is particularly acute given the site's Local Wildlife Site (LWS) coverage and its National Landscape location.
- g) In the applicant's Biodiversity Net Gain report, the metric used is out of date, and the results are thus unreliable. The application form points to a metric sheet and baseline area of 0.5941 ha, but the biodiversity submission must demonstrate  $\geq 10\%$  gain and 30-year management under Wadhurst's Neighbourhood Plan (WNP) WAD12. It is necessary to include all affected land namely the shoreline, the woodland edges and include ancient woodland which will be effected by the lighting.

### **Dark skies**

- h) National and local planning policy requires great weight to given to protecting dark skies and expressly cautions against large, reflective glazing near water because it can change natural light and affect wildlife behaviour. Wadhurst Neighbourhood Plan (WNP) Policy WAD16. It requires applicants to demonstrate all opportunities have been taken to reduce light pollution, to prevent spillage beyond the site, and to minimise impacts on wildlife, with careful control/positioning of luminaires and glazing WNP Policy WAD16 A–D.
- i) For dark skies and glazing, WNP Policy WAD16 requires minimising light pollution and specifically flags risks from large expanses of glass near water. The submission relies on switchable glazing but does not fully assess ecological receptors (gulls and bats) or glazing reflections. Lighting after dark-(from torches, car headlights, spillage from illuminated windows and hot tub lights on the balconies) would be intermittent and unenforceable by condition.

### **Birds**

- j) Bewl Water is identified by Wealden District Council as a Biodiversity Opportunity Area and 'a site of international significance' for gulls. The reservoir lies within one of the darkest sky areas in the northern Rother and Wealden districts. The Third UK SPA (Special Protection Area) Review (Phase 2) is actively considering Bewl Water for new/added SPA features for non-breeding gulls, signalling national-level importance and the need for Habitats Regulations Assessment (HRA) grade caution. HRA is a legally required process to determine if a plan or project could significantly harm a European site, such as a Special Area of Conservation (SAC) or Special Protection Area (SPA). The HRA involves stages like screening to identify likely significant effects and an Appropriate Assessment to examine impacts in detail, ensuring the integrity of the designated site.
- k) Bewl Water Winter has a nationally significant gull roost. The winter roost has more than 10% of the national Common Gull roosting population (on the red list for birds), and hosts total gull numbers of more than 100,000 in some years. This makes it among the most important roost sites in the UK. (The common gull is not in fact common and is not the type that is unpopular because of its aggressive behaviour.)
- l) The proposals would introduce intermittent lighting after dusk, intermittent noise after dusk, both influences known to adversely affect winter roosting gulls. The absence of alternative roost sites nearby (other water bodies suitable for roosting) makes the stability of this significant gull roost habitat vulnerable to effects by lighting and noise, due to absence of alternative roosts nearby.
- m) Despite this, no Phase 2 bird surveys, vantage counts or disturbance assessment were provided, and cumulative effects with nearby uses (e.g. those at Fisherman's Lodge) are not assessed. These are required. Table 3 of the PEA repeats the word not significant, and downplays the significance of the site's location, despite adjacent LWS's and potential SPAs, including ancient ghyll woodland and deciduous woodland, as well as the open water of Bewl Water, which are Section 41 habitats.

#### **Bats**

- n) The bat report shows only one dusk survey and no dawn/bat activity. This should include the bat's commuting, foraging and flight line with mapping, This is required because of the adjacent areas of ancient woodland and deciduous woodland. This is required. Table 3 of the PEA repeats the words 'not significant', and downplays the significance of the site's location, despite adjacent LWS's and potential SPAs, including ancient ghyll woodland and deciduous woodland, as well as the open water of Bewl Water, which are Section 41 habitats.
- o) Despite the applicant's own bat report recording mature trees and recommending tree-mounted bat boxes, Table 3 of the PEA repeats the words 'not significant', and downplays the significance of the site's location, despite adjacent LWS's and potential SPAs, including ancient ghyll woodland and deciduous woodland, as well as the open water of Bewl Water, which are Section 41 habitats.

