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Dear Mike and team

Chichester Local Plan Review 2035 Preferred Approach – December 2018

Thank you for the consultation on the above document. We have reviewed the document and have the following comments to make in response.

Summary

Overall we are pleased to see that the Plan provides a framework to ensure that new development will take place in a considered manner to address environmental constraints as well as provide policy hooks for the delivery of environmental enhancements. However, to ensure that the Plan is as effective as possible and meets necessary policy and legislative requirements we have made some recommendations for improvements. These are set out in detail below. Where we support a policy we have also highlighted this below.

We have highlighted concerns with policy AL6 – Land SW of Chichester and have made recommendations for more significant changes to policies in relation to flood risk management (both strategic and development management) and wastewater management and water quality.

As a general comment we note that a significant proportion of the housing numbers proposed through the Local Plan will be delivered by Neighbourhood Plans. We have highlighted key criteria for individual locations that we would wish to see considered by those Plans when allocating sites. Where possible we would wish to see these included within the Local Plan policy but as you will be aware we have produced a checklist for Neighbourhood Plan groups in your District which will guide the identification of sites and other key issues and opportunities to be addressed in their Plans.

We would be happy to meet with you to discuss further any of our comments and support the rewording of the policies prior to the production of a pre-submission Plan.

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Specific comments

Strategic policies

Policy S12 – Infrastructure

Overall we support the policy. We would recommend that paragraph 3 be amended to include reference to flood risk management infrastructure.

Policy S17 – Thorney Island

We are currently exploring opportunities for habitat creation in an area on Thorney Island. This is part of our Habitat Creation Programme which seeks to create new habitat to offset losses elsewhere as a result of sea level rise and implementation of coastal and flood risk management infrastructure.

Whilst the policy as drafted, along with other policies in the Plan, would not restrict this opportunity we would like you to consider whether further wording could be included to provide specific support for habitat creation.

Policy S18 – Integrated Coastal Zone Management

We support the continued inclusion of this policy and the specific references to key Plans. We also support the intention that financial contributions should be sought to deliver both flood risk management infrastructure as well as improvements to the quality of watercourses in the area.

Policy S20 - Design

We support the specific requirements of this policy in point 5 and 8 with regard to green infrastructure and enhancing biodiversity and climate change resilience.

Policy S23 – Transport and Accessibility

The policy includes a new road connecting Birdham Road to the A27 Fishbourne roundabout. The site includes areas within flood zones 2 and 3 and will cross a number of watercourse. It is essential that the requirements of the NPPF paras 157-8 are satisfied prior to the allocation. We have made detailed comments on this in relation to policy AL6 – Land South West of Chichester.

Policy S25 – The Coast

We are pleased to see the support in this policy for future habitat creation as well as the delivery of flood defences and adaptation to climate change. This supports principles of net environmental gain advocated through the NPPF and the 25 Year Environmental Plan as well as providing necessary policy hooks to support our future plans through our Habitat Creation Programme.

As we highlighted through the Issues and Options consultation this Programme was set up to deliver the compensatory habitat required to address the losses in habitat that would take place as a result of the flood and coastal risk management measures identified in the Shoreline Management Plans. There are specific locations within Chichester District which offer opportunities to provide saltmarsh and coastal grazing marsh in the medium to longer term. These locations include areas in Fishbourne, Chidham and Hambrook and on Thorney Island.

Policy S26 – Natural Environment

We would recommend that the policy wording be extended to say “protect and enhance biodiversity”. This is consistent with the NPPF requirements in para 170 regarding net gain and current Government proposals to mandate biodiversity net gain for all new developments.

Policy S27 – Flood Risk Management

We support the intention of the policy, however, we would wish to see changes made to ensure the policy is as clear as possible. We would also recommend you consider what a

strategic policy on flood risk management is seeking to achieve in addition to the development management policy. As drafted there are some duplications and/or inconsistencies between the two policies.

