



EAST WITTERING & BRACKLESHAM PARISH COUNCIL

21/01376/OUT. Land West Of Bracklesham Lane Bracklesham PO20 8SR. Outline Application (with all matter reserved except Access) for the development of up to 65 no. dwellings and associated access, open space, ponds, footpath and cycleway.

East Wittering and Bracklesham Parish Council **OBJECT** to this application.

Following advice from the Minister of State for Housing, the Rt. Hon. Christopher Pincher MP in a letter dated 12th May 2021 that “*The National Planning Policy Framework (NPPF) is also clear that the cumulative effect of development alongside the infrastructure required to support it, can be material considerations in deciding whether development is appropriate*”, we believe that the application should not be considered in isolation, but cumulatively alongside the following developments to ascertain their combined impact upon the area:

Land South of Clappers Lane 20 03125 OUT

Land West of Church Road 20-02491-OUT

Land At Stubcroft Farm 21 01090 EIA

The combined scale of these applications falls within paragraph 49 of the NPPF, which states that, “*arguments that an application is premature are unlikely to justify a refusal except in the limited circumstances where both:*

- a) the development is so substantial **or its cumulative effect** would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan; and*
- b) the emerging plan is at an advanced stage but not yet formally part of the development plan for the area. “*

The minister also states in the same letter that “*Our policy is clear that the absence of an up-to-date five-year land supply or substantial under-delivery against the Housing Delivery Test does not necessarily give the green light to any development*”. We therefore believe that there are several compelling and material considerations that are relevant in objecting to this application. We also believe that the application does not accord with the development criteria set out in the **Chichester District Council Interim Position Statement for Housing (November 2020)** for the following reasons:

1) The application breaches criteria 4 of the interim position statement as the development has artificially sub-divided site HEW0008 in an attempt to avoid significantly more onerous infrastructure and S106 obligations, leaving the site exposed to the risk of piecemeal development. There is no assurance in the planning application that the developer will not attempt to bring further applications on this site forward in the future. Indeed, the developer has previously shared plans with the Parish Council for a development of 270 houses, whilst the Flood Risk Addendum Report clearly indicates on Page 5 that it is for approximately 300 homes.

We believe that the application also breaches criteria 4 as it does not accord with the findings of the latest Housing and Economic Development Needs Assessment (HEDNA, September 2020) and proposes too many larger three bedroomed properties for open market sale with insufficient smaller



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one and two-bedroom properties resulting in an arbitrarily low housing density.

4. Development proposals make best and most efficient use of the land¹, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of land parcels will not be encouraged.

Relevant policies include:

- *CLPKP Policy 2 Development Strategy and Settlement Hierarchy*
- *CLPKP Policy 7 Masterplanning Strategic Development*
- *CLPKP Policy 33 New Residential Development*
- *CLPKP Policy 47 Heritage and Design*
- *LPR Policy S2 Settlement Hierarchy*
- *LPR Policy S32 Design Strategies for Strategic and Major Development Sites*
- *LPR Policy DM3 Housing Density*

2) The application breaches criteria 6 of the interim position statement. The site has been identified in the Ecological Mapping of Chichester District (LPR ref. 032 appendix 1) as of strategic importance, providing occupied sites for the following key species:

- Water Vole
- Northern Lapwing
- Woodland Bat
- Barn Owl

The development will create disturbance to significant lengths of hedgerow, which currently provide cover for Woodland Bats and Barn Owls, and the development will result in significant loss of open farmland, which is vital for Lapwing and also provides hunting grounds for Barn Owls. Site construction and the use of the proposed public open spaces, especially for dog walking purposes will result in considerable harm, specifically from construction and ongoing recreational disturbance to the riparian ditch network, adversely impacting the area-wide water vole population and severing vital wildlife corridor routes. Additionally because of issues with the waste water treatment capacity in the area, we believe that it will have an adverse impact upon the protected habitats at Pagham and Medmerry Harbours and the Selsey -Hounds Marine Conservation Zone (MCZ). Detailed reasons for these concerns are provided below under waste water.

6. Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not adversely affect the potential or value of the wildlife corridor.

Relevant policies include:

- *CLPKP Policy 49 Biodiversity*



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- *LPR Policy DM29 Biodiversity*
- *LPR Policy S30 Strategic Wildlife Corridors*
- *LPR Policy DM31 Trees, Hedgerows and Woodlands*

Relevant evidence:

- *Strategic Wildlife Corridors Background Paper*
- *Local Biodiversity Action Plan*

3) The application breaches criteria 7 and criteria 12 of the interim position statement as it fails to demonstrate how the necessary increases to capacity to the foul sewer network and the Waste Water Treatment works at Sidlesham will be secured and delivered to accommodate the additional demand. Residents regularly contend with sewage backing up into their properties into toilets, sinks, baths and showers. The addition of extra network demand will only exacerbate these issues.

Southern Water have acknowledged in their response to the application that the existing foul sewage network does not have the capacity to accommodate the additional housing. Additionally, on the 5th March 2021 they advised Earnley Parish Council in response to a complaint about repeated incidents involving sewage backing up in to residents houses that;

“Following discussions within Southern Water, the relevant Technician and County Manager believe the issues facing Clappers Lane should be addressed by promoting as an Asset Risk Management (ARM) Project within Southern Water. The purpose of this is to promote the area for future funding to resolve the issues experienced by residents.

I appreciate that local resident’s request immediate action, however, the issue cannot be resolved by simple means. A large input of capital is required in order to resolve the problem, which is where promoting via ARM is the correct course of action to take. However, I’m unable to provide a timescale of scheme approval.”

This response explicitly recognises the requirement for investment in a major upgrade of the sewage and Waste Water Treatment network, whilst making clear that at the present time Southern Water have no scheme or funding available to deliver this. On this basis, to grant permission for this application would be in breach of the **Urban Waste Water Treatment Directive (SI 2841, 1994), Schedule 2**, which requires that:

1. *Collecting systems shall take into account waste water treatment requirements.*
2. *The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs, notably regarding—*
 - (a) volume and characteristics of urban waste water;*
 - (b) prevention of leaks;*
 - (c) limitation of pollution of receiving waters due to storm water overflows.*

Natural England have raised specific concerns about the impacts the development will have upon nutrient levels in Solent European sites. This is a valid consideration and needs to be properly assessed. The latest EA condition report for Broad Rife (2019, appendix 1), which takes overflow discharges from Sidlesham WWTW shows that the overall condition category for the watercourse is



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Bad. This is the poorest rating. The report shows that there are numerous issues with pollutants, including excess nitrates, with one of the main sources identified as the water industry.

Broad Rife discharges into both Pagham and Medmerry harbours, both of which are protected sites that discharge into the Selsey-Hounds Marine Conservation Zone (MCZ). **The Selsey Bill & the Hounds Marine Conservation Zone Designation Order 2019 (no.35,) Section 5 (2) (a)** requires that the MCZ must be kept in a favourable condition,

“(a) with respect to a habitat within the Zone that means that –

i) its extent is stable or increasing

ii) its structure and functions, its quality, and the composition of its characteristic biological communities are such as to ensure that it remains in a condition that is healthy and not deteriorating”

The lobster population in the MCZ has experienced a sudden and precipitous fall in numbers and a major project, CHASM, is currently in progress to understand what is driving this, including the influence of water quality on supporting the ecosystem. Until this work has been completed, alongside a full analysis of the effects of increased nitrate discharge into Broad Rife on the protected and compensatory habitats at Pagham and Medmerry, the application should not be permitted.

As a minimum, a full Environmental Impact Assessment (EIA) and an Appropriate Assessment under regulation 61 of the **Conservation of Habitats and Species Regulations 2010 (Habitats Regulation Assessment, HRA)** should be carried out examining all relevant factors, including the impact of the development on Pagham & Medmerry Harbours, nitrate levels in the Solent Catchment Area and the impact on the protected features of the MCZ before planning permission can be granted for this application, although we believe that there are already sufficient grounds for refusal within the existing Interim Planning Position Statement and the Local Plan.

7. Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, flood mitigation and defence, affordable housing, open space, and highways improvements.

Relevant policies include:

- *CLPKP Policy 9 Development and Infrastructure Provision*
- *CLPKP Policy 12 Water Management in the Apuldrum Wastewater Treatment Catchment*
- *CLPKP Policy 34 Affordable Housing*
- *CLPKP Policy 54 Open Space, Sport and Recreation*
- *LPR Policy S6 Affordable Housing*
- *LPR Policy S12 Infrastructure Provision*
- *LPR Policy S31 Wastewater Management and Water Quality*

Relevant evidence includes:

- *Infrastructure Delivery Plan*
- *Open Space, Sport Facilities, Recreation Study and Playing Pitch Strategy*
- *Approach to securing development contributions to mitigate additional traffic*



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impacts on the A27 Chichester Bypass SPD

- *Surface Water and Foul Drainage SPD*
- *Joint Environment Agency and Southern Water Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment*

The application breaches criteria 10 of the interim position statement as it fails to provide sufficient improvements to vehicular, pedestrian and cycle access to the local road network. The traffic modelling also excludes the following proposed developments, which will all impact upon local network capacity:

- 320 homes at Stubcroft Farm (21/01090/EIA)
- 73 homes at Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY (20/02066/OUT)
- 25 homes at The South Side Of Church Lane Birdham West Sussex (20/03034/OUT)
- 30 homes at Earnley Concourse (20/02236/OUT)
- 5 homes at Earnley Gardens (20/03289/FUL)

As such the cumulative effects of multiple developments on the local road network are being seriously understated in the supplied traffic models and new analysis should be completed including the cumulative impacts of the missing 453 homes on all major junctions, including the Bell Lane, Donnington and Stockbridge roundabouts. Initial analysis of the Bell Lane Roundabout conducted on behalf of the Parish Council by Graham Bell Associates states that;

"...WSCC has raised the issue of the roundabout capacity analysis in the Land West of Bracklesham Lane assessment, in their consultation response dated 7th June 2021. The applicants will need to respond to that and will presumably adjust their modelling... There is a significant cumulative impact issue at this roundabout given all of the potential development sites in East Wittering & Bracklesham and Earnley Parish Council areas, which impact to greater or lesser degrees on the capacity of this roundabout. The improvement proposed by the Clappers Lane developer is, frankly, a waste of time from a practical point of view, but the problem is that any effective improvement would require land acquisition. To date, WSCC seem to be reluctant to oppose development on this basis, but with each successive development, the cumulative impact gets worse with no effective solution in sight. There is a real risk here that they will take financial contributions from the developers towards an effective (but currently unknown) improvement, and then do nothing about the problem so that queues and delays simply get longer. We believe that capacity at this roundabout is a key issue in regard to cumulative impacts of developments in EW&B and EPC areas."

A full Environmental Impact Assessment (EIA) of the effects of noise, dust and construction disturbance on residents of the adjoining properties in Stubcroft Lane and Middleton Close should be completed before planning permission is granted.

Should the development be permitted, significant improvements would be required to the local transport network. These include a signal-controlled pedestrian crossing in Bracklesham Lane, improved street lighting to the footpath on both sides of Bracklesham Lane, provision of dedicated bus pull ins with covered bus shelters provided on both sides of Bracklesham Lane north of the

Bracklesham Barn, Beech Avenue, Bracklesham Bay, East Wittering, PO20 8HU
Telephone: 01243 673588. enquiries@eastwitteringbrackleshampc.org.uk



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development to protect secondary school pupils who need to catch the bus for school transport.

Planning conditions should specify that the proposed cycle link to Downview Recreation Ground be surfaced in Tarmac (or similar hard surfacing) and lit, making it suitable for use in all weather conditions and at all times of the day or night.

If planning permission is granted to the development, specific conditions should be attached to the site to ensure that construction traffic must enter site only via Bracklesham Lane. Heavy goods movements should also be restricted in the interests of pedestrian safety, with none permitted Mon-Fri between the hours of 7.15-9-30am and 3.00-4.00pm to avoid conflict with primary and secondary school children using the local pedestrian and bus network by the site entrance.

10. Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

Relevant policies include:

- *CLPKP Policy 8 Transport and Accessibility*
- *CLPKP Policy 39 Transport, Accessibility and Parking*
- *LPR Policy S23 Transport and Accessibility*
- *LPR Policy DM8 Transport, Accessibility and Parking*

Relevant evidence includes:

- *Local Plan Policies Map*
- *Settlement Hierarchy Background Paper*
- *WSCC Walking and Cycling Strategy 2016-2036*
- *Chichester Local Cycling and Walking Infrastructure Plan*
- *Other relevant government guidance such as LTN 1/20 Cycle Infrastructure Design*

The application breaches criteria 7 and 11 of the interim position statement as it is **not** located in an area at low risk of predicted future flooding and **does not** detail how the necessary supporting infrastructure (e.g. raising of coastal sea defences) will be secured to meet the predicted flood risk of climate change induced sea level rise.

The site was previously removed from the Housing and Employment Land Availability Assessment (HELAA, October 2020) because it was not regarded as sustainable due to the latest forecast impacts of climate change and projected sea level rise. A revision of the HELAA maps then placed the site back into a lower flood risk category, however, the data used to model the revised maps is currently subject to further update and revision. The EA do not anticipate that up-to-date flood risk maps will be available until the autumn.

With so much uncertainty in the data, and likely revisions that will show increased flood risk to the whole coast, due to newer and more pessimistic climate change models, the entire coastline should be designated as a **Coastal Change Management Area**.

NPPF paragraph 167 defines this as “...any area likely to be affected by physical changes to the coast” and requires that the planning authority



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- a) be clear as to what development will be appropriate and in what circumstances; and
- b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management areas.

The Planning authority should therefore detail how critical infrastructure servicing the site such as the Sidlesham WWTW will be safeguarded or relocated as this is within the zone likely to be flooded by future sea level rise before planning permission can be granted.

The current Pagham to East Head Coastal defence strategy (2008) for the Bracklesham to East Wittering frontage identifies the chances of securing funding for necessary coastal defence works as **unlikely** and states that *“defences would be raised over time to account for the risks from rising sea levels over the next 100 years. The national funding priority is very low for this frontage. There is very little chance within the foreseeable future of securing national funding for a scheme to renew the defences. Funding from public and private sources will need to be explored. If this proves unsuccessful, Chichester District Council will need to develop plans involving potentially affected householders that describe what will be done as the defences fail.”* In the intervening 13 years since the strategy was adopted no funds for raising of the coastal defences have been secured.

Paragraph 169 of the NPPF goes on to state that *“Local Planning Authorities should limit the planned lifetime of any development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary, to reduce a potentially unacceptable level of future risk to people and the development”*.

On this basis, if the application is granted, planning conditions should be attached for a commuted sum to be paid to the planning authority for both compensation of affected householders and remediation of the site when coastal defences fail and it becomes unsuitable for human habitation so that it can be restored as a wildlife habitat.

A recent judgement from the planning inspectorate, **Appeal Ref: APP/L3815/W/20/3250327** **Mayfield, Prinsted Lane, Prinsted, Southbourne PO10 8HS** refused an appeal in an area identified at similar risk of future climate change induced flooding on the grounds that: *“the appeal proposal would cause significant harm to the Council’s development strategy and settlement hierarchy, and to the Council’s and the Government’s flood risk strategy for housing development. I attach substantial weight to this harm.”* The same harms would be attached to this development, only on a much larger scale and as such it should be resisted as there is now an established precedent for refusal.

Strategic objective 2.1 of the **National Flood and Coastal Erosion Risk Management Strategy for England (2020)** requires *“Between now and 2030 all new development will contribute to making places resilient to flooding and coastal change”*. Until the EA have published the revised flood risk data taking in to account the most-up-to-date models of sea level rise and coastal change, this objective cannot be proved to be met, and to grant planning permission to the application at this stage would be reckless to future residents.

