

# Chichester District Council

THE CABINET

7 March 2017

## Chichester Site Allocation Development Plan Document: Proposed Submission

### 1. Contacts

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### 2. Executive Summary

The purpose of this report is to seek approval to submit the Site Allocation Development Plan Document: Proposed Submission (Site Allocation DPD) for independent Examination by the Secretary of State through the Planning Inspectorate.

The Site Allocation DPD was previously considered by Cabinet (1 November 2016) and Council (22 November 2016) and was subject to consultation between 1 December 2016 and 26 January 2017, following which, it was anticipated that the DPD and any minor changes would be submitted for independent Examination.

At Council it was agreed to add a further resolution in respect of the site at the rear of Sturt Avenue, Camelsdale concerning the completion of Environment Agency (EA) Flood Zone Modelling. The EA have advised that this work will not be completed in the near future and so Cabinet and Council now need to consider whether this site should remain in or be removed from the DPD.

Authority has previously been given to the Head of Planning Services in consultation with the Cabinet Member for Planning Services to make minor amendments to the Site Allocation DPD. Approval of major modifications is now sought (see details in Appendix 1). This is part of the plan-making process in order to ensure the DPD is 'sound' and the proposed modifications will be submitted to the Examination Inspector. They will also be subject to public consultation.

### 3. Recommendation

#### 3.1. That the Cabinet recommends to the Council:

1. That the Site Allocation Development Plan Document: Proposed Submission, including the retention of the allocation to the rear of Sturt Avenue, Lynchmere, and associated documents be approved for submission to the Secretary of State for examination;

2. **That the Proposed Modifications to the Site Allocation Development Plan Document: Proposed Submission as set out in the schedule in appendix 1 be approved for submission to the Secretary of State; and**
3. **That during the examination into the Site Allocation Development Plan Document: Proposed Submission the Head of Planning Services, following consultation with the Cabinet Member for Planning, be given delegated authority to agree minor amendments to the Site Allocation Development Plan Document.**

#### **4. Background**

- 4.1. The Chichester Local Plan: Key Policies 2014-2029 was adopted in July 2015. It sets out the planning strategy guiding the location and level of development over the next 15 years. It provides the context for the site specific proposals contained within the Site Allocation Development Plan Document (DPD) and any other subsequent planning policy documents.
- 4.2. The Site Allocation Preferred Approach DPD was the first formal stage in the preparation of this document. The Council agreed the draft DPD for consultation and associated documents were made available for consultation during 7 January and 18 February 2016.
- 4.3. Following a resolution of Council, the Further Consultation DPD and associated documents were made available for consultation between 28 July and 22 September 2016 and 103 comments were received. The further consultation included new sites at Bosham, Lynchmere and the identification of a village centre at East Wittering.
- 4.4. Following the Council resolution on 22 November 2016 the Site Allocation Development Plan Document: Proposed Submission (Site Allocation DPD) was subject to consultation between 1 December 2016 and 26 January 2017. It was anticipated that the DPD and any minor changes would then be submitted to the Secretary of State for independent examination by the Planning Inspectorate.

#### **5. Outcomes to be Achieved**

- 5.1. The Site Allocation DPD will assist in delivering housing and other uses identified in the Chichester Local Plan: Key Policies 2014-2029.

#### **6. Proposal**

- 6.1. The purpose of this report is to seek approval for the Site Allocation DPD to be submitted for examination with the site at Land to the Rear of Sturt Avenue included and to approve the proposed Modifications to the Site Allocation DPD.

##### **Land to the Rear of Sturt Avenue Lynchmere:**

- 6.2. As part of the Site Allocation: Preferred Approach DPD consultation it was proposed to remove the housing requirement (10 units) from the parish of Lynchmere as a suitable site could not be found. However, through the consultation process, additional information was provided by the landowner of land to the rear of Sturt Avenue, addressing access and flooding issues.
- 6.3. Objections to the inclusion of the site in the Site Allocation DPD have been raised by local residents, Lynchmere Parish Council and local ward members. In light of concerns raised at Cabinet on 1 November 2016 and Council on 22 November 2016 in respect of the absence of an accurate map depicting the

fluvial flood plain, Council resolved the following in relation to the decision to submit the plan for examination:

*“That the retention of the site to the rear of Sturt Avenue, Camelsdale be approved within the Site Allocation Development Plan Document: Proposed Submission for examination, subject to confirmation from the Environment Agency that there is no objection once the flood zone modelling has been completed”.*

