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Our Ref: UK0038316.9754  
28 August 2025

Dear Sir/Madam,

### **Local Plan Issues and Options Consultation Site 1181**

We write on behalf of our client Sealand Road Commercial Properties Limited – In Administration to submit representations to the above consultation.

Our response pertains to the **Land Availability Assessment Stage One 2025** (LAA) in addition to some of the questions posed regarding the Issues and Options paper.

Sealand Road Commercial Properties Limited – In Administration control the site identified in the LAA as Site 1181: Land west of Clifton Drive, rear of 174-300 Sealand Road, Chester. The site measures 9.08 ha and has been identified in the LAA as having a capacity of 272 dwellings based on a density of 40 dwellings per hectare across a net developable area of 6.80 ha.

The outcome of the LAA is that >10% of the gross area is in Flood Zone 3.

We object to this outcome for three reasons.

### **Site is deliverable**

Live planning application 20/02712/OUT for up to 150 dwellings relates to this site. It was originally submitted in 2020 but remains undetermined. An updated pack of information is due to be submitted to the Council at the end of August to aid in the determination of the planning application. The applicant has spent resources with consultants Weetwood undertaking detailed hydraulic modelling and detailed design work to reach an agreement with the Environment Agency (EA) as to the existing 'real world' extent of flood risk and the reduced flood risk that will result if the application is granted planning permission and the proposed ground works undertaken.

Essentially, the EA has agreed raised ground levels and finished floor levels that would ensure the whole residential development is outside any area of flood risk and thus safe for its lifetime, and that the development would not increase the risk of flooding elsewhere.



Moreover, WSP has carried out a revised sequential test and exception test based on this real world scenario, which concludes that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

The following updated information is due to be submitted to the Council as part of this planning application at the end of August 2025:

- Planning Statement Update (WSP)
- Sequential and Exceptions Test Report
- Updated Parameters Plan
- Proposed levels Plan
- Illustrative Landscape Plan
- Site Access Plans
- Ecological Assessment
- Bat Survey Report
- Shadow Habitats Regulation Assessment
- Biodiversity Net Gain Report and calculations
- Woodland Edge Assessment
- Flood Risk Assessment Addendum
- Transport Assessment
- Travel Plan

## **Paragraph 3.13 of LAA**

Paragraph 3.13 states that the site assessments will accord with paragraph 11 and footnote 7 of the NPPF. Page 