

## **Response to The Chichester Local Plan 2021-2039 – Proposed Submission Consultation (Regulation 19) – March 2023**

### **Introduction**

1. This representation is made by SUEZ Recycling & Recovery Southern Ltd (SUEZ), who along with SUEZ Recycling & Recovery UK Ltd forms part of the SUEZ group of companies within the UK. This representation is made in response to the Chichester Local Plan 2021-2039 Proposed Submission consultation.
2. SUEZ Recycling & Recovery Southern Ltd are the landowner of part of the land subject to the draft strategic site allocation 'Land East of Chichester' identified in draft Policy A8.
3. SUEZ support the Chichester Local Plan Proposed Submission and the inclusion of Land East of Chichester, as a residential-led mixed-use development capable of delivering at least 680 dwellings together with social and community infrastructure.

### **Partnership Approach**

4. The Land East of Chichester strategic site A8 comprises two land ownerships: the northern and eastern parts are owned by DC Heaver and Eurequity Ltd, and the south-western part is owned by SUEZ Recycling & Recovery Southern Ltd.
5. DC Heaver and Eurequity Ltd have partnered with Obsidian Strategic Asset Management Limited ('Obsidian') to promote their part of the site. SUEZ has been working collaboratively with Obsidian, DC Heaver and Eurequity since 2017 and we continue this partnership to promote a residential-led mixed-use masterplan through the Local Plan process for the entire draft Policy A8 strategic site allocation. We have worked collaboratively to develop concept plans for the site over several years; the current Indicative Concept Plan is included at Appendix A.
6. SUEZ has reviewed the Regulation 19 representations prepared by Obsidian, DC Heaver and Eurequity and is supportive of their representations. SUEZ has prepared this separate



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response to address the deliverability of the SUEZ landholding within Strategic site allocation A8.

**Structure of this response:**

7. These representations address the following:
  - The Site, Site Ownership and Planning History
  - Review of Draft Policies relating to Site A8 Land East of Chichester
  - Deliverability of the SUEZ-owned land within the strategic site allocation A8
  - Conclusion

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## **The Site, Site Ownership and Planning History**

8. As stated above, the Land East of Chichester strategic site (Draft Policy A8) comprises two land ownerships: the northern and eastern parts are owned by DC Heaver and Eurequity Ltd, and the south-western part is owned by SUEZ Recycling & Recovery Southern Ltd (see the concept plan at Appendix A for land ownership boundaries).

### ***Location***

9. The A8 site allocation is located east of the city of Chichester, West Sussex. It is situated in an urban fringe location on the eastern outskirts of Chichester, approximately 1.8km from Chichester Cross and a walk of approximately 25 minutes to Chichester town centre. The site lies immediately to the east of the A27 Chichester Bypass, with the bypass forming the western boundary of the landholding. The site is accessed from the north by the B2144 Shopwhyke Road.
10. The SUEZ-owned land is shown edged in yellow on the attached Indicative Concept Plan and comprises circa 22.1 hectares of land (54.7 acres).
11. The site is bounded to the south by the Chichester to Bognor railway line. The railway track is set in a shallow cutting below the ground level of the SUEZ site.
12. Surface water ditches can be found on the northern, western and southern boundaries of the SUEZ land which feed into the large lake located on the DC Heaver / Eurequity Ltd land.

### ***Context***

13. The immediate setting of the SUEZ land is shown in the attached Indicative Concept Plan (Appendix A).
14. The Redrow development of 143 dwellings (planning permission ref: 20/02471/FUL) lies immediately to the north of the SUEZ land and is currently under construction. A number of dwellings are already sold and in occupation.

### ***Environmental setting***

15. The SUEZ land, as well as the remainder of the A8 area is located within Flood Zone 1 and is located outside of the Sussex North Water Supply Zone.



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16. The SUEZ land is not located within proximate or qualifying distance of any European designated sites, (SPA, SAC or RA<MSAR), or any Areas of Outstanding Natural Beauty (AONB) or Site of Special Scientific Interest (SSSI).

#### ***Planning History***

17. The SUEZ land has been previously worked for Mineral extraction (sand and gravel) and has been subsequently restored by landfilling non-hazardous household, commercial and industrial wastes during the 1980s and early 1990s.
18. Landfilling operations were undertaken under a Waste Disposal Licence, which was returned to West Sussex Council prior to May 1994.
19. The landfill is understood to have been capped and restored in 1993.
20. No further developments or operations have been undertaken on the site since the restoration of the landfill.