- 6.4. The Environment Agency has since confirmed that the flood zone modelling will not be finalised in the near future. Therefore the resolution referred to in paragraph 6.3 cannot be complied with.
- 6.5. The Council should now consider whether the site should remain in the Site Allocation DPD contrary to the previous resolution of the Council, or whether to remove it through a proposed modification to the DPD. This decision should be made on the basis of the available evidence. Additional information has been provided by the EA and West Sussex County Council (WSSCC) either through comments made in response to the recent consultation or as a result of further clarification sought by officers on the comments of consultees:
- 6.6. *Fluvial Flood Risk*: Full comments from the Environment Agency (EA) are included in Appendix 2. In summary:
  - The EA confirms that the current flood mapping in this area is not aligned with the main river. They are currently undertaking remodelling work to better inform their understanding of flood risk in this area, but the results of this are not yet available. The result of this re-modelling work may result in changes to the Flood Map in this area.
  - However the EA recently reviewed a flood model for the site undertaken by a consultant acting for the landowner. Whilst the modelling provided by the consultant would not be appropriate to update the Flood Map, the EA is satisfied that the approach taken to assess flood risk on the proposed development site is sufficiently precautionary and provides a better representation of flood risk on the site than that which the current Flood Map shows.
  - This information could be used by Chichester District Council to give a better understanding of the flood risk on the site. It could also be used as the basis for the flood risk assessment that would need to be provided at the planning application stage.
  - Based on the modelling undertaken by the consultant the development site within the redline boundary is located in Flood Zones 1, 2 and 3. The majority of the site is shown to be within Flood Zone 1.
- 6.7. Based on this assessment, officers have concluded that there is inadequate evidence to justify the removal of the site from the Site Allocation DPD, based on the risk of fluvial flooding associated with the River Wey which is adjacent to the site.
- 6.8. *Groundwater Flood Risk*: The issue of groundwater impacting on the site has been raised by a number of local residents, the Parish Council and local Members. Comments have been received from WSSCC as Lead Local Flood Authority (LLFA) as part of the consultation process and further clarification has

been undertaken by officers. The comments from the LLFA are included in full in Appendix 3. In summary:

*“Following recent correspondence regarding Sturt Avenue the comments on the Submission document remain as submitted, that at the time of the representation period with the information available alongside the plan, West Sussex County Council as LLFA had concerns as to the suitability of the Sturt Avenue site for allocation on flooding grounds. Since this time further evidence has been provided to the LLFA, reviewing this information the LLFA considers that there is sufficient evidence to satisfy the Exception test and to comply with paragraph 102 of the NPPF and that there is no impediment, solely on flood risk grounds, why the site cannot be allocated.*

*Evidence supporting the site should be made available to the Inspector examining the Plan to alleviate any concerns. Wholesale site level raising of the lower part of the site should be avoided, as this may increase flood risk to adjacent properties. If this advice can be followed and discharge to the stream maintained at existing runoff rates there should be no risk of increased flood risk to other properties”. (WSCC).*

- 6.9. It should be noted that policy 42 of the Local Plan, relating to flood risk and water management, would be applied to the consideration of any future application for planning permission for residential development notwithstanding the allocation in the DPD.
- 6.10. The evidence submitted by the consultant on behalf of the landowner and the information held by WSCC demonstrates that the development on the site will itself be safe and that it will not increase the risk of flooding elsewhere. Officers have therefore concluded that there is no sound evidence to remove the site from the Site Allocation DPD, based on the risk of groundwater flooding.
- 6.11. Highway Safety: The issue of access to the site was raised by a number of local residents, the Parish Council and local Members. Particular concern, in light of previous appeal decisions, is the junction at Camelsdale Road/Moorfield and the width of Moorfield/Sturt Avenue. Comments have been received from WSCC as Highway Authority as part of the consultation process and further clarification has been undertaken by officers. The comments from the Highway Authority, in full, are:

*“Whilst the concerns of the Local Highway Authority (LHA) and Inspector in the decision taken back in 2003 are acknowledged, there has been significant changes to both national planning policy and highway infrastructure design guidance over the last 14 years.*

*The National Planning Policy Framework is now the national policy, and this sets the bar much higher than previous iterations of national policy when considering transport matters. Local authorities are directed that refusal on transport grounds should only occur when the impact is considered to be severe. The Department for Transport’s publication “Manual for Streets” 1 and 2 is now the primary guidance for the design and consideration of non-trunk roads. This document has been informed by extensive research, and places an emphasis on reduced standards for road widths and visibility splays than had previously been required through historic guidance/standards.*

*Having assessed the junction of Moorfield and Camelsdale, it is apparent that there is no accident history at this junction in the previous 60 months.*

*Visibility at the junction accords with the parameters and guidance set out in Manual for Streets 2. Road widths between the site and the access onto Camelsdale vary in width, but typically maintain a width of at least 4.8m. On-street parking does occur, which constrains the available carriageway, but 4.8m is sufficient to enable a large vehicle to pass a parked car. Vehicles will be required to wait while an oncoming vehicle passes, but such a manoeuvre is already required. There is no accident history to suggest that this is causing a safety issue in practice. Whilst a peak hour increase of circa 8 vehicular movements from 10 dwellings may lead to an occasional increase of this requirement, it is not considered to give rise to a safety concern. The LHA does not consider that the development will give rise to a 'severe' impact.*

*It may lead to an increase in occasional inconvenience to existing residents, who may be required to wait and give way to an oncoming vehicle – this is considered an amenity impact, and the LPA should consider the weight applied to this.*

*In summary, the County Council as Local Highway Authority does not object to the principle of 10 dwellings at this location”.*

- 6.12. Site Access: Representations have been received from Thames Water outlining concerns about access to the adjacent pumping station. Thames Water does not believe it has been demonstrated that a satisfactory access can be provided to service the proposed housing site. The site owners have provided evidence to Thames Water and the Council in form of a consultation response demonstrating rights of access and that it can be achieved. Thames Water has suggested some amendments to the policy which if included will, in its view, make the plan sound.
- 6.13. Officers have therefore concluded that there is inadequate evidence to remove the site from the Site Allocation DPD, based on highways safety or access reasons.
- 6.14. Conclusion: The process of allocating a site in a development plan document involves establishing in principle that a suitable form of development can be located on a particular site, using a proportionate evidence base. More detailed consultation and evidence would be provided and considered as part of a future planning application i.e. Flood Risk Assessment, Transport Assessment etc.
- 6.15. All representations received will be forwarded to the independent Inspector for consideration at the examination. This includes comments received from the statutory consultees; however, none are considered to raise fundamental planning concerns which would provide a justification to remove the site from the DPD.

