**Chichester Local Plan 2021-2039**

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

April 2024

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# 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 at paragraph 27 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 parties involved:

This Statement of Common Ground has been prepared by Chichester District Council. Southern Water and the Environment Agency.

# 3. Relationship with other documents:

This Statement of Common Ground supercedes a previous Statement of Common Ground dated November 2021.

Position Statements for Chichester (Apuldram) and Thornham Wastewater Treatment Works and other evidence relating to wastewater are published on the Chichester District Council website.

# 4. Strategic Geography:

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 Wastewater Treatment Works (WTW) 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 WTW capacity in Chichester District is therefore also taken into consideration.

# 5. 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 wastewater the authority needs to have confidence that sufficient wastewater 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. Water companies have 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.

Whilst Southern Water serves most of the Plan Area 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. No allocations are proposed in this part of the Plan Area.

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.

# 6. Strategic Matters

This Statement of Common Ground relates to the provision of wastewater infrastructure to serve planned development in the Local Plan.

The housing need for the Chichester Local Plan area, based on the standard methodology, is 638 dwellings per annum. Due to infrastructure constraints, primarily related to the capacity of the A27, it is considered that this level of development cannot be delivered, and the Local Plan therefore proposes a constrained housing target of 575 per annum for the Plan Area. This equates to a total of 10,350 over the plan period 2021-2039.

Additional wastewater treatment infrastructure will be needed to serve new development within the lifetime of the Local Plan to ensure that wastewater can be safely treated and water quality protected.

Water companies have a statutory obligation to allow new development to connect to their networks whilst continuing to meet environmental objectives. Water company investment in new or improved infrastructure is planned in 5 yearly periods and the Local Plan helps to inform water companies’ growth projections. The five yearly price review process therefore provides repeated opportunities throughout the plan period to investigate and implement any infrastructure upgrades and solutions necessary to accommodate growth.

Southern Water’s Drainage and Wastewater Management Plan (DWMP) for the Arun and Western Streams is a 25-year plan that looks holistically at a range of issues in the catchment and strategic options for addressing them; such as pollution, combined sewer overflow performance, growth, water quality improvements, maintenance requirements, infiltration and flooding. Chichester District Council officers have been fully engaged in preparation of the DWMP which was published in June 2023, to ensure that proposals emerging in the Local Plan were taken into account. The DWMP feeds into OFWAT’s Price Review process (PR24) which informs investment for the 2025-30 Asset Management Plan period (AMP8). DWMPs, which are now statutory, 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](https://www.southernwater.co.uk/dwmp) webpages.

**Constraints on wastewater treatment works:**

Environmental designations which protect water quality and wildlife in Chichester and Langstone Harbours[[1]](#footnote-1) effectively place a cap on any additional nutrient load from treated effluent or storm discharges.Chichester District Council has worked with Southern Water and the Environment Agency to identify which treatment works are environmentally constrained. Lavant and Chichester have no environmental capacity now due to significant groundwater infiltration. Thornham and Bosham are constrained to the current DWF permit levels due to the environmental capacity of the receiving water, unless treatment beyond the current N permit of 10mg TN/ litre (which is in line with the nutrient removal standard set in the Levelling Up and Regeneration Act 2023) can be achieved. for nutrient removal. Essentially this means that unless and until greater nutrient removal can be implemented, the Agency advises that it will not be possible to revise current environmental permits to enable those WTWs to increase volumetric capacity, without harm to the environment that would result from increased nutrient load. Southern Water are currently testing nutrient removal down to 9mg TN/litre, which is already achieved at Chichester (Apuldram) WWTW. A condition review of Pagham Harbour is currently underway and updates will be provided based on the outcome.