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## Review of Draft Policies relating to Site A8 Land East of Chichester

21. SUEZ has reviewed the draft policies relevant to the development of Site A8 and has the following comments.

### Policy A8 Land East of Chichester

#### *Number of dwellings*

22. Draft Policy A8 limits housing development to 680 dwellings. To allow flexibility, bullet point 1 within the draft Policy should be amended to read (additional words underlined):
- “Development to include at least 680 dwellings; including ten suitable serviced plots to provide self/custom build housing.”
23. It is our view that the SUEZ land in combination with the DC Heaver and Eurequity Ltd land will be able to deliver more than 680 dwellings whilst maintaining local amenity and neighbourhood infrastructure and amenity space through enhanced biodiversity mitigation and through sensitive use of density of dwellings to ensure consistency with comparable development in proximity of the A8 land such as the Redrow development and the Shopwyke Lakes development.
24. This proposed alteration supports paragraph 61 of the National Planning Policy Framework, 2021 (NPPF), which states that strategic policies should be informed by a local housing need assessment to determine the “*minimum*” number of homes needed.

#### *Transport*

25. Requirement no. 11 within Policy A8 requires developers to “...*provide or fund mitigation for potential off-site traffic impacts through a package of measures....*”
26. Whilst it is acknowledged that the use of planning obligations can assist in mitigating the impact of unacceptable impacts arising from a development proposal, they must be justified. Planning obligations must meet the statutory tests set out in regulation 122 of The Community Infrastructure Levy Regulations (2010, as amended) and included at paragraph 57 of the NPPF, as follows:

*“57. Planning obligations must only be sought where they meet all of the following tests:*

(a) *Necessary to make the development acceptable in planning terms*

(b) *Directly related to the development*

(c) *Fairly and reasonably related in scale and kind to the development*

27. It is SUEZ's view that the wording 'potential' impacts does not conform with the above requirements. It is suggested the wording is amended as follows (additional words underlined):

*"11. Provide safe and suitable access points for all users, including a vehicular access from Shopwhyke Road. Should significant impacts on the local highway network be identified through assessment, provide or fund mitigation for potential off-site traffic impacts through a package of measures in conformity with Policy T1 (Transport Infrastructure) and T2 (Transport and Development), which will include promoting sustainable transport options."*

## **Policy A8 Land East of Chichester and Policy NE4 Strategic Wildlife Corridors**

### ***Landscaping and Ecology***

28. Requirement no. 6 requires "*a substantial and effective buffer with significant planting to the strategic wildlife corridor on the eastern boundary of the site,...*" The requirement also identifies a 'buffer' to the corridor which should ensure darkness and minimise disturbance. Similarly, policy NE4 on Strategic Wildlife Corridors requires developers to "*take opportunities...to extend and enhance those corridors.*" Policy NE4 together with Requirement 6 of Policy A8 results in uncertainty and ambiguity which appears to be contrary to paragraph 127 of the NPPF which requires that, "*127. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.*"

## **Policy I1 Infrastructure Delivery**

29. Policy AL8 identifies that the strategic site is allocated for a phased residential-led development and to include a range of community green space and infrastructure. Draft Policy I1 Infrastructure Provision includes a requirement, "*v. To consider and meet as appropriate the in-perpetuity costs of infrastructure and arrangements for its future management and maintenance;*"

30. It is considered that the “*in perpetuity*” responsibility for future maintenance and management of infrastructure may not reasonably lie with the developer; it is questioned whether this policy requirements meets the tests of being ‘justified’ as set out in paragraph 35 of the NPPF.

### **Policy T1 Transport Infrastructure**

31. SUEZ supports the Council’s four key objectives to create an integrated transport network which will alleviate pressure on the road network, improve highway safety, encourage sustainable travel and improve air quality. Point 4 within the Policy identifies that “*all parties, including applicants*” can achieve this by, “*4. Planning to achieve the timely delivery of transport infrastructure on the A27 and elsewhere on the road network...*” Delivery of works to the A27 and elsewhere is not within the control of applicants and it is SUEZ’s view that applicants’ involvement should be removed from this policy requirement.
32. Point 5 of policy T1 requires the phasing of the delivery of development to align with the provision of new transport infrastructure. The delivery of new transport infrastructure lies outside of applicants’ control and it is SUEZ’s view that it would be unreasonable for development to be held back in the event that transport infrastructure delivery is delayed. This policy wording introduces uncertainty and ambiguity on timescales for development which appears to be contrary to the NPPF. It is suggested that point 5 could be re-worded as follows (words proposed to be removed are ~~struck through~~):