- p) A BS 5837:2012 Tree Survey and Tree Protection Plan are required. This should include the ancient woodland (LWS) which is adjacent to site and the access road to site.

### **Trees and Hedges**

- q) The Trees and Hedges answers on the application form are inaccurate as both boxes are ticked 'No'.
- 31) The dangers to the bird life are clear, well researched and documented, which should not be ignored by people who consider this application.
- 32) The planning inspector did not rely on the effect of the birds as a reason to dismiss the appeal. Since then there has been more research revealing more dangers. The Inspector did rely on the fact that the Wealden District Council did not rely on it. He was unaware that Wealden District Council have a poor track record in protecting Bewl Water and the officers restricted the reasons for refusal.
- 33) The planning application therefore breaches, National Policy Planning Framework 2024 para 187 a), b), d) and e), para 192 and para 193 a), b) and d).

### **Objection 3 The damage the proposed development will have on the water sport facilities**

- 34) From the inception of the reservoir, there has always been the belief that daytime leisure should be at the heart of this project. Those who trained there have gone on to win medals at the Olympics. The sailing club used to have over 2,000 members. This has declined significantly. For many, Bewl Water is one of the few places they have to enjoy watersports. The applicant's campaign to use the community leisure facility buildings for private residential development has gathered pace.
- 35) The loss of sporting and leisure facilities is recognised by the Wealden District Council's Leisure and Well-being team. In their note to the planning department dated the 11th of December 2025, the team said 'The loss of sports and leisure facilities on Bewl Water could have a detrimental impact on the health and well-being of our residents. There are limited opportunities for green and blue activities in the district already: NHS England have also stated the need for a green and blue activity programme is driven by growing evidence that nature based activities significantly improved mental and physical health..'
- 36) Bewl Sailing Association committee puts the case well in their objection.



**Bewl Sailing Association**

bewlsailing.club | sail@bewlsailing.club  
facebook.com/BewlSailing | twitter.com/BewlSailing



'Bewl Sailing Association **objects strongly** to this Application and the consequent, permanent loss of availability of the Clubhouse building for water-based recreational facilities following on from the original application WD/2021/2924/F.

A couple of months ago the operators at Bewl Water held a presentation of their potential proposals for further buildings/ development at Bewl Water and [part of] one of the display boards is [below].

 **Bewl Sailing Association** - With a membership of 600-800 members and year-round sessions, there's something for everyone. They're focusing on welcoming younger families and expanding their training space, so that even more people can experience the thrill of sailing.

It describes each of the community sports clubs at Bewl as it says that BSA has 600-800 members and carries out training etc. **This is not the case.**

Currently we [the BSA] have about 120 members and don't carry out training etc. I expect this detail came from a meeting with Bewl Water around the requirements of each community sports club needs at Bewl.

To achieve what is on the display board BSA said it would need;

1. The old club house back, which is the very building this application wants to convert into holiday accommodation.
2. Security of tenure to get grant funding
3. Use of facilities at a price point that enables the clubs to operate with a membership fee that is in line with the other inland water sports clubs in the area. Currently BSA has *NONE* of the above three points.

**Bewl Valley Sailing Club (BVSC)** was formed in 1976 before the reservoir was completed. The Clubhouse was approved in 1978 and was fully used by the sailing club and other water users. BVSC grew quickly to become a thriving sailing club with a national presence and over 2000 members. Racing took place at the weekends and on Wednesday evenings. Numerous families regularly attended the club to support the races and participate in club-organised training evenings and weeklong events.

There were Open Meetings where visiting sailors from all over the country came to sailing regattas regularly throughout the year. The Clubhouse, with its excellent changing facilities and Race Box were all important elements in the profile and successful growth of the sailing club. Southern Water, the then landlords, were supportive and assisted the growth of the club.