### **Modifications**

- 6.16. During the consultation process, which was solely on the tests of soundness (see Appendix 4), representations were received from various bodies indicating that the DPD was unsound but suggesting modifications which in their opinion would make the DPD sound. Having carefully considered the comments, a schedule of proposed main modifications is attached as Appendix 1. This will be forwarded with the Site Allocation DPD to the Inspector for consideration as part of the examination. If accepted by the Inspector these and any further modifications will be subject to public consultation before the DPD is formally adopted by the Council.

6.17. An Independent Examination will be held to resolve any outstanding issues to be determined by an Inspector appointed by the Secretary of State. The Examination is likely to be in July 2017. It is likely that during the course of the Examination, the Inspector may suggest some minor changes to the Plan which will need to be agreed by the Council. Given that it may be difficult for the Cabinet and Council to convene to agree such changes at short notice, it is recommended that delegated authority be given to the Head of Planning Services, following consultation with the Cabinet Member for Planning, to agree any such minor changes. Subject to the recommendations of the Inspector the DPD is likely to be adopted by December 2017.

**Next Steps**

The timetable for the next steps in the production of the Proposed Submission DPD is set out below:

Key Milestones	Dates:
Submission to the Secretary of State	March 2017
Examination	July 2017
Adoption	December 2017

**7. Alternatives Considered**

- 7.1 The alternative is to propose a modification to remove the Sturt Avenue site from the Site Allocation DPD. This would require public consultation and the landowner would be invited to the public examination to make the case for the site's inclusion.
- 7.2 A further alternative is not to proceed with the DPD, however, this would be likely to have implications for delivery of the Local Plan strategy and would not be appropriate. It would also require an amendment to the Council's Local Development Scheme.

**8. Resource and Legal Implications**

- 8.1 The Site Allocation DPD follows on from the adoption of the Chichester Local Plan: Key Policies. It is part of the Planning Policy Team work programme and the costs of the preparation of the Site Allocation DPD are programmed in the existing budgets.
- 8.2 The process being followed meets the statutory requirements of the plan making process.

**9. Consultation**

- 9.1 The Site Allocation DPD has already been through three separate stages of public consultation. It will be formally submitted for examination where an Inspector appointed by the Secretary of State will consider issues related to the soundness of the plan and potentially recommend modifications to be made to the Site Allocation DPD prior to adoption. Any proposed major modifications will also need to be subject to public consultation.

## 10. Community Impact and Corporate Risks

- 10.1 Once approved, the Site Allocation DPD will provide certainty for small scale residential development in areas not progressing a neighbourhood plan as well as identifying land for employment development. The identification of the sites and the local centre may have an impact on local residents; however, the examination process will enable any issues raised to be considered by the Inspector conducting the Examination.

## 11. Other Implications

Are there any implications for the following?		
	Yes	No
<b>Crime and Disorder</b>		✓
<b>Climate Change</b>		✓
<b>Human Rights and Equality Impact</b>		✓
<b>Safeguarding and Early Help</b>		✓
<b>Other:</b>		✓

## 12. Appendices

- 12.1 Appendix 1 - major modifications proposed following consultation
- 12.2 Appendix 2 – Comments from Environment Agency to the Proposed Submission Consultation – in full
- 12.3 Appendix 3 - CDC email to WSCC of 2 Feb 2017 re: Chichester Site Allocations Plan - Land to the rear of Sturt Avenue and WSCC note in response.
- 12.4 Appendix 4 – Tests of Soundness