It may be more prudent to have a shorter overarching policy that seeks to ensure that flood risk will be taken account of at all stages in the planning process in order to avoid inappropriate development in areas at current or future risk (taking into account climate change) and to direct development away from areas of highest risk. Reference could and should be made to the Strategic Flood Risk Assessment to enable this. We would also support a requirement here for development to seek to achieve a reduction in flood risk for existing communities on and off site.

The principle of point 3 is supported but again should be considered whether it sits best within the development management policy.

We would recommend removing point 4. It is not clear entirely what the rationale behind this is but as drafted it suggests that development within areas with a certain level of flood risk would be approved. This should only be the case when the sequential and exception test have been satisfied in accordance with the NPPF paragraph 157- 8. I would be happy to discuss this further if the intention behind the statement is different.

Policy S29 – Green Infrastructure

We support the policy and are pleased to see specific reference to “blue” infrastructure.

Policy S30 – Strategic Wildlife Corridors

We are supportive of this policy and believe it provides a strong framework for the protection and enhancement of biodiversity within the Plan Area. In particular we support the corridors along watercourses and the links with Biodiversity Opportunity Areas.

As previously highlighted in our Issues and Options response to the Local Plan the Environment Agency are looking to deliver more natural flood management (NFM) measures to complement and support traditionally engineered flood defenses. This is about working with natural processes in whole catchments and has the potential to help us manage and reduce flood risk in a more efficient, cost effective and sustainable way whilst securing wider environmental benefits.

. We would be interested to discuss whether the Strategic Wildlife Corridors Background Paper could be expanded upon to consider these opportunities.

A nationally consistent set of opportunity maps to indicate potential for natural flood management have been produced and I have attached a briefing not which shows how you can access this screening information. The identification and safeguarding of wildlife corridors could support our further work on NFM in the Chichester District and we would welcome the opportunity to discuss this further. In particular we would be interested to discuss whether the Strategic Wildlife Corridors Background Paper could be expanded upon to consider these opportunities.

Policy S31 – Wastewater Management and Water Quality

We support the intention of this policy, however, we recommend that the policy is amended to ensure that specific issues associated with the Apuldram WwTW catchment are addressed and that wider opportunities for the necessary protection and enhancements of water quality in the catchments across the Plan area are taken forward through development. As drafted the supporting text to the policy talks primarily around wastewater treatment capacity and impacts on water quality. However, we would recommend that this is expanded to discuss wider water quality and water resources issues within the Plan area. This should include reference to the Water Framework Directive and the South East River Basin Management Plan, for which the Council has an obligation to support their delivery.

We would wish to see the Plan include a policy that will ensure that the design and location

of development will both protect and enhance water bodies, both surface and groundwater.

We are aware of a few adopted policies regarding water quality that you may wish to review ahead of the further iteration of your Plan. These include policy W DM1 – Water supply and quality in the Arun Local Plan and Policy 31 – Integrated Water Management and the water cycle in the Cambridge Local Plan. The Policy in the Arun Local Plan is subdivided in to 3 sections to cover issues of water supply, water quality and catchment specific measures. This approach or layout may be useful for you to consider here.

You may also wish to consider whether there are elements of this policy that would be better situated in a development management policy to direct decision making on individual sites.

I would be happy to work with you further to develop this policy, however, to support this the following identifies some key wording that could be included:

“All new development must demonstrate:

- That it has no adverse impact on the quality of water bodies and groundwater, or will prevent future attainment of good status;*
- That development contributes positively to the water environment and its ecology and does not adversely affect surface and ground water quality”*

This will reflect that impacts on water quality will not solely relate to wastewater infrastructure but can include diffuse pollution as well as physical changes to watercourses.

With regard to the specific requirements for the Apuldram WwTW the policy as drafted broadly reflects the current adopted Plan policy. Would there be an opportunity here for the policy to reflect elements of the recently endorsed Position Statement between the Environment Agency and Southern Water in terms of managing development in the catchment?