However, when the shore-side facilities were sold into private commercial tenure the club was no longer given the same priority and new financial burdens meant it became financially unviable and had to be put into liquidation. BSA is the regeneration of the old BVSC and by buying essential equipment from the Receivers and committing to a regular racing programme a group of former BVSC members have kept the activity alive and this has now grown to a total of 150 members. The aim is to continue this growth back to former levels but the lack of a clubhouse, now a failed and vacant former restaurant, and the reduction in the capacity of the changing rooms, has severely hampered these efforts. The lack of basic facilities, which would normally be expected for a sailing club on one of the largest reservoirs in the country, seriously affects the ability of the club to attract new members and to host national sailing events.

There are also a number of other water related organisations who have benefitted from the use of this clubhouse in the past, including fishing, rowing, disability sailing and sail training. Each of these organisations have been emasculated by the loss of the clubhouse.

The conversion proposal does claim to provide some changing facilities for water-based users and offers joint use of the proposed café. However, having considered these proposals carefully it is clear that this is a token gesture and the changing and showering facilities are much too small to serve the potential level of use from all water related activities and to meet the requirements of visiting sailors at a regatta. Furthermore, joint use of a commercial café is not a suitable substitute for a clubhouse facility to meet the social, administrative and training requirements of a proper sailing club.

The interests of appropriate and economically beneficial tourism are better served by encouraging BSA's efforts to grow the sailing club back to previous levels rather than by putting further obstacles in the way of that growth. The conversion of the clubhouse building in the manner proposed would permanently remove the opportunity for use of the building as a clubhouse to the serious detriment of the sailing club and other water related activity organisations.

- 37) Each of the organisations that help with the other water based activities are in similar situations, now that managers of Bewl Water have removed their tenure, They can be asked to leave when it suits the managers, who will then seek to use their facilities for residential occupation. There appears to be no proper relationship between the managers and the groups, who fear for their future. One problem is that to develop the amenities; the watersports groups need funding. However, unless you have security of tenure the funds will not be forthcoming. If this development goes ahead, one by one the organisations can be destroyed.
- 38) The current position is summed by one of the sailors. 'Those of us who stayed after the club went into liquidation were prevented from forming a Club. We paid our annual subs to Kent & Sussex Attractions as individuals. This made it difficult to communicate with each other, to organise events and training, and attract new members. This situation was aggravated when Markerstudy took over and converted the Clubhouse to a restaurant then a wedding venue that we were not allowed to use. Water Users now have no shelter, nowhere for education and training and no social hub. This makes it almost impossible to attract new members - particularly young people who are the future of any club.'
- 39) The planning application therefore breaches, National Planning Policy Framework 2024 para 98.

#### **Objection 4 The damage to the High Weald National Landscape**

- 40) The residential units would damage the tranquillity and beauty of the High Weald National Landscape (HWNL) (previously known as the High Weald Area of Outstanding Natural Beauty). The appeal Inspector in the 2026 Bewl Water holiday let appeal said, 'Bewl Water reservoir makes an important contribution to the open landscape, tranquillity and intrinsic beauty of the HWNL.' He was right.
- 41) This application is a breach of:
  - Countryside and Rights of Way Act 2000 s 85(A1) (as amended),
  - National Planning Policy Framework 2004 para 189,
  - Wadhurst Neighbourhood Plan 2024 WAD 13 - Bewl Water Reservoir area and associated public activities ,and all the principles about protecting our landscapes.