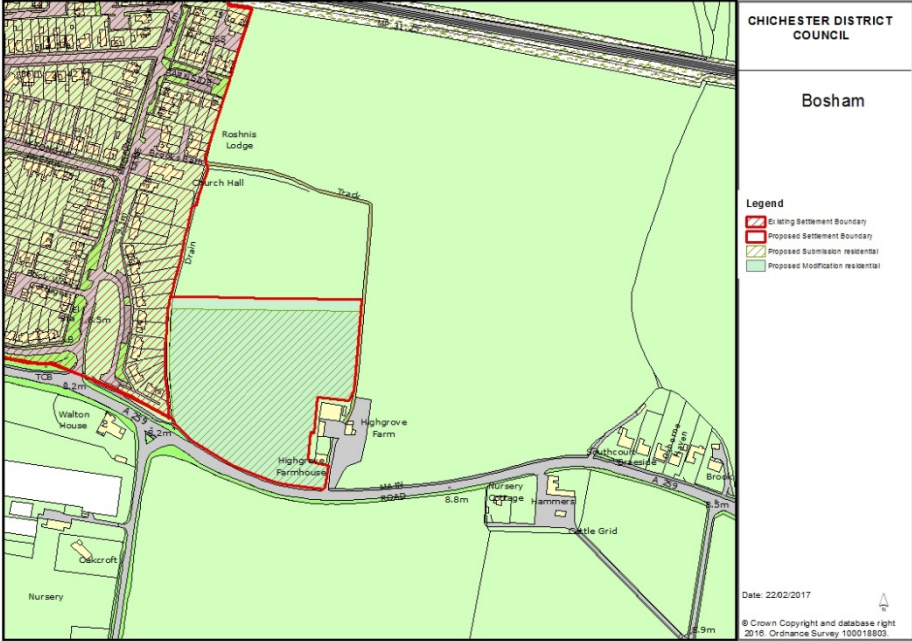
## 13. Background Papers

None

## Appendix 1 Schedule of Proposed Main Modifications to Site Allocation Development Plan Document

Modification Number	SAD PD Page No.	Para/ Policy	Modified text (deleted text shown as <del>struck through</del> and additional text shown in <b>bold</b> )	Reasons for modification	Source of modification (inc rep number as appropriate)
<b>Chapter 1: Introduction</b>					
M1	9	Table 1.1 3 <sup>rd</sup> column, 4 <sup>th</sup> row	Amend text for Chichester City to read "Land adjacent Tesco Petrol Filling Station, Chichester ( <del>91 35</del> )."	Amendment to the type of development on the planning permission delivering 134 students beds not a mix of studio/clusters	Officer
M2	9	Table 1.1 4 <sup>th</sup> column, 4 <sup>th</sup> row	Amend text for Chichester City to read " <del>324</del> <b>268</b> "	Factual update	Officer
M3	9	Table 1.1 5 <sup>th</sup> column, 4 <sup>th</sup> row	Amend text for Chichester City to read " <del>204</del> <b>0</b> "	Factual update	Officer
<b>Chapter 3: Bosham Parish</b>					
M4	14	Policy BO1	Add additional bullet point to read: <ul style="list-style-type: none"> <li><b>provide a connection to the nearest point of adequate capacity in the sewage network, in collaboration with service provider</b></li> </ul>	To ensure the policy is in line with others in the DPD	Southern Water (SAPS22)



Modification Number	SAD PD Page No.	Para/ Policy	Modified text (deleted text shown as <del>struck through</del> and additional text shown in <b>bold</b> )	Reasons for modification	Source of modification (inc rep number as appropriate)
M5	15	Map	<p>It is proposed to amend the northern boundary of the proposed allocation - to move the northern boundary to the north by 10m as shown on the plan below.</p> 	In order to facilitate a meaningful layout and design approach.	Officer

**Chapter 4: Boxgrove Parish**

M6	17	Policy BX1	<p>Amend bullet point to read:</p> <ul style="list-style-type: none"> <li>investigate the extent of any minerals in consultation with West Sussex County Council, as Minerals Planning Authority, prior to the commencement of development</li> <li><b>consider the presence of minerals and the impact of sterilisation, as required by National Policy, and set out in the relevant safeguarding policy. The Minerals</b></li> </ul>	Clarification	West Sussex County Council (SAPS58)
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Modification Number	SAD PD Page No.	Para/ Policy	Modified text (deleted text shown as <del>struck through</del> and additional text shown in <b>bold</b> )	Reasons for modification	Source of modification (inc rep number as appropriate)
			<b>Planning Authority should be consulted on development proposals.</b>		
M7	17	Map	Amend allocation to reflect the boundary as part of outline application BX/14/03827	Factual update	Bargate Homes (SAPS21)
<b>Chapter 5: Chichester City</b>					
M8	19	Table 5.1 2 <sup>nd</sup> column 1 <sup>st</sup> row	Amend text to read "Minimum <del>130</del> <b>134</b> student bedrooms which is equivalent to <del>94</del> <b>35</b> dwellings. This is in line with planning application (15/04163/FUL).The scheme <b>only</b> includes a number of <del>cluster and individual</del> student bedrooms which give an equivalent of <del>94</del> <b>35</b> dwellings..".	Amendment to the type of development on the planning permission delivering 134 students beds not a mix of studio/clusters	Officer
M9	19	Table 5.1 2 <sup>nd</sup> column 5 <sup>th</sup> row	Amend text to read " <del>273</del> <b>217</b> "	Factual update	Officer
M10	20	5.11	Amend the paragraph to read: " <del>The Chichester Local Plan requires about 7.7ha</del> <b>There is a remaining requirement for 9.2ha</b> of employment space land within or close to the city. The preference is to use brownfield sites first. <b>Of the 9.2ha required an allowance for office floorspace, which would be equivalent to 5ha, has been made and this is expected to be developed within Chichester city on sites identified through work related to the Vision for Chichester and in the Southern Gateway</b>	Typographical error and for reasons of clarity	Officer

