



15 December 2021

Our Ref: KC/17.166

FAO Christopher Lockhart-Mummery QC
Southbourne Neighbourhood Plan Examiner
Planning Policy
Chichester District Council
East Pallant House
Chichester
PO19 1TY

Dear Mr Lockhart-Mummery,

**Southbourne Neighbourhood Plan Review 2019-2037
Notice of Hearing – Request to Attend**

I am writing to you, in your role as the Examiner of the Southbourne Neighbourhood Plan Review, on behalf of Hallam Land Management Limited (Hallam). Hallam made representations to the Neighbourhood Plan Review (Regulation 16).

This letter concerns three points:

- a. the request to attend the Hearing on the 14th January 2022;
- b. to draw your attention to up-to-date and relevant information concerning infrastructure that is germane to your examination; and
- c. to place delivery of SB2 in the context of that relevant information.

A. Request to attend the Hearing Session

As set out in your Notice of Hearing (dated 12th November 2021) Hallam are writing as the promoter of the land to the north of Gosden Green at Southbourne and as persons who have previously objected to the site at the land east of Southbourne Village (hereafter 'SB2'). We do not repeat those representations which you may already be familiar with. Hallam would like to attend the Hearing on the 14th January 2022 to assist your examination with matters relating to the Neighbourhood Plan's housing strategy.

B. Statement of Common Ground between Southern Water, Environment Agency and Chichester District Council (November 2021)

A Statement of Common Ground (SoCG) has been prepared by the District Council, the Environment Agency and Southern Water in the context of the Local Plan Review and the Duty to Cooperate. I attach a copy of this, at *Appendix 1*, in the event you haven't already been provided with it.

It is instructive to consider the discussion of Southbourne at Section 11. This makes several pertinent points:

Firstly, there is an identified need for “significant additional capacity” to be provided at Thornham Waste Water Treatment Works (WWTW).

Secondly, these necessary improvements are dependant on “significant infrastructure improvements” that will be subject to longer lead times than previously anticipated.

Thirdly, and consequently, local plan development will need to be phased to take account of current capacity and the timing of strategic improvements.

Fourthly, this gives rise to a change to delivery timescales, with development proposed in various Neighbourhood Plans, including Southbourne’s, needing to occur later in the plan period.

B. Thornham Position Statement for New Housing with Chichester District Council, Southern Water Services and Environment Agency (November 2021)

A Position Statement in respect of Thornham has also been prepared which I have also attached at *Appendix 2*. This indicates that presently there is capacity for 298 new homes from 1st September 2021 at the Thornham WWTW (at the ‘Managing Development’ section).

It goes on to confirm that to increase capacity, potential options for upgrades will need to be included as part of the Drainage and Wastewater Management Plan. This will not be finalised until 2023. Only then will the investment programme follow for the period 2025-2030.

It is highly relevant that this Position Statement provides the following explanation “*There is at present no certainty of a deliverable solution for the Thornham catchment and any solution will take time to deliver.*”

C. Constraint to Southbourne Neighbourhood Plan

The Neighbourhood Plan intends that 1250 new homes are built to the east of the village within the plan period. It would appear that, unless and until there is certainty that the strategic infrastructure improvements to the WWTW can be provided and in what period of time, there is no certainty that Policy SB2 can be delivered or how many houses it will provide in the plan period. Patently, there is little if any prospect of that scale of development being achieved in this context. This illustrates the difficulty with a Neighbourhood Plan proposing a strategic policy, which ought to fall to the Chichester Local Plan.

Should the programme for investment be met, the improvements to the capacity levels are not predicted until 2025 onwards at the earliest. These improvements will be substantial and will require time to implement prior to any large scale residential development coming forward.


Chichester District Council are currently reviewing their Local Plan with a new plan period proposed for 2016-2035. That is the level at which to grapple with what is an appropriate spatial strategy and the distribution of new development and what strategic policies flow from that District wide consideration.

Conversely, and without trespassing into matters more appropriately considered through the Hearing, a strategy based on advice in paragraph 69 of the NPPF that *small and medium sized sites can make an important contribution to meeting the housing requirement of an area* would not be fettered by the constraint imposed on large scale growth by Thornham.