The policy makes reference to the higher building regulations standard of 110 l per person per day. We support this standard but would recommend you consider whether this detail is needed in this strategic policy as well as development management policy DM16 – Sustainable Design and Construction.

Site Allocations

Please note we have no additional comments to make on the sites that are being taken forward from the current adopted Local Plan as we consider that the key policy criteria we sought at that stage has been transposed across. We continue to support these requirements.

Policy S32 – Design Strategies for Strategic and Major Development Proposals

We support this policy and specifically requirements for issues such as green infrastructure and SuDS to be fully considered through a Masterplan. Without this overarching vision for larger sites it is often difficult to provide a comprehensive scheme to address key environmental constraints and opportunities.

Policy AL13 – Land East of Chichester

There is a small area within the site located in Flood Zone 2, along with an additional surface water body (lake). We would recommend that the masterplan for this site fully considers these constraints in designing the site including the adopting the sequential approach. We would wish to see built development located solely within Flood Zone 1.

Policy AL 5 – Southern Gateway

We have previously made comments on the proposals for the Southern Gateway through the adopted masterplan for the site. As highlighted there are a number of constraints to development in this area, however, we are pleased to see specific criteria in the policy to

ensure that these key constraints to the site within our remit are fully considered.

These are:

- Bullet 8 which requires the provision of a wastewater management plan which demonstrates no net increase in flow to the Apuldram WwTW. This is in line with the Surface Water and Foul Drainage SPD and the Position Statement on managing new housing development in the Apuldram (Chichester) Wastewater Treatment Works Catchment agreed between the Environment Agency and Southern Water.
- Bullet 10 which sets out the requirement for a Flood Risk Assessment to address the specific flood risk issues on the site. We would recommend that this policy criteria could be expanded upon to require the sequential approach within the site and to ensure that more vulnerable uses such as housing be located in the lowest areas of flood risk.

Policy AL6 – Land SW of Chichester

At this stage we do not support the inclusion of this site within the Plan.

The allocation is composed of housing, employment and a road scheme. Large areas of the allocation falls within flood zones 2 and 3 and we would wish to see further evidence to support this allocation. This may be as part of a Level 2 Strategic Flood Risk Assessment for this site which would then inform a Sequential and if necessary an Exceptions Test.

The assessment would need to consider how the proposals could be delivered and identify any mitigation and/or compensation measures that may be necessary to ensure that the development is safe and that there is no increase in flood risk to third parties.

Whilst we note that there are areas outside of the flood plain within the allocation and that some of the development could avoid these areas it is anticipated that the road would cross the flood plain and therefore further detailed understanding of this risk and how it would be managed should be provided.

As drafted the policy makes no reference to flood risk and we would wish to see this amended.

With regard to housing development we would wish to ensure that all development be located in Flood Zone 1 and that the policy criteria would reflect this.

Other issues include the crossing of watercourses and impacts on biodiversity and water quality. This should be referenced within the policy criteria with requirements for any watercourse crossings to be clear span in design. This will ensure that flood water conveyance is not impeded and protect the habitat associated with those watercourses.

In addition to flood risk we also have concerns with regard to where the sites wastewater would drain to. In line with our Position Statement on managing new housing development in Apuldram (Chichester) Wastewater Treatment Works Catchment allocations within the Local Plan should not drain to the Apuldram WwTW but be directed to alternative WwTW catchments, notably Tangmere WwTW via the new sewer pipeline connection once operational.

It is difficult to understand how this site would connect to an alternative WwTW and therefore would question whether the site would be deliverable.

Policy AL9 – Fishbourne

Fishbourne parish falls within the Apuldram WwTW catchment and we would recommend that the policy makes specific reference to the issues that the Neighbourhood Plan group should consider when identifying sites for their Local Plan.

We would also recommend that specific reference is made to the Source Protection Zone that covers part of the parish in order to ensure that the groundwater, and in turn the drinking

water supply, is protected.