Modification Number	SAD PD Page No.	Para/ Policy	Modified text (deleted text shown as struck through and additional text shown in <b>bold</b> )	Reasons for modification	Source of modification (inc rep number as appropriate)
			<b>Masterplan. This leaves a total requirement of 4.2ha for industrial/warehousing.</b> Details of the calculation are included ....”		
M11	21	Policy CC1	Amend text to read “... which is equivalent to 94 <b>35</b> dwellings on ...”.	Factual update	Office
M12	21	Policy CC1	Amend bullet point to read: <ul style="list-style-type: none"> <li>• <del>investigate the extent of any minerals in consultation with West Sussex County Council, as Minerals Planning Authority, prior to the commencement of development</del></li> <li>• <b>consider the presence of minerals and the impact of sterilisation, as required by National Policy, and set out in the relevant safeguarding policy. The Minerals Planning Authority should be consulted on development proposals.</b></li> </ul>	Clarification	West Sussex County Council (SAPS60)
M13	23	Policy CC2	Amend bullet point to read: <ul style="list-style-type: none"> <li>• <del>investigate the extent of any minerals in consultation with West Sussex County Council, as Minerals Planning Authority, prior to the commencement of development</del></li> <li>• <b>consider the presence of minerals and the impact of sterilisation, as required by National Policy, and set out in the relevant safeguarding policy. The Minerals Planning Authority should be consulted on development proposals.</b></li> </ul>	Clarification	West Sussex County Council (SAPS63)
M14	25	Policy CC3	Amend bullet point to read: <ul style="list-style-type: none"> <li>• <del>investigate the extent of any minerals in consultation with West Sussex County Council, as Minerals Planning</del></li> </ul>	Clarification	West Sussex County Council

Modification Number	SAD PD Page No.	Para/ Policy	Modified text (deleted text shown as <del>struck through</del> and additional text shown in <b>bold</b> )	Reasons for modification	Source of modification (inc rep number as appropriate)
			<p><del>Authority, prior to the commencement of development</del></p> <ul style="list-style-type: none"> <li><b>consider the presence of minerals and the impact of sterilisation, as required by National Policy, and set out in the relevant safeguarding policy. The Minerals Planning Authority should be consulted on development proposals.</b></li> </ul>		(SAPS61)
M15	27	Policy CC4	<p>Add additional bullet point to read:</p> <ul style="list-style-type: none"> <li><b>provide a connection to the nearest point of adequate capacity in the sewage network, in collaboration with service provider</b></li> </ul>	To ensure the policy is in line with others in the DPD	Southern Water (SAPS23)
M16	29	Policy CC6	<p>Amend bullet point to read:</p> <ul style="list-style-type: none"> <li><del>investigate the extent of any minerals in consultation with West Sussex County Council, as Minerals Planning Authority, prior to the commencement of development</del></li> <li><b>consider the presence of minerals and the impact of sterilisation, as required by National Policy, and set out in the relevant safeguarding policy. The Minerals Planning Authority should be consulted on development proposals.</b></li> </ul>	Clarification	West Sussex County Council (SAPS62)
M17	31	Policy CC7	<p>Amend bullet point to read:</p> <ul style="list-style-type: none"> <li><del>investigate the extent of any minerals in consultation with West Sussex County Council, as Minerals Planning Authority, prior to the commencement of development</del></li> <li><b>consider the presence of minerals and the impact of sterilisation, as required by National Policy, and set out in the relevant safeguarding policy. The Minerals Planning Authority should be consulted on development proposals.</b></li> </ul>	Clarification	West Sussex County Council (SAPS59)

Modification Number	SAD PD Page No.	Para/ Policy	Modified text (deleted text shown as <del>struck through</del> and additional text shown in <b>bold</b> )	Reasons for modification	Source of modification (inc rep number as appropriate)
M18	33	Policy CC8	<p>Amend bullet point to read:</p> <ul style="list-style-type: none"> <li><del>investigate the extent of any minerals in consultation with West Sussex County Council, as Minerals Planning Authority, prior to the commencement of development</del></li> <li><b>consider the presence of minerals and the impact of sterilisation, as required by National Policy, and set out in the relevant safeguarding policy. The Minerals Planning Authority should be consulted on development proposals.</b></li> </ul>	Clarification	West Sussex County Council (SAPS64)
M19	35	Policy CC9	<p>Amend bullet point to read:</p> <ul style="list-style-type: none"> <li><del>investigate the extent of any minerals in consultation with West Sussex County Council, as Minerals Planning Authority, prior to the commencement of development</del></li> <li><b>consider the presence of minerals and the impact of sterilisation, as required by National Policy, and set out in the relevant safeguarding policy. The Minerals Planning Authority should be consulted on development proposals.</b></li> </ul>	Clarification	West Sussex County Council (SAPS57)
<b>Chapter 8: Lynchmere Parish</b>					
M20	40	Text	<p>Add additional paragraph after 8.3 to read:</p> <p><b>As part of a planning application in order to provide a satisfactory means of access to the site, it is essential that Thames Water, as an adjacent landowner, is consulted in relation to the proposed access. It is also essential that Thames Water is consulted in relation to the foundation design and protection of water Source Protection Zone1 SP1.</b></p>	Clarification	Thames Water (SAPS20)

Modification Number	SAD PD Page No.	Para/ Policy	Modified text (deleted text shown as <del>struck through</del> and additional text shown in <b>bold</b> )	Reasons for modification	Source of modification (inc rep number as appropriate)
M21	40	Policy LY1	Add additional bullet points to read: <ul style="list-style-type: none"> <li><b>provide a water/supply drainage study to demonstrate how necessary infrastructure can be provided and existing infrastructure protected;</b></li> </ul>	Clarification	Thames Water (SAPS20)
M22	41		To amend the Settlement Boundary to the south of Camelsdale in order to reflect the boundary of the South Downs National Park Authority	Factual update	SDNPA (SAPS18)
<b>Chapter 11: West Wittering</b>					
M23	46	Para 11.2	Amend paragraph to read "... Parish Council is <del>not working on</del> <b>in the early stages of drafting</b> a neighbourhood plan. <del>At the present time.</del> However ...".	Factual update	Officer

## Appendix 2

### Comments from Environment Agency to the Proposed Submission Consultation – in full

Our current Flood Map for Planning shows that part of the site is within Flood Zones 2 (land assessed as having between a 1% and 0.1% annual probability of river flooding) and 3 (land assessed as having a greater than 1% annual probability of river flooding). The main River Wey also runs down the eastern edge of the site.