### **Objection 5 Noise pollution**

- 42) The community has discovered that the night-time activities at Bewl Water, namely the campsite and the Yurts attract people who make noise and light pollution. Many choose not to come back because the night-time activities are unsupervised. Across the world, people realise that tourists generate considerable problems for local residents. This is because they often arrive in groups, have time on their hands and many of them like to show off, particularly after drink and drugs have been taken. Groups of individuals can choose to be competitive in their noisy behaviour. Bewl Water should not be threatened by night-time tourist activity, when there are no staff around at night.
- 43) Experience and research indicate that light and noise travel easily over open water. The shape of the Bewl Water valley acts as an amplifier for the noise. Noise pollution is one of the most important problems when protecting birdlife.
- 44) The planning Inspector did not consider that noise was a problem. He was misled in relation to this. He was led to believe that the noise management plan had been effective in managing noise at Bewl Water. He did not have the details about the noise at the campsite and the lack of supervision. He was too trusting about the assurances from the applicant. He considered that the units would be likely to be used mostly by couples and families. According to the planning statement six of the eleven units are one bedroom and five are one bedroom units. According to the plans, there are seven one-bedroom units and four two-bedroom units. The Inspector's conclusion is untenable. The one-bedroom units are unlikely to be used by families. The two-bedroom units could be used by any mix of people with no guarantee of the noise they would produce. He also had little information about the noise and was too trusting about tourist behaviour, the company failure to comply with conditions and the applicant's assurances.
- 45) The planning application therefore breaches, National Policy Planning Framework 2024 para 189.

### **Objection 6 The design of the building is contrary to the High Weald Management Plan and does not conform to the local design guides or codes**