*~~“5. Phasing the delivery of new development to align with the provision of new transport infrastructure and the outcomes of monitoring travel demand. It may also be necessary to proactively phase development to take into account the monitoring and effectiveness of travel plans to encourage sustainable travel behaviour;”~~*

### **Policy NE5: Biodiversity and Biodiversity Net Gain**

33. SUEZ supports the Council’s objectives around Biodiversity and Biodiversity Net Gain. We would welcome the inclusion of a new provision at part (1) of the Policy for applicants to provide off-site net gain on land which falls outside the Chichester district as an alternative to purchasing credits for biodiversity gain through the national biodiversity credit scheme.
34. In addition, it is noted that paragraph 180 of the NPPF requires Local Planning Authorities, in determining planning applications, to apply the test of “*significant harm to biodiversity...*” To

ensure consistency with the NPPF, it is suggested that the wording at the start of Policy NE5 is amended as follows: (new proposed wording is underlined and proposed removed words are ~~crossed through~~):

*"All development shall ensure the conservation, protection, enhancement and restoration of biodiversity, avoiding ~~any adverse impact on~~ significant harm to the condition and recovery of all types of nature conservation sites, habitats and species within their ecological networks....."*

### **Policy NE8: Trees, Hedgerows and Woodlands**

35. Part 2 of Policy NE8 states that, *"Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and trees; veteran trees; protected trees, groups of trees and woodland and hedgerows) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy in accordance with relevant legislation, policy and guidelines;"*

36. It is noted that the paragraph 180 part c of the NPPF defines irreplaceable habitat as, *"Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen."* To accord with the NPPF, it is suggested that the bracketed list included at Part 2 of Policy NE8 is amended as follows (proposed words to be removed are ~~struck through~~):

*"Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and trees; veteran trees; ~~protected trees, groups of trees and woodland and hedgerows~~) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy in accordance with relevant legislation, policy and guidelines;"*

### **Policy NE16: Water**

37. Paragraph 174 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment. Part e states that policies and decision should prevent, *"....new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability..."*. It is considered that the requirement within Policy NE16 to demonstrate





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that development absolutely has no adverse impact on the quality of water bodies and groundwater should be amended to read that development will “*minimise*” adverse impacts (part a under ‘water quality and wastewater’).

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## Deliverability

38. To support the Chichester Local Plan, Site A8 must be deliverable. The availability, suitability and achievability of the site is considered next.

### Availability

39. SUEZ confirms that the site is available for development for residential housing, supporting infrastructure and associated neighbourhood amenities. This is supported by the site assessment for parcel HOV0005a included at Appendix 3 of the 2021 Housing and Economic Land Availability Assessment (HELAA) which observes that *“The site is actively promoted with HOV0020 as a strategic allocation (land east of Chichester) through the Local Plan Review process and through the HELAA and is therefore considered to be available.”*

40. SUEZ has demonstrated through our engagement with Chichester District Council on the current Local Plan since 2017 that SUEZ as Landowner agrees with the Chichester Local Plan draft Policy A8 that this land, together with the neighbouring land of DC Heaver and Eurequity Ltd, is wholly appropriate for the development of at least 680 dwellings with the associated community infrastructure detailed within draft Policy A8 Land East of Chichester.

### Suitability

41. Regarding the suitability of the location for development, the 2021 HELAA concludes for this site that, *“The site is potentially suitable for a strategic allocation for residential-led mixed use development, alongside land to north and north-east of the site (HOV0020) and detailed consideration of relevant constraints.”*

42. The constraints identified are as follows:

- arboriculture;
- flood risk and drainage;
- ecology;
- landscape and visual impact;
- minerals safeguarding;
- contamination;
- built heritage; and

- transport and access.

43. SUEZ has worked collaboratively with Obsidian, DC Heaver and Eurequity Ltd over a number of years to assess these constraints and to carry out assessments of technical and environmental matters including landscape, ecology, drainage and transport. This developing body of assessments has shown there are no constraints to a comprehensive development across the site. The current Indicative Concept Plan is included as Appendix A and is used as a tool for testing the site against the key constraints outlined above.