It is important to note that flood zones indicate indicative risk from tidal or fluvial flooding, in this case it is obviously fluvial flooding from the river. It is important that all aspects of flooding are considered and we would suggest that consultation is undertaken with West Sussex County Council as the Lead Local Flood Authority in this area to enable Chichester District Council to understand any potential risks posed from other sources of flood risk such as ground water, surface water and overland flow.

Given the flood zones associated with the site the sequential test should be applied. The National Planning Policy Framework (para 100-101) is clear that in plan making, Local Planning Authorities should apply a sequential approach to site selection so that development is, as far as reasonably possible, located where the risk of flooding (from all sources) is lowest. In an email dated 10th January 2017 Chichester DC have confirmed that the sequential test has been satisfied and that there are no sequentially preferable sites available to allocate.

The current flood mapping in this area is not aligned with the main river. We are currently undertaking remodelling work to better inform our understanding of flood risk in this area, but the results of this are not yet available. The result of this re-modelling work may result in changes to the Flood Map in this area.

We have however recently reviewed a flood model for the site undertaken by a consultant. Whilst the modelling provided by the consultant would not be appropriate to update the Flood Map, we are satisfied that the approach taken to assess flood risk on the proposed development site is sufficiently precautionary and provides a better representation of flood risk on the site than that which the current Flood Map shows. Therefore this information could be used by Chichester DC to give a better understanding of the flood risk on the site. It could also be used as the basis for the flood risk assessment that would need to be provided at the planning application stage. Based on the modelling undertaken by the consultant the development site within the redline boundary is located in Flood Zones 1, 2 and 3. The majority of the site is shown to be within Flood Zone 1.

The sequential approach should be taken on site and all built development proposed through this allocation should be in flood zone 1. A buffer zone adjacent to the river will also be required. We would suggest that the requirement for the sequential approach on site is added as a development criteria within this policy.

We have also noted that while the development may be able to be located entirely within flood zone 1, the access and egress from the development will be through flood zones. It is for the Local Planning Authority to make a judgment on the safety of access and egress from the site in discussion with the relevant emergency planners and if deemed necessary, the relevant emergency services.

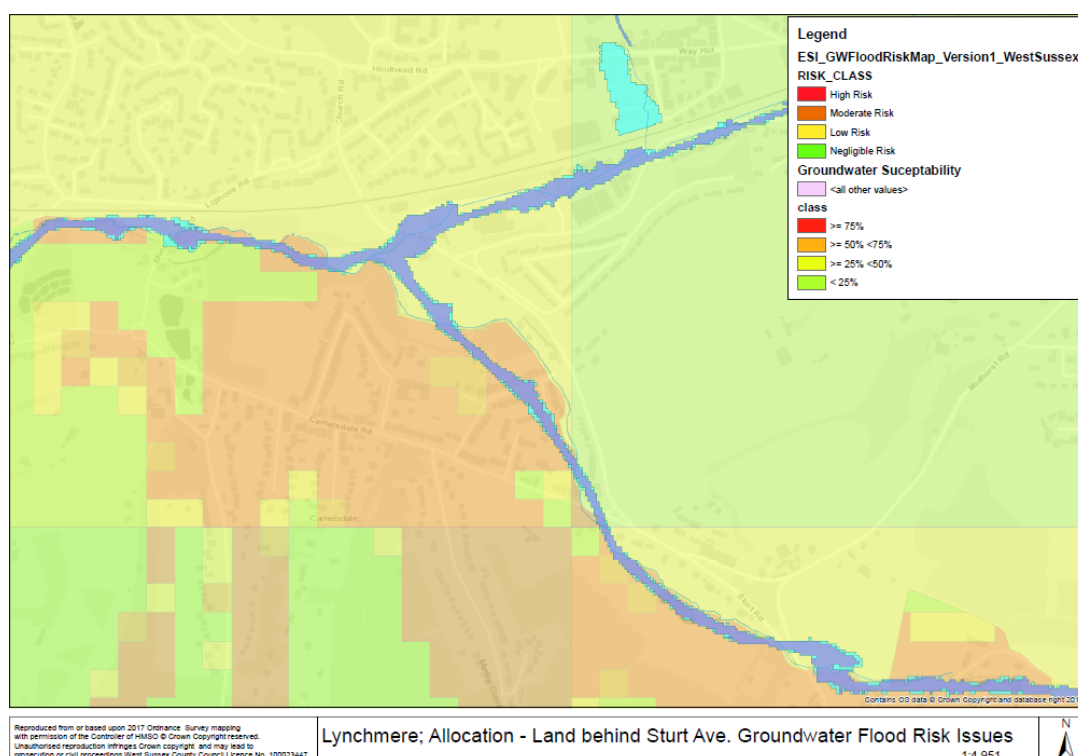
Please note that a flood risk activity permit for any new or enlarged crossing of the River will be required from the Environment Agency. This will need to demonstrate that any new vehicular crossing will not have a detrimental effect on flood risk and the habitat(s) and species present, or that mitigation measures can be put in place to adequately reduce these effects. Our preference is for clear span bridges.