I look forward to receiving confirmation on whether we are invited to attend the Hearing Session. Should you require anything or have any queries please do not hesitate in contacting me.

Yours sincerely,





Kate Coventry
Planner
LRM Planning Ltd
katecoventry@lrmpanning.com



Appendix 1: Statement of Common Ground between Chichester District Council, Environment Agency and Southern Water



Statement of Common Ground between Chichester District Council, Environment Agency and Southern Water – Waste Water Treatment in the Chichester Plan Area

[24 November 2021]

Version	Plan making stage	Date
1	Regulation 18	November2021

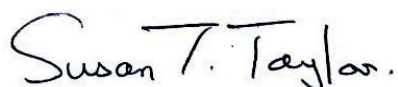
1. Introduction

Paragraph 24 of the National Planning Policy Framework (NPPF) states that: “local planning authorities and county councils (in two tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries”.

It also states that “in order to demonstrate effective and ongoing joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan making process to provide transparency.”

2. List of signatories:

Chichester District Council – Cllr Susan Taylor, Cabinet Member for Planning Services



Southern Water- Sandra Norval, Future Growth Lead



Environment Agency – Kate Banfield, Environment, Planning & Engagement Manager, Solent & South Downs Area



3. Key Strategic Matters Covered:

This Statement of Common Ground relates to the provision of waste water infrastructure to serve the Chichester Plan Area, and in particular to serve additional development proposed in the Chichester Local Plan Review. This is identified as a strategic issue.

Water quality is also a strategic issue related to the provision of suitable waste water treatment capacity.

4. The Area Covered:

This Statement of Common Ground focuses on the Chichester Plan Area, which covers those parts of Chichester District outside of the South Downs National Park.

Several of the WWTW that serve the plan area also serve areas in adjoining areas with their own Local Plans including Havant, Arun, Waverley and the South Downs National Park Authority. The impact of planned development from these areas on WWTW capacity in Chichester District is therefore also taken into consideration.

5. Governance Arrangements and how the SoCG will be kept up to date:

Further to discussion at the Chichester Water Quality Group in April 2019 a working group including representatives from Chichester District Council, Southern Water and the Environment Agency was set up to update evidence relating to current waste water treatment headroom and to identify the additional waste water treatment capacity that would be needed over the plan period and the options for delivering this. This working group will update the SoCG.

6. Roles and Responsibilities

Chichester District Council is the Local Planning Authority, responsible for planning to meet the housing and other needs of the Plan Area. In relation to waste water the authority needs to have confidence that sufficient waste water treatment capacity can be made available to serve development before it is occupied.

Southern Water is the statutory sewage undertaker in most of Chichester District, responsible for collecting, conveying and treating wastewater. Southern Water has a statutory duty to serve new development and to meet environmental criteria set by the Environment Agency. Investment is planned in 5 year periods and is informed by the Local Plan.

It is noted that Thames Water is the statutory sewerage undertaker for a small area of the Northern part of the plan area, around Haslemere. Thames Water have suggested additional policy wording relating to the development or expansion of waste water facilities.

The Environment Agency is responsible for protecting and improving the environment, and promoting sustainable development. The Agency regulates discharges into the environment in accordance with legislation and provides advice as a statutory consultee in relation to planning.

7. Housing Requirements

The housing need for the Chichester Local Plan area is 634 dwellings per annum based on the standard methodology for housing. This equates to a total of 10,778 over the period 2021 to 2038. Due to infrastructure constraints it is considered unlikely at the current time that this level of development can be met. Further work on alternative development strategy options is currently underway and will be subject to further testing.

8. Strategic Matters: Waste water treatment capacity

8.1 BACKGROUND:

The Chichester Local Plan Key Policies was adopted in 2015 with recognition that Chichester could not meet its housing need in full. Although not the only factor, difficulties in providing sufficient waste water capacity in an area constrained by environmental designations where statutory environmental water quality standards must be met were recognised by the Inspector in her report.

At that time it was agreed, through the work of the Chichester Water Quality Group, that an upgrade to Tangmere WWTW and the installation of UV treatment at Chichester (Apuldram) WWTW would be sufficient to serve the Plan figure of 435 new dwellings per year, subject to phasing of the Strategic Development Locations to be served by Tangmere.