Where WTWs are environmentally constrained, capacity for additional development will have to be found within the environmental permit, until any improvements in nutrient removal are implemented. Southern Water advise that this can be achieved by a combination of measures such as those below. Portsmouth Water is the supplier in the South of the Plan Area - both companies have a target to reduce water use to 100litres per person per day and offer advice and water saving devices to customers:

a) Reducing ingress of surface water and/or groundwater into the sewerage system

b) Increasing water efficiency in the homes of existing and future residents, through retrofitting water saving devices, customer education and support

c) Transferring flow or treated effluent to an alternative discharge location with sufficient environmental capacity

d) Investigating the availability of non-conventional technology to treat wastewater to higher quality standards

The tables below summarise the issue, work already underway and identified future investment needs for each WTW:

**Wastewater treatment works which drain to Chichester Harbour**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **WWTW** | **Additional capacity likely to be needed?** | **Environmental constraint to increasing permit?** | **Local Plan Allocations in the Publication Local Plan** | **Existing solutions** | **Summary of investment needs identified in DWMP up to 2040 (IMPORTANT NOTE: these schemes are subject to business planning process and OFWAT approval and may therefore change)**  **See links for more detail** |
| **Chichester (Apuldram)** | The issue here relates to infiltration rather than to lack of headroom within the permit. | Y | Southern Gateway A4 and A5  Chichester City A2  Fishbourne H3 | A Position Statement requires development of 10 or more dwellings to demonstrate no net increase in flow to Chichester (Apuldram). This requirement is brought into the Local Plan in Policy NE16 Water Management and Waste Water.  An upgrade to Tangmere WWTW and a new pipeline have been delivered to allow strategic development sites around Chichester in the adopted Chichester Local Plan Key Policies 2014-29, which would normally drain to Chichester (Apuldram), to connect to Tangmere instead.  UV treatment is in place to reduce impact of spills.  Southern Water began an infiltration reduction programme in 2021, which may continue for up to 10 years.  Work to increase treatment capacity by 60% in the 2020-25 period. | <https://www.southernwater.co.uk/media/8672/aws_investmentneeds-chichester.pdf>  2025 onwards:  Customer education to reduce blockages  Sewer rehabilitation and maintenance  Wetland creation and sewer lining to reduce infiltration and reduce impact of storm spills  2030-35:  Growth scheme to upscale sewers in various locations  Rainwater separation |
| **Bosham** | Likely to need additional capacity in the next 5 years.  Also infiltration issues. | Y | Highgrove Farm A 11 |  | <https://www.southernwater.co.uk/media/8664/awsinvestmentneeds-bosham.pdf>  2025 onwards:  Customer education to reduce blockages  Enhanced sewer maintenance  Wetland creation and sewer lining to reduce infiltration and reduce impact of storm spills Improve pumping station operation  2030-35:  New pumping station and gravity network to reduce flood risk  Increase capacity and treatment capacity to allow for planned development  2035-40:  Further reduction in nutrients (subject to review this may happen sooner) |
| **Lavant** | The issue here relates to infiltration rather than to lack of headroom within the permit.  A Position Statement has not been prepared because of the limited amount of development planned in this catchment. | **Y** | None | Treatment and storm capacity increases are planned for the 2020-25 period.  A wetland was constructed in 2023 and is now operational | <https://www.southernwater.co.uk/media/8666/awsinvestmentneeds-lavant.pdf>  2025-30:  Further wetland creation and/or sewer lining to reduce infiltration  Additional treatment to achieve 10mg Total N permit (i.e. improve nutrient removal to TAL) |
| **Thornham** | Likely to need additional capacity in 5-10 years  Also infiltration issues.  Also serves development in Havant. | Y | Nutbourne and Hambrook A12  Southbourne BLD A13  Westbourne H3 | Infiltration reduction underway.  Permissions in the catchment are being monitored in conjunction with a Position Statement which will require no net increase in flows once existing permissions exceed remaining Q80 headroom. | <https://www.southernwater.co.uk/media/8671/awsinvestmentneeds-thornham.pdf>  2025-30 onwards:  Customer education to reduce blockages  Sewer rehabilitation and maintenance  Increase capacity to allow for planned new development by improving on TAL for nutrient removal  Use SuDs and storage in various locations to reduce storm overflows  Construct wetlands to reduce nitrates  Study into impacts on habitats  UV treatment  2030-35  Rainwater separation  2035-40  Increase biological treatment capacity to allow for planned new development if needed |

**Other WTWs:**

At WTWs which are not currently environmentally constrained, measures to reduce existing flows to the works can be trialled initially, and dependent on the outcome, subsequent permit revisions may be necessary to allow the WTWs to treat additional flows**.**