Part of this site is also located in a Source Protection Zone 1. This is designated in order to protect groundwater sources such as wells, boreholes and springs used for public drinking water supply. These zones show the risk of contamination from any activities that might cause pollution in the area. The closer the activity, the greater the risk. In this case it is not an issue that impacts on the principle of development on the site and therefore the allocation of the site, but it is important that this is borne in mind for how construction activity is undertaken. It will be imperative that this is addressed when any planning application comes forward for this site.

### Appendix 3

#### Note in Response to CDC email to WSCC of 2 Feb 2017 re: Chichester Site Allocations Plan - Land to the rear of Sturt Avenue and WSCC note in response.

West Sussex County Council Lead Local Flood Authority has been asked to provide further details on the extent of the above site that is recorded as being at high risk to groundwater or surface water flooding (Figure 1). This note should be read in conjunction with the earlier document: *Chichester Site Allocation: Proposed Submission Development Plan Document* in which we commented on Housing Allocations in the context of groundwater flood risk to the land to the rear of Sturt Avenue.



**Figure 1 Risk to Groundwater Flooding**

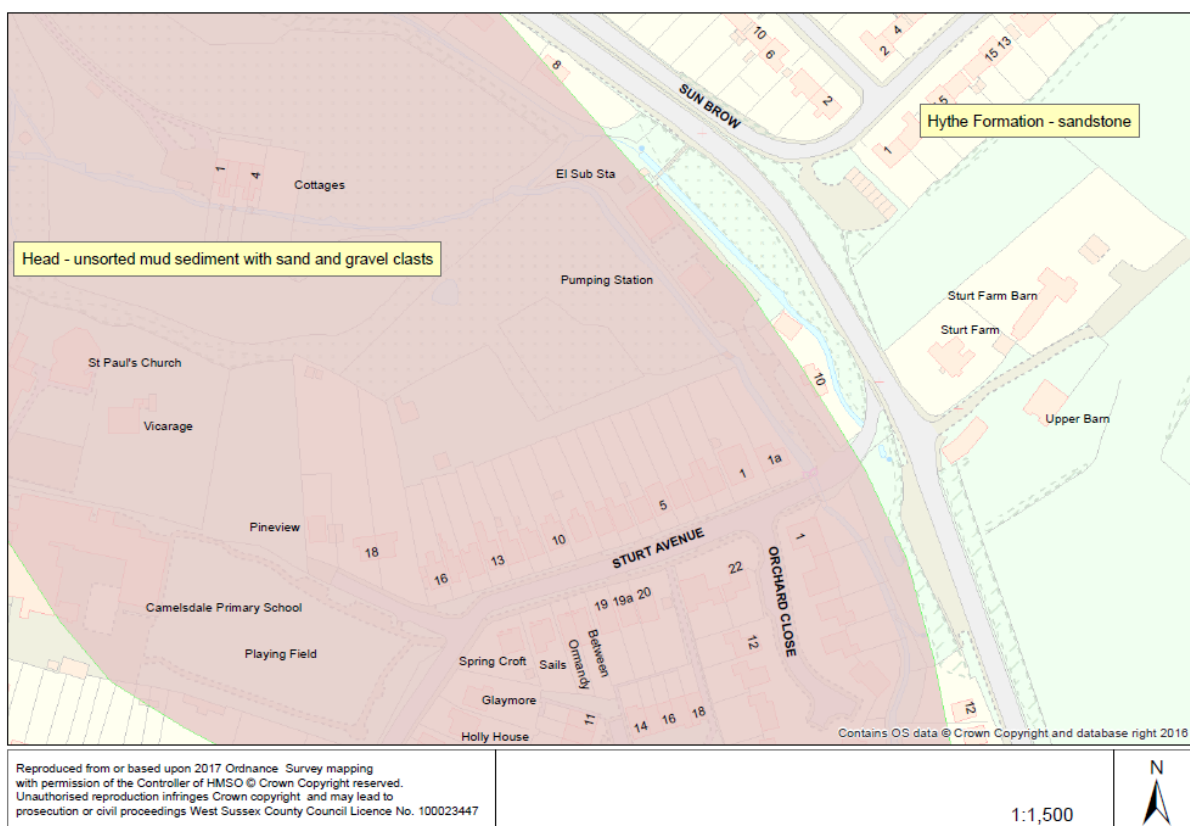


While the whole allocation site appears to be subject to a high risk category for groundwater flooding, it is not possible to provide any clear details to quantify the risk in terms of expected frequency and depth of flooding without localized groundwater monitoring, that we would require as part of a site-specific risk assessment for the site as a prerequisite for the flood risk assessment and drainage strategy to accompany a planning application.