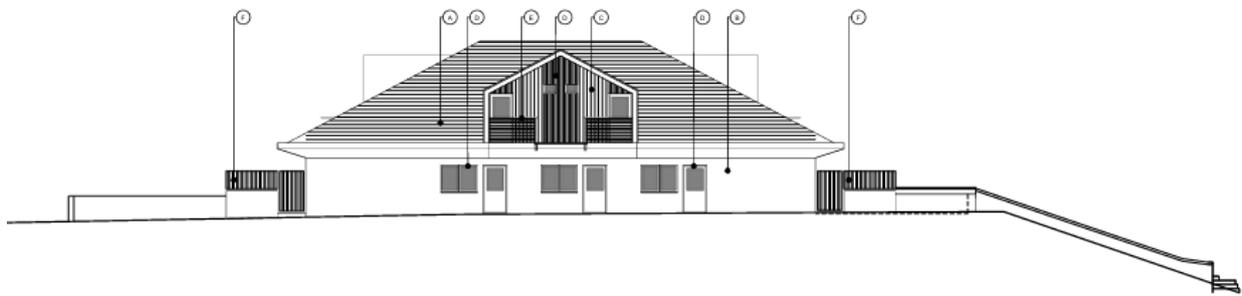


The agent's photo of the existing building



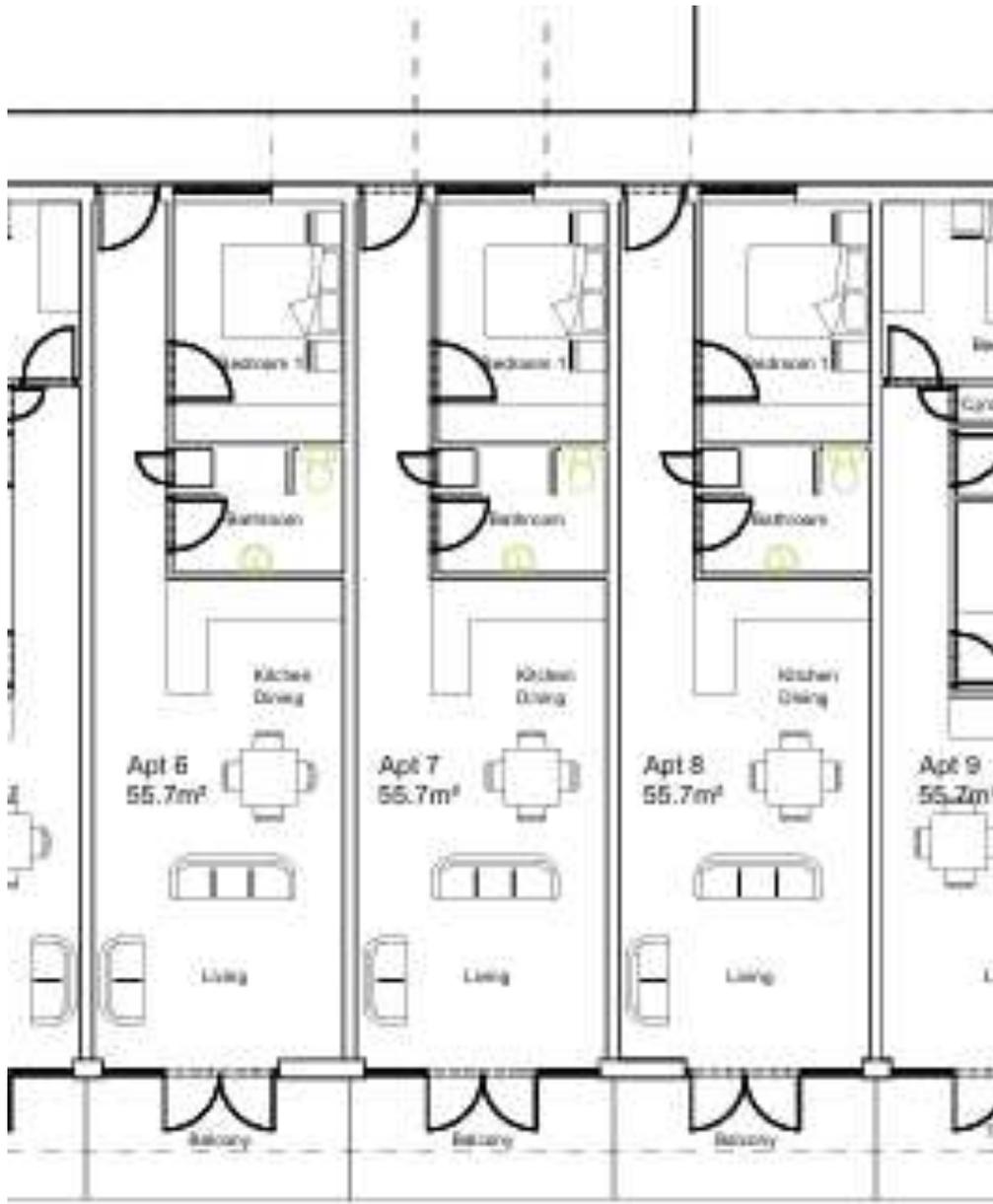
Proposed South East Elevation

The proposed building from the shoreline



The back of the building is just as ugly

- 46) The current building is out of keeping and the proposals appear no better, see above. The design does not follow the High Weald Design Guide 2019 DG5 as it is required to. The proposal is a poor mix of a Swiss chalet design and an American condominium. The windows and walls are unbalanced. The attic windows are out of proportion with the roof.



Apartments 6, 7 and 8 and the scale of the drawing

- 47) Apartments 6,7 and 8 show just how inappropriate the accommodation is for human habitation. The bedrooms are only three metres by three metres. There is hardly any room to walk round the bed and no storage space. There are no side windows. Staying in these units would be like living in a tube with restricted light at the ends.

48) The planning application therefore breaches, National Policy Planning Framework 2024 para 131 and 135.

**Objection 7 Planning creep**

49) Step by step the applicant, a hotelier, has tried to convert Bewl Water from a tranquil site for visitors and wildlife, particularly birds, into a Center Parcs-style resort. Part of the planning creep is to covert the daytime leisure facilities, like this former clubhouse, into overnight residential units.

50) Their planning activity is detailed below.

 <p>2012 Application for 13 holiday lodges made. Refused</p>	 <p>2012 The Fishing Lodge was closed and an application was made to convert it into two holiday lodges. Application granted, but the planning permission lapsed.</p>	 <p><b>Elite's first application</b> Step 1 2017 Application for 58 Earth lodges. Refused. Appeal dismissed</p>
 <p>Step 2 2020 Application for a three year campsite with 80 pitches, (when there are so many other better sites nearby). Approved.</p>	 <p>Step 3 2020 or before Two Yurts (overnight holiday lets) were built without any permission</p>	 <p>Step 4 2021 Application to convert the fishing lodge into four holiday lets. Application refused. Appeal allowed.</p>
 <p>Step 5 2021 Application to turn the sailing hut into holiday accommodation. Application withdrawn.</p>	 <p>Step 6 2021 Application to convert the old clubhouse to 11 holiday lets. (Same design as the current application, but with minor differences.) Application refused. Appeal dismissed.</p>	 <p>Step 7 2023 Application for two more Yurts and permission for the two Yurts already built, with WC and washing facilities. Application refused. Appeal allowed. Decision affirmed by the High Court.</p>