With regards to other ground and surface water flooding issues, the applicant includes several caveats in their Flood Risk Assessment, Flood Risk Assessment Addendum and their Drainage Reports. These include;

- the site is likely subject to seasonal flooding due to the high-water table and that the effects of tidal locking on the local drainage and ditch networks are not fully understood,

Bracklesham Barn, Beech Avenue, Bracklesham Bay, East Wittering, PO20 8HU
Telephone: 01243 673588. enquiries@eastwitteringbrackleshampc.org.uk



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- detailed topographical surveys have not yet been completed on the site and so it is not possible to ascertain exactly how much of the land lies below 4.7m AOD and therefore at increased flood risk,
- the lack of up-to-date assessments from the EA on coastal flooding and climate change modelling to inform the FRA,
- full groundwater monitoring and infiltration testing has not yet been completed so the constraints on the SUDS systems are not yet fully understood and
- recognition that deep soakaway features are unlikely to be suitable for the site due to the high groundwater levels.

Given the lack of certainty in the reports and assessments provided so far and the catastrophic impact of potential flooding events upon both the site and neighbouring properties, planning permission should not be granted until more detailed work and analysis have been completed.

The application further breaches criteria 11 as it acknowledges that the raised banks on the storage lake on the site could cause floodwater to be diverted to other areas and also fails to detail how ongoing maintenance of the SUDS systems will be managed in perpetuity.

If permission were to be granted for this outline planning application it should be a condition that it does not cause flooding issues in other areas and that details of the ongoing funding for SUDS maintenance must be provided and independently verified as fit for purpose. If this cannot be verified, then a commuted sum for the future maintenance of the SUDS system should be paid to the Parish Council, as responsibility for ongoing maintenance will inevitably fall on to the parish as a provider of last resort.

11. Development is to be located in areas at lowest risk of flooding first, and must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the Council to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the effective function of the flood plain, either by impeding surface water/ flood flows or reducing storage capacity. All flood risk assessments and sequential and exception test processes should be informed by the most recent climate change allowances published by the Environment Agency.

Built development can lead to increased surface water run-off; therefore new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.

Relevant policies include:

- *CLPKP Policy 42 Flood Risk and Water Management*
- *LPR Policy S27 Flood Risk Management*



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- *LPR Policy DM18 Flood Risk and Water Management*

Relevant evidence includes:

- *Strategic Flood Risk Assessment Level 1*
- *HELAA*
- *Chichester Surface Water and Foul Drainage SPD*
- *WSCC Lead Local Flood Authority Policy for the Management of Surface Water*

The application breaches criteria 12 of the interim position statement as it does not detail how it will prevent further foul water discharge events into the Solent water catchment area given the chronic lack of capacity in the local waste-water treatment network, full details of which have been provided earlier in our submission. As such it will fail to meet the requirements for nitrate neutrality in all new housing developments:

12. Where appropriate², development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

Relevant evidence includes:

- *Advice on achieving nutrient neutrality for new development in the Solent Region, Natural England June 2020*

Finally, the Parish Council would like to add that the development will adversely impact the whole village, further extending the settlement boundary and diminishing the open and rural nature of the area. The development would also exacerbate existing issues around access to schools, medical treatment and services and contribute to over-capacity issues upon the local road network, which has been subject to numerous cumulative development impacts over the past 3-5 years.



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Broad Rife

Issues preventing waters reaching good status and the sectors identified as contributing to them (the numbers in the table are counts of the reasons for not achieving good status in water bodies.)

	Agriculture and rural land management	Domestic General Public	Industry	Local and Central Government	Mining and quarrying	Navigation	Recreation	Urban and Transport	Waste treatment and disposal	Water Industry	Other	No sector responsible	Sector under investigation	Total
Changes to the natural flow and levels of water	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Pollution from rural areas	8	-	-	-	-	-	-	-	-	-	-	-	-	8
Pollution from abandoned mines	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Pollution from waste water	-	-	-	-	-	-	-	2	-	-	-	-	-	2
Physical modifications	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Pollution from towns, cities and transport	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Non-native invasive species	-	-	-	-	-	-	-	-	-	-	-	-	-	0