As set out in para 7.9 of the adopted Local Plan, the council committed to review the plan within 5 years to see if the resolution of uncertainties around sewerage infrastructure, and also around improvements to the A27, would allow the council to meet its objectively assessed need in full.

A Water Quality Assessment was commissioned to inform work on the Local Plan Review. The report, which was published in 2018 alongside consultation on the Local Plan 'Preferred Approach' (Regulation 18), concluded that additional capacity would be required at most WWTWs in the Plan area, with additional nitrate treatment focused on those around Chichester Harbour.

Because the Water Quality Assessment study was based on early options around the distribution of housing it did not specifically test the distribution proposed in the Preferred Approach. Due to this and other concerns raised during the consultation, further work has been undertaken focused on updating the position on current capacity and comparing this to the levels of future development now being considered.

8.2 THE ISSUE:

Challenges around the provision of additional waste water treatment capacity currently have the potential to delay the delivery of development allocated within the catchments of WWTWs that presently discharge into Chichester Harbour. Environmental designations put in place to protect the harbour's water quality and its wildlife effectively place a cap on any additional nutrient load being received in the harbor from treated effluent and storm discharges.

At certain WWTWs within the plan area, additional waste water treatment capacity will be required to serve further development to be planned for in the Chichester Local Plan Review (LPR) 2021-38, alongside development proposed in neighbouring areas that has an impact on capacity. An indication of the capacity remaining once current commitments are delivered is set out in the headroom tables in Appendix A below. This detail will change as the plan progresses, with information on potential development strategies to deliver growth being incorporated.

Environmental Constraints on Waste Water Treatment Works:

Chichester District Council has worked with Southern Water and the Environment Agency to identify those WWTWs that fall into the 'environmentally constrained' category, i.e. those that suffer significant groundwater infiltration, and/or those that are already permitted at BAT (Best Available Technology) for nutrient removal. For example, BAT for Total Nitrogen (TN) removal is currently recognized as 10mg/l. Essentially this means that within the parameters of existing nutrient removal technology, the Agency has indicated that it will not be possible to revise current permits to enable those WWTWs to increase volumetric capacity, without harm to the environment that would result from increased nutrient load. At present those identified WWTWs are Chichester, Thornham, Lavant and Bosham.

The infiltration problems suffered by Chichester (Apuldram) and Lavant catchments (the latter being largely outside the plan area) have long been known, and Southern Water commenced an Infiltration Reduction Programme in Spring 2021. This programme, involving sewer monitoring and lining, may be in place for up to 10 years. Any available headroom within extant permits is, at present, taken up with excess infiltration and therefore headroom for growth is not currently available. A [Position Statement](#) in relation to the Chichester catchment was agreed in December 2018 and is currently under review.. Strategic sites allocated in the adopted Chichester Local Plan have been enabled through Southern Water's construction of a pipeline to connect new development east and west of the Chichester catchment to an alternative location - Tangmere WWTW, where capacity has also been doubled to cater for growth.

Thornham and Bosham WWTWs also discharge to Chichester Harbour and have Total Nitrogen (TN) permits of 10 mg/l, a level which is currently recognized as BAT for TN removal. Capacity at these WWTWs is therefore currently constrained to their extant dry weather flow (DWF) permits. Based on current commitments, DWF permit limits will be reached at Thornham by 2025/6. This is without additional permissions on unallocated sites (known as windfall), or additional allocations in the Local Plan Review. A [Position Statement](#) has been agreed between CDC, the EA and SW in order to manage development within Thornham catchment until alternative solutions for growth within that catchment can be identified, funded and delivered through Southern Water's next Business Plan (2025-2030). The need for similar Position Statement for other catchments will be considered as the need arises.

Infiltration reduction and storm overflow performance improvements are planned for the 2020-2025 period at Lavant. At Loxwood, storm overflow performance improvements are also planned for the 2020-2025 period, and Southern Water is reviewing the impact of growth and determining network reinforcement required to enable new developments to connect. The improvement schemes at Pagham WWTW, which include a growth design horizon up to 2035 are due for completion by 2025 – more information about the options and capacity is expected to be available by the end of 2021. An infiltration reduction programme is also underway in Chichester.