### **Achievability**

44. The Indicative Concept Plan included at Appendix A includes provision for:

- 680 homes.
- Care home.
- Primary school (of sufficient size to be two-form entry).
- Neighbourhood centre.
- Generous public open space and play areas.
- Sustainable Urban Drainage Systems (SuDS).
- Retained lake and lake margins.
- Retained woodland buffer including the trees of greatest landscape and ecological value, specifically along Drayton Lane and around the lake.
- Retained views of Chichester Cathedral.
- Gypsy and traveller pitches.

45. The Indicative Concept Plan demonstrates that a development of the range and scale envisaged by draft Policy A8 is achievable on the site.

### **Contamination**

46. Regarding the achievability of the site for development, the 2021 HELAA site assessment concludes that, *“Contamination associated with the former use of the site may require remediation. The site is promoted for development within phase 1, 2 or 3.”*

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47. Whilst the land is located within an area of mineral safeguarding, the SUEZ-owned land has been previously thoroughly worked in the 1980s for mineral quality sand and gravel and subsequently restored by landfilling. This site is therefore previously worked and exhausted in the context of minerals plan policy and safeguarding.
  48. As a former landfill site, the SUEZ land would be deemed to be contaminated land. However due to the age of the landfill and the nature of the wastes disposed of at this site, the land can be appropriately developed now. Importantly, the land is available for development within the next 5 years for residential housing.
  49. An intrusive site investigation was undertaken by SUEZ in 2016, to confirm the extent of the landfill and the nature of the landfilled wastes which showed a landfill comprising 4 cells.
  50. In 2023, SUEZ will be undertaking a further intrusive site investigation. The purpose of the Site Investigation will be to:
    - update the Preliminary Ground Model determining geo-environmental and geo-technical site conditions
    - identify key contamination risks by updating and finalising the conceptual model
    - identify geo-environmental mitigation requirements to enable development, and
    - to provide a geo-technical recommendation for development design.
  51. Once the Site Investigation is completed and reported, a Remediation Strategy will be formulated. In its preparation, SUEZ will consult with the National House Builders Confederation (NHBC) as part of their Phase 1 certification process for development on contaminated land.
  52. SUEZ can confirm that we have held initial scoping discussions with the NHBC to confirm the appropriate process for Certification in readiness for preparing our formal submission.
  53. It is SUEZ's intention that the results of the Site Investigation, Remediation strategy and discussions with the NHBC will be made available in advance of an Examination in Public on the Draft Chichester Local Plan, in support of the deliverability of this land for development.