What we can comment on is the following:

### Geology

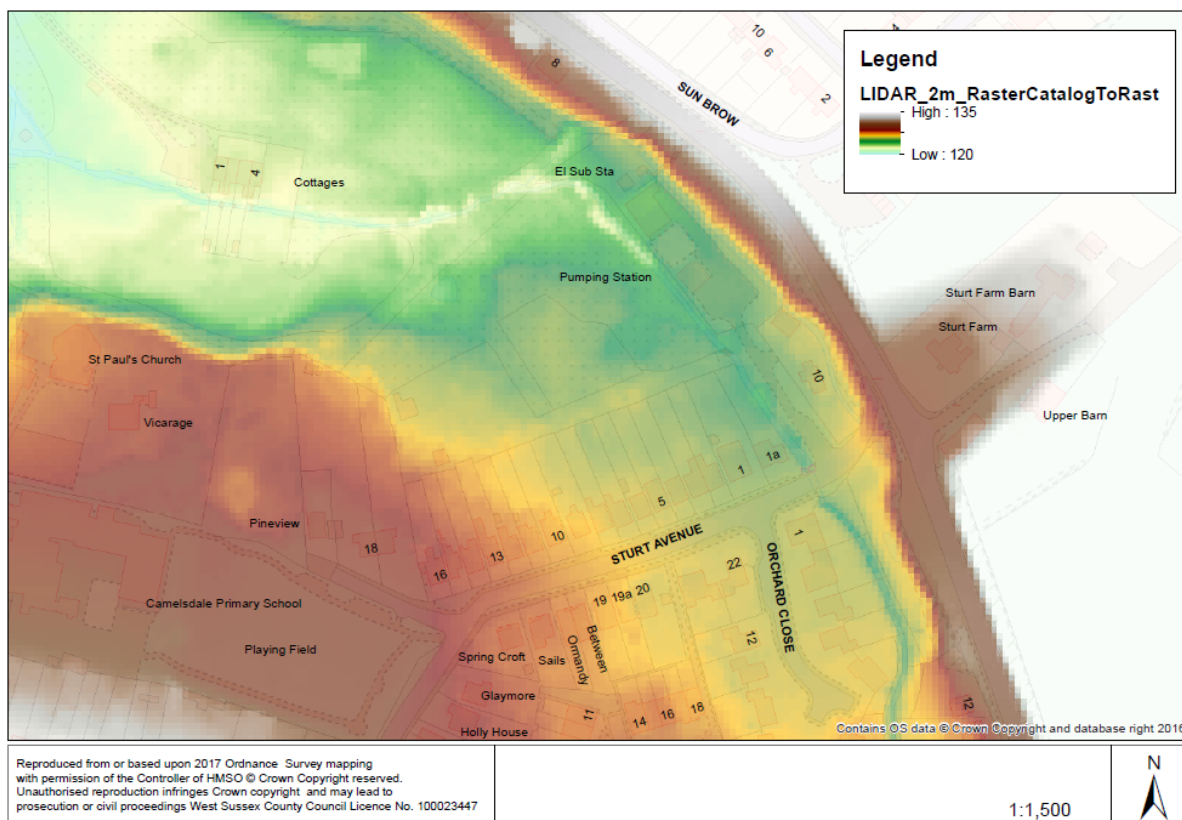
There appears to be little variation in superficial geology that comprises Head deposits, an unsorted mix of clay, silt sand and gravel. There is insufficient resolution in geology (Figure 2) to suggest that risk of groundwater flooding will vary by virtue of superficial geology.



**Figure 2 Superficial geology**

### Topography

The topographical survey included with the FRA confirms that the site falls generally from south west to north east. (The highest level noted is 128.06m AOD, at the south western corner, with the lowest being approx. 122.77m AOD, at the north eastern corner of the site. The deck level of the existing site access bridge is noted as being 124.65m AOD. Generally, there appears to be a fall of 3m or more across the site. This is further illustrated by the LIDAR data (Figure 3).



**Figure 3 Elevation derived by LIDAR**

## Conclusion

It is envisaged that, were groundwater flooding to occur, it is likely that it would affect the lower elevations of the site first towards the stream at the eastern edge of the site. Given the site size of 0.66ha, there should be sufficient space towards the higher locations of the site (that are likely to be at reduced risk from groundwater flooding) to accommodate 10 houses. It is recommended, however, that the site layout diverges from that shown in Appendix E of the FRA to one that reflects elevated levels of possible risk either from the water course or from surface water / groundwater flooding by restricting the location of houses to higher levels on the site. The layout should take into consideration any existing flow paths and the incorporation of sustainable drainage features. Wholesale site level raising of the lower part of the site should be avoided, as this may increase flood risk to adjacent properties. If this advice can be followed and discharge to the stream maintained at existing runoff rates there should be no risk of increased flood risk to other properties.

Having reviewed the Flood Risk Assessment carried out by CASA COEVO dated September 2016, the Hydraulic Modelling Report by Waterco dated September 2016, which was not part of the evidence available to view at the Submission consultation stage, and further inquiries these indicate that with an appropriate site layout the risk of groundwater flooding to the proposed development is considered to be low. On this basis, the Lead Local Flood Authority considers that there is sufficient evidence to satisfy the Exception test and to comply with paragraph 102 of the NPPF and that there is no impediment, solely on flood risk grounds, why the site cannot be allocated.

## Limitations

This advice has been provided without first-hand knowledge of the site or a site visit. It is requested that access to the site is made available so that a flood risk engineer, on behalf

of the County Council, can visit the site and ensure there are no concerns before the plan is submitted for examination.

West Sussex County Council 8 February 2017

## **Appendix 4 Tests of Soundness**

NPPF paragraph 182

The Site Allocation DPD will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.