9. Joint Working To Find Solutions:

Joint working in relation to waste water and water quality has been ongoing with a range of partner organisations through the Chichester Water Quality Group and also through the Chichester District Council, Environment Agency and Southern Water working group set up to focus on waste water evidence.

Further detail of the meetings held is set out in Appendix C.

A series of meetings with the Environment Agency, Southern Water and OFWAT at senior level and with elected members have also recently taken place with more arranged.

10. Identifying Options and improvements:

As outlined above, a number of measures to increase capacity, linked to the adopted Local Plan, have already been delivered by Southern Water. This includes a scheme to upgrade Tangmere WWTW, a new pipeline to connect strategic development around Chichester City to Tangmere WWTW (to be completed March 2022) and the installation of UV treatment on the storm overflow at Chichester (Apuldram) WWTW. Work also recently commenced to implement a 10 Year Infiltration Reduction Scheme for Chichester.

The Chichester-Tangmere pipeline was designed in 2015 to accommodate growth outlined in the then newly adopted Chichester Local Plan. Additional developments identified in the Local Plan Review around Chichester will require further work on drainage solutions once the new pipeline's capacity has been reached. Design capacity of the pipes and pumping stations associated with the Tangmere transfer will be reviewed by Southern Water to account for new housing to be allocated through the LPR. Developers would need to engage with both the planning authority and Southern Water to determine an appropriate drainage strategy to outfall to Tangmere.

In general terms, there is a range of potential measures that could be implemented to work around current environmental constraints on the provision of additional waste water treatment capacity at the identified WWTWs serving the Chichester Plan Area including but not limited to:

a) Reducing infiltration into the sewerage system

- b) Increasing water efficiency in the homes of existing and future residents
- c) Transferring flow or treated effluent to an alternative discharge location (where the environmental capacity of the receiving water is sufficient to accommodate the discharge)
- d) Investigating the availability of non-conventional technology to treat wastewater to higher quality standards (longer term option).

To inform the Local Plan Review an indication will be needed during 2021 of which options are considered feasible and deliverable within reasonable timeframes. CDC recognises that such options will still need to go through Southern Water's Business Planning process PR24, due to the non-standard nature of the likely options. This will inform the Asset Management Plan (AMP) 8 investment period 2025 to 2030 with funding being confirmed in 2024. A greater degree of certainty that waste water can be suitably treated is required for the first 5 years of the Local Plan Review period.

Tangmere WWTW's DWF capacity, when measured against projected housing growth based on existing permissions and allocations, is projected to be almost reached by the end of the plan period. To allow for new allocations in the Local Plan Review as well as other applications that may come forward in the meantime, additional capacity at Tangmere will be needed to accommodate growth around Chichester, which can be provided in AMP 9. Additional capacity in the transfer pipeline may be required in AMP8 (which covers investment in 2025-30) or AMP 9 (2030-35). Combined growth and quality improvement schemes for Pagham WWTW due for completion by 2025 will provide additional capacity there.

It is noted that Southern Water has a statutory obligation to find solutions and provide infrastructure to serve new development. There are repeated opportunities through the water industry's five yearly price review process to investigate and implement solutions throughout the plan period, as outlined above.

Southern Water's Drainage and Waste Water Management Plan (DWMP) for the Arun and Western Streams will also consider options for improvements needed to each catchment including for the Chichester Area. The DWMP process looks holistically at a range of issues in the catchment; such as pollution, combined sewer overflow performance, growth, water quality improvements, maintenance requirements, infiltration and flooding; how to manage them in the future and the strategic options for this. The latest timetable information for the DWMP is that options will be explored with stakeholders from August to December 2021 to feed into the Southern Water business planning process. Chichester District Council officers are fully engaged in this process. It is expected that by the end of 2021 there will be sufficient emerging information about the preferred options and investment strategy to feed into the Local Plan Review process. The DWMP will go out for full public consultation in the summer of 2022 with the final plan published in March 2023 to feed into Ofwat's Price Review process (PR24) which informs investment for the 2025-30 period (AMP8). DWMPs will be reviewed every 5 years to inform water company business plans for future AMP periods, allowing an iterative approach to planning for growth. More information is available on Southern Water's [DWMP](#) webpages.

Available information about scheduled infrastructure improvements will be included in the Infrastructure Delivery Plan for the Local Plan Review. Once the plan is adopted there will be annual updates via the Infrastructure Business Plan.

11. Implications For The Development Strategy:

Potential changes to the development distribution already considered have taken some account of waste water treatment capacity by directing more development to the eastern side of Chichester which would be served by Tangmere WWTW, which is less environmentally constrained than works around Chichester Harbour. However, the distribution of new housing development in the Local Plan Review must be guided by a range of sustainability criteria and

not only based on locating development in areas with most waste water capacity. The location and distribution of development in the emerging Local Plan is informed by a range of sustainability factors including other environmental constraints, the settlement hierarchy, the location of key strategic infrastructure, community facilities and employment. This has resulted in a focus of growth along the Chichester East – West corridor. The development strategy is currently under further review.

Constraints in waste water capacity in parts of the plan area are likely to require a phased or stepped approach to housing delivery, prioritising delivery of sites where capacity is not an issue, to ensure that development can take place in step with improvements to waste water treatment infrastructure.

At this point in time, whilst no definite showstoppers to treating wastewater from new homes across the plan period have been established, it is clear that providing significant additional capacity at Thornham WWTW is dependent upon significant infrastructure improvements which will be subject to longer lead in times associated with Southern Water's infrastructure planning and investment processes. Therefore, local plan development in this area will need to be phased accordingly to take account of current remaining waste capacity and the timing of strategic improvements confirmed to be delivered during the plan period. This would require a change to the delivery timescales previously provided to Southern Water, with development to be delivered through the Southbourne and Chidham and Hambrook neighbourhood plans to be delivered later in the plan period in accordance with a phasing programme in step with infrastructure improvements informed by a position statement. A Position Statement is required to manage remaining headroom in the meantime.

This situation will be kept under review as further work is undertaken on the development strategy, taking into account other infrastructure requirements as well as waste water.

12. Areas of agreement:

It is agreed by all parties that:

- a) Additional waste water treatment capacity will be required to serve the level of development to be planned for during the plan period to 2038.
- b) There is currently no environmental capacity at Chichester and Lavant, but infiltration reduction is underway and new development in Chichester catchment is being transferred to Tangmere.
- c) Loxwood is currently near its limits of capacity so development here will need careful consideration with Southern Water. Additional capacity can be planned for as needed in the next business plan.
- d) Environmental capacity at Bosham and Thornham is limited to currently permitted levels. Thornham is anticipated to reach its permit limit by 2025/6 and a separate position statement regarding development in this catchment has been agreed.
- e) Tangmere is anticipated to be close to its permit limit by the end of the plan period, without additional allocations. Since no environmental constraints have been flagged for this catchment by the Environment Agency, Southern Water can provide additional capacity at this WWTW at the appropriate time by applying for a revised permit.
- f) The strategy to treat flows within the Chichester Plan Area will be developed through Southern Water's Drainage and Waste Water Management Plan and Business Planning processes, the timetable for which is set out below.

13. Agreed timetable for identifying solutions:

A wide scope of options to improve drainage performance, including the need for additional treatment capacity where required, will be considered through the current Drainage and Wastewater Management Planning process (DWMP) and the next price review in 2024. The

timetable is expected to be:

- Outcome of the DWMP catchment prioritization for option development – July 2021 – Bosham, Chichester, Lavant, Loxwood, Pagham, Sidlesham, Tangmere and Thornham catchments were all identified to progress to the options development stage.
- Development of DWMP options with partners, including stakeholder workshops – August to December 2021. Those for most of the Chichester Plan Area took place in September, with that for Loxwood still to be scheduled. Once this stage is complete we will know more about the preferred approach for each priority catchment. This information can feed in to the Local Plan review Process.
- DWMP Investment programme for each catchment area – June 2022
- Public consultation on DWMP – Summer 2022
- Publication of DWMP – March 2023

The outcomes of the DWMP will then inform PR24 for the 2025-2030 Business Plan. Schemes that are required to be delivered within that Plan period will be identified through this process and will be funded and delivered during the AMP8 (2025-30) period.

**Appendix 2: Thornham Position Statement for New Housing with Chichester District Council,
Southern Water Services and Environment Agency (November 2021)**



A Position Statement on managing new housing development in the Thornham Waste Water Treatment Works catchment.

This is a joint Chichester District Council, Southern Water Services and Environment Agency position statement. Havant Borough Council has been kept informed but is not a signatory.

The purpose of this statement is to support planning officers and developers working within this catchment. It focusses on the local Wastewater Treatment works at Thornham. The Thornham Wastewater Treatment Works (WwTW) serves an area including the parishes of Southbourne, Chidham and Hambrook, Westbourne, and in adjoining Havant Borough, Emsworth.

This statement builds on policies in the “Chichester Local Plan: Key Policies 2014-2029”, the “Surface Water and Foul Drainage Supplementary Planning Document – September 2016”, the “Water Quality Assessment Report – 2018”, and a Statement of Common Ground being prepared between Chichester District Council, Southern Water and the Environment Agency.

The current position:

The Thornham Wastewater Treatment Works (WwTW) operates under a Permit issued by the Environment Agency. It is subject to environmental permit constraints, one of which is the volume of flows that Southern Water is authorised to process through the wastewater treatment works during dry weather. This is known as Dry Weather Flow (DWF). The permit limit on DWF restricts options to increase treatment capacity beyond the current DWF environmental permit level. Consideration of any development in the Thornham catchment therefore needs to take into account whether there is sufficient infrastructure available to convey, manage, treat and discharge the wastewater that will be produced, whilst complying with HRA requirements to ensure there is no adverse impact on the protected area of Chichester Harbour.

The latest DWF headroom information from Southern Water indicates that there was available headroom for up to 950 new dwellings at the Thornham WwTW as at January 2021, based on average flow of 500l per dwelling.

Due to the environmental restrictions in Chichester Harbour (as set out in the Statement of Common Ground between Chichester District Council, The Environment Agency and Southern Water – Waste Water Treatment in the Chichester Plan Area), the provision of additional treatment capacity at Thornham WwTW is constrained. Southern Water is currently preparing a Drainage and Wastewater Management Plan (DWMP) which will look at the need for and wider options to deliver infrastructure improvements to accommodate growth across the area. The DWMP will be finalised in 2023 as part of the next price review, to inform investment in the period 2025-30. There is at present no certainty of a deliverable solution for the Thornham catchment and any solution will take time to deliver.

In the meantime infiltration reduction work in Thornham catchment may help slow take up of the available headroom.

Managing development:

More homes have been built since January 2021 and others have planning permission but are not yet built. Taking these into account as commitments reduces the headroom available for other future development to 298 as at 1st September 2021. Information about the remaining capacity not committed will be kept under review and published on Chichester District Council's website, on the [Supplementary Planning Document](#) page.

New development proposals within the area served by Thornham WwTW will have to demonstrate that, taking account of both the latest DWF based headroom information and the needs of extant planning permissions yet to be built/completed, sufficient headroom exists to serve the development, or alternatively that no net increase in flows to Thornham WWTW will result from the development. Capacity will be taken up on a first come first served basis.

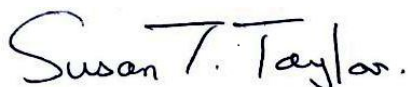
The available headroom position will be reviewed annually as new DWF data becomes available, with more frequent monitoring of planning permissions in the catchment. Remaining headroom should be considered when considering development proposals in the catchment.

In order to maximise the use of remaining available headroom no surface water from new development will be discharged to the public foul or combined sewer system. Applicants should also demonstrate that techniques such as SuDs have been used to minimise the flow to the treatment works and are encouraged to include water efficiency measures to achieve Southern Water's Target 100.

Development in this catchment also needs to be nutrient neutral in line with Natural England guidance.

Agreed on 25 November 2021 by:

Chichester District Council – Cllr Susan Taylor, Cabinet Member for Planning Services



Southern Water- Sandra Norval, Future Growth Lead



**Environment Agency – Kate Banfield, Environment, Planning & Engagement
Manager, Solent & South Downs Area**

Kate Banfield.