		
<p>Step 8 2023 Application for a permanent campsite with 80 pitches, (when there are so many other better sites nearby). Application refused. Appeal allowed. Decision affirmed by the High Court.</p>	<p>Step 9 2025 This application. Converting the old clubhouse to 11 holiday lets and cafe. (Same design as the 2021 application, but with minor changes.) The floor space will be increased by nearly 30%.</p>	<p>Step 10 There will be more applications.</p>

- 51) Developers should not be able to achieve by stealth what they cannot achieve by being honest in their applications.
- 52) The planning application therefore breaches the principles about precedent as outlined in *R (on the application of Holland v SSCLG* [2009] EWHC 2161 (Admin), para 29 referring to *Poundstretcher Ltd v SSE* [1988] 3 PLR 6.

**Objection 8 There is no tourist need for the units**

- 53) There is no tourist need for new holiday lets as there are so many similar sites nearby which are underused and more suitable for tourists.
- 54) Unless there is need, residential units should not be built outside a development boundary.

**Objection 9 Health and Safety concerns**

- 55) As has already been stated, tourists frequently behave badly, especially after drink and or drugs have been taken. Tourists often feel their holiday is an opportunity when they can forsake some of the conventions on how to behave, partly because they're not in their home area.
- 56) It has long been considered that the shoreline, which is unfenced, is dangerous for overnight visitors. This is because one does not consider the majority of tourists one has to consider those who are likely to misbehave. Health and Safety requires that planners to take into account the inevitable behaviour of even a very small group of people. The shoreline will inevitably be unlit. All these matters, put together, show that overnight visitors staying on the shoreline are potentially at risk from accidents and drowning. No one wants a first fatality at Bewl Water.

**The objectors**

- 57) The application is opposed by over 150 individuals and societies. The application is opposed by:
  - The Sussex Ornithological Society
  - Wadhurst Parish Council, Ticehurst Parish Council and Etchingam Parish Council

- The RYA
- Bewl Sailing Association,
- The Bewl Canoe Club,
- Paddle UK,
- The Midweekers, (a sailing club) and
- The Bewl Bridge Fly Fishers club.

The above groups' objections are all on the Wealden planning portal. The Bewl Bridge Rowing Club gave conditional support. The condition was that the club was given community buildings. The condition is not supported by Wealden District Council.

### **Conclusion**

- 58) There were very good reasons for both the Wealden District Council and the Inspectorate to reject the almost identical previous application. The inspector rejected the application as recently as 2024. There are now even more reasons to reject this application and we respectfully urge that councillors to carefully consider all the issues and reject this application.

Claire Moore

Chairman

**Email:** [save@friendsofbewl.co.uk](mailto:save@friendsofbewl.co.uk)

[www.friendsofbewl.co.uk](http://www.friendsofbewl.co.uk)

### **Warning:**

Since May 2024, Friends of Bewl Water has had regular correspondence with Elite and a meeting with them using our name Friends of Bewl Water. The company then set up a group called Friends of Bewl Water, the same as our name. To start with the web page introducing their group indicated nothing about the group. In the following weeks it became clear that the applicants group was no more than a discount scheme, with an annual fee of £75. Their group appears to have nothing to do with the groups using the word, Friends, which invariably have volunteers and a charitable element etc. Our group has served a barrister's cease and desist letter on them. The company just ignored it, no doubt in belief that the group did not have the funds for a court action. If you seek to use the website you should make sure that you are not using Elite's web pages as they seem to have spent a lot of money trying to disable us from both fund raising and also having a web presence.