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## **Conclusion**

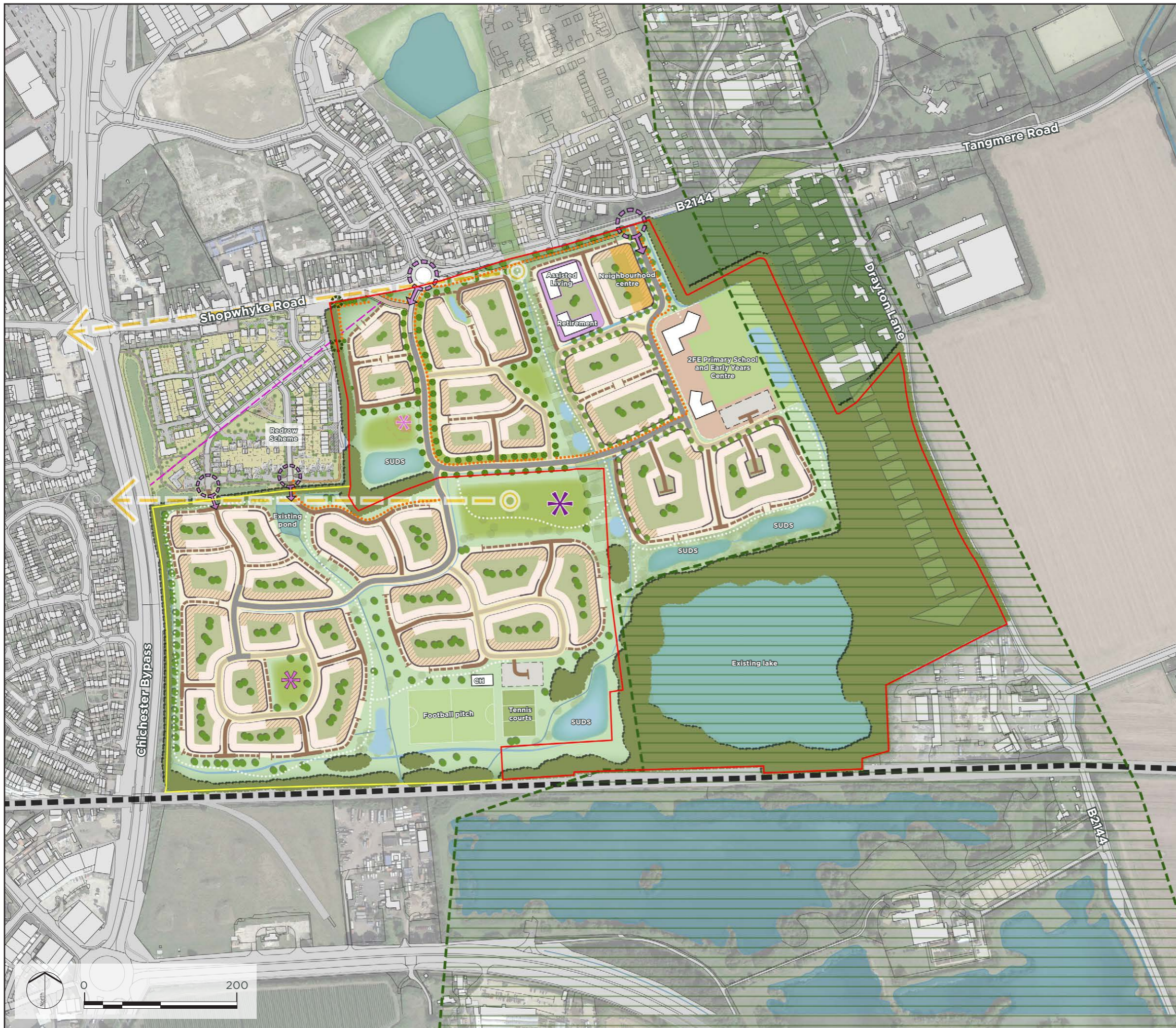
54. The evidence submitted previously and within these representations demonstrate that draft Policy A8 is deliverable as a strategic housing site. Going forwards, SUEZ looks forward to continuing to work collaboratively with the Obsidian, DC Heaver and Eurequity to promote a residential-led mixed-use masterplan through the emerging Chichester Local Plan process for the entire draft Policy A8 strategic site allocation.
55. We have identified within these representations a number of amendments to draft policies which affect Site A8 which SUEZ believes are required to ensure that the emerging Chichester Local Plan is fully justified and sound.
56. SUEZ reserve the right to appear at the Local Plan Examination.























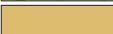

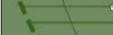


**Appendix A**

**Obsidian Strategic Indicative Concept Plan, March 2023**





**LEGEND**

-  Heaver Land (Ref: A8)
-  SUEZ land (Ref: A8)
-  Residential parcel
-  Key building / frontage
-  Two Form Entry School and Early Years Centre (2.47 ha)
-  LEAP
-  NEAP
-  Public open space (POS)
-  Potential access
-  Pedestrian / cycle access
-  Existing gas pipe
-  Primary road
-  Secondary road
-  Tertiary road
-  Shared drive
-  SUDS
-  Planting buffer
-  Green corridor
-  Views to Chichester Cathedral
-  Parking
-  Proposed cycle route
-  Proposed pedestrian route
-  Neighbourhood centre
-  Assisted living & retirement
-  Strategic Wildlife Corridor (SWC)

# Carter Jonas

**PROJECT TITLE**  
**LAND AT DRAYTON WATER, CHICHESTER**

**DRAWING TITLE**  
**OBSIDIAN STRATEGIC INDICATIVE CONCEPT PLAN**

<b>ISSUED BY</b>	London	T: 020 7016 0720
<b>DATE</b>	Mar 2023	<b>DRAWN</b> MH
<b>SCALE@A3</b>	1:5000	<b>CHECKED</b> JC
<b>STATUS</b>	Reg 19	<b>APPROVED</b> JC

DWG. NO. J0058438\_002\_V10

No dimensions are to be scaled from this drawing.  
 All dimensions are to be checked on site.  
 Area measurements for indicative purposes only.

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