Policy AL11 – Hunston

There are parts of Hunston that fall within flood zones 2 and 3. We would recommend that if possible the policy makes reference to the fact that built development should be located solely in Flood Zone 1. If this is not possible some reference would need to be made to flood risk and the requirement for the Neighbourhood Plan group to fully consider this through their site allocation process. If sites were to be allocated in flood zone 2 or 3 it is likely that the Plan would need to be supported by a Level 2 SFRA or equivalent.

Policy AL13 – Southbourne Parish

Point 16 identifies the need to ensure that sufficient capacity is available at the relevant Wastewater Treatment Works prior to the delivery of development. This could be expanded to include sewer network capacity. Liaison with Southern Water regarding any necessary phasing of development would be encouraged.

Development Management Policies

Policy DM5 – Accommodation for GTTS

We support the specific criteria in this policy to ensure that GTTS sites are not located in areas at risk of flooding.

Policy DM14 – Caravan and Camping Sites

We support the particular reference to restricting the occupancy of these sites in flood risk areas. However, there is no specific mention that flood risk areas should be avoided where possible. We would recommend that this should be included within the policy criteria.

Policy DM15 – Horticultural Development

We are pleased to see specific reference to the need to demonstrate adequate water resources are available and/or water efficiency measures.

Policy DM16 – Sustainable Design and Construction

We support the requirement for new development to achieve a water usage of a maximum of 110litres per head per day.

For completeness we recommend that point 5 should be expanded to include compensation as well as make reference to net gain. This is in line with NPPF para 170.

We support the requirement in point 8 with regard to measures to adapt to climate change.

Policy DM18 – Flood Risk and Water Management

para. 7.115 – reference to the Environment Agency should be removed from this sentence. The responsibility for surface water drainage and consideration of SuDS sits with West Sussex County Council as the Lead Local Flood Authority for this area.

para. 7.116 – vulnerability – it should be noted that not all development types would be appropriate in all flood zones. Basement dwellings would not be supported in flood zone 3. This paragraph should be amended to reflect this.

We would recommend that you review this policy alongside the strategic policy on flood risk to ensure that they are complementary. Whilst the intention of the policy is good some further clarity could be provided to ensure that all sources of flood risk are considered through decision making.

As drafted there is no reference to the Sequential Test which is a key step in decision making with regard to proposals in a flood zone. It appears that a number of the criteria included in policy 42 of the current adopted Local Plan have been stripped out. We would recommend further consideration of this for the next iteration of the Plan.

We note that the policy also makes reference to wider water management and does refer to

the South East River Basin Management Plan, however, as per our comments on policy S31 we would wish to see a specific policy that provides for the protection and enhancement of water quality. It may be prudent to consider whether an overarching strategic policy to address flood risk and water management would be best with separate detailed development management policies for each topic.

We would be happy to work with you regarding this detail.

Policy DM20 – Development around the coast

We support this policy and the requirement to safeguard a strip of land behind existing or proposed sea defence or coastal works. Please note that the Environment Agency would seek a 16 metre buffer behind any of our tidal defences.

We support the specific requirement to ensure that development for boat or marine use would not be detrimental to water quality.

Policy DM24 – Air Quality

We are pleased to see that this policy recognises that new development may be located near to existing uses that may be potentially polluting to housing. It is important that the onus should be on the developer/applicant to manage any impact to ensure that they don't leave the existing user affected, e.g. by complaints.

Policy DM26 – Contaminated Land

We support this policy as drafted.

Policy DM29 – Biodiversity

We support this policy as drafted and are pleased to see that specific reference has been provided to ensure that net gain in biodiversity is actively pursued. Consideration should be given to the current Government consultation on mandating biodiversity net gain in all new development and whether this may require further strengthening of the policy wording.

Policy DM32 – Green Infrastructure

We support policy

We hope that you find the above comments useful. If you have any queries please do not hesitate to contact me. We are very keen to continue to be involved in the production of your Local Plan moving forward and would be happy to meet to discuss further any of the issues I have raised above.

Yours faithfully

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