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| --- | --- | --- | --- | --- | --- |
| **WWTW** | **Additional capacity likely to be needed?** | **Environmental constraint to increasing permit?** |  | **Existing solutions** | **Summary of investment needs identified in DWMP up to 2040 ( subject to business planning process and OFWAT approval)**  **See links for more detail** |
| Kirdford | N | N | Kirdford Parish figure H3 |  | DWMP investment needs for this catchment still being identified |
| Loxwood | Y – already operating above Q80 | N | Loxwood A15  Plaistow and Ifold H3 | Southern Water are identifying network reinforcement needed for new development to connect. | DWMP investment needs for this catchment still being identified  A growth scheme is proposed for 2025-30  Storm overflow improvements and infiltration reduction via sewer remediation works planned for the 2020-25 period to reduce spills. |
| Pagham | Y – likely to need additional treatment capacity in the next 5years.  Also serves development in Arun District. | N (pending condition review of Pagham Harbour) | North Mundham H3 | Increase capacity to allow for planned new development  Growth and quality improvement scheme is underway, due for completion by 2025. 60% increase in treatment capacity and 15% increase in storm tank capacity.  Nutrient removal – nitrate and phosphate permit levels introduced. | <https://www.southernwater.co.uk/media/8668/awsinvestmentneeds-pagham.pdf>  2025-30:  Use SuDs and storage to reduce spills  Explore options to transfer wastewater for treatment elsewhere  2035-40:  Growth scheme: upsizing sewers and/ or rain/surface water separation.  Additional nutrient removal. |
| Sidlesham | Y – exceeded permit in 2021 and 2022 | N (pending condition review of Pagham Harbour) | None | Infiltration reduction underway.  Storm tank capacity increase by 45% by 2025. | <https://www.southernwater.co.uk/media/8669/awsinvestmentneeds-sidlesham.pdf>  2025-30 and onwards:  Customer education to reduce blockages  Sewer rehabilitation and maintenance  Increase capacity to allow for planned new development, including applying for a revised DWF permit  Rainwater harvesting study  Investigate pollution risk from infiltration  Total System Study to look at climate change, sea level rise, flooding, water resources and quality, biodiversity and habitat loss and funding schemes – joint project  2030-35  Wetland creation/ sewer lining to reduce spills  2035-40  Infiltration reduction – sewer lining  Underground storage  Improved operation to reduce spills  Further wetland creation/sewer lining  Further nutrient removal |
| Tangmere | Y – additional capacity likely to be needed in next 10 years  Possible infiltration issues currently being investigated. | N | Shopwhyke A7  Land at Westhampnett/North East Chichester A9  Tangmere A14  West of Chichester A6  Land at Maudlin Farm A10  Boxgrove H3 | WWTW was upgraded and a new pipeline installed to serve strategic allocations around Chichester in the adopted Local Plan. The new pipeline is now operational. | <https://www.southernwater.co.uk/media/8670/awsinvestmentneeds-tangmere.pdf>  2030-35:  Increase treatment capacity to allow for planned new development, including permit review if needed  Sewer rehabilitation  2035-40:  Growth scheme to upsize sewer, new access chamber new underground storage or separation  Nutrient removal |
| Wisborough Green | N – capacity likely to be sufficient for planned development | N | Wisborough Green H3 | None | DWMP investment needs for this catchment are still being identified |

# 7. Local Plan Policies:

Policies in the plan are written to ensure that development does not take place ahead of necessary infrastructure.

In summary NE 16 requires that development is phased to align with the delivery of new or improved wastewater infrastructure, where this is required, and that development has no adverse impact on water quality.

Policy I1 Infrastructure Provision sets out how infrastructure is planned and delivered and, where new infrastructure is needed, requires the developer to agree a programme of delivery with the relevant provider before development begins.

Housing strategic location/allocation polices, A2, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14 and A15, whilst already subject to the 2 policies above, reiterate the need for development to be phased in line with delivery of any necessary wastewater infrastructure.

Policies NE17 Water Neutrality and NE19 Nutrient Neutrality set out additional requirements in specific areas to protect water quality.

In response to comments from the Environment Agency and Southern Water during Publication consultation, minor modifications to the Publication Plan are proposed to correct reference to Southern Water’s Sussex North Water Resource Zone, add an additional point to NE16 to set out that connection to the public sewer should always be the first option and that any departure from this must be justified, to add the requirement for development to be phased to align with delivery of any necessary wastewater infrastructure to Policy A10 Land at Maudlin Farm for consistency with other site allocation policies, and to amend “wastewater treatment” to “wastewater disposal” in Policies A4 and A5 to ensure that both capacity for the conveyance of waste (through the network of pipes and pumping stations) and capacity for treatment at the WTW are covered.

# 8. The Development Strategy:

As the development strategy for the Local Plan has evolved, account was taken of wastewater 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, this was not the sole consideration. The location and distribution of development in the new 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 around Chichester City and along the East – West corridor.

Constraints on wastewater treatment capacity in parts of the plan area mean that some of the development in these areas is expected to be delivered later in the plan period, prioritising delivery of sites where capacity is not an issue, or is more straightforward to increase, to ensure that development can take place in step with improvements to wastewater treatment infrastructure.

# 9. Areas of agreement:

It is agreed that:

1. Additional wastewater treatment and network capacity will be needed to serve new development in the Local Plan period to 2039.
2. Southern Water has a statutory duty under Section 94 of the Water Industry Act 1991 to provide, improve extend, maintain and make provision for emptying its network of sewers in order to effectually drain an area within its undertaking. Solutions to continue to meet these duties in line with projected population increases and climate change, and higher water quality objectives, are identified through the Drainage and Wastewater Management Plan and delivered through a five yearly business planning/ asset management plan process.
3. The following WTWs are identified as environmentally constrained: Chichester (Apuldram), Bosham, Lavant, Thornham, which means the permit cannot be increased without significant additional investment. It is agreed that capacity at these works can be freed up, whilst operating within the permit, by measures such as
   * reducing infiltration,
   * increasing water efficiency,
   * potentially considering transferring flows to an alternative WWTW or discharge point. or
   * using non-conventional technology to treat wastewater to higher quality standards

As set out in Policy NE16, Position Statements will continue to be used to manage remaining capacity in relevant catchments.

1. The following WTWs are not currently environmentally constrained: Kirdford, Loxwood, Pagham, Sidlesham, Tangmere, Wisborough Green. It is agreed that capacity upgrades at these works can be delivered in step with development.
2. Wastewater treatment capacity is not a barrier to delivering the level of development proposed in the Local Plan in line with the housing trajectory.
3. Local Plan policies NE16 Water Management and Water Quality, I1 Infrastructure Provision and the housing strategic locations/ allocation policies A2, A4,A5,A6,A7,A8, A9, A10, A11, A12, A13, A14, A15, incorporating ,where relevant, minor clarification/ consistency modifications as set out in the Minor Modifications Table which will be submitted for examination alongside the Local Plan, contain appropriate criteria to ensure development is phased to align with delivery of new wastewater infrastructure where this is required, and to protect water quality, together with policies NE17 Water Neutrality and NE19 Nutrient Neutrality which set out additional requirements in specific areas to protect water quality.
4. All parties will continue to work together to ensure the necessary wastewater infrastructure is planned for and delivered in a timely manner to support planned development.
5. Where known, information about scheduled infrastructure improvements is included in the Infrastructure Delivery Plan for the Local Plan. Once the plan is adopted there will be annual updates via the Infrastructure Business Plan.

# 10. Governance Arrangements and how the Statement of Common Ground will be kept up to date:

This Statement of Common Ground was prepared jointly by representatives from Chichester District Council, Southern Water and the Environment Agency. All parties will continue to work together and update the Statement of Common Ground when necessary.

# 11. Signatories

**Chichester District Council – Cllr Bill Brisbane, Cabinet Member for Planning Services**

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**Dated: 30/04/2024**

**Southern Water- Daniel Whitcher, Future Growth Lead**

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**Dated: 19/04/2024**

**Environment Agency – Louise Parker, Environment Planning Manager Solent and South Downs Area**

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**Dated: 25/04/2024**

1. Chichester Harbour SSSI, Langstone Harbour SSSI, Solent Maritime SAC, Chichester and Langstone Harbour's SPA and Ramsar. [↑](#footnote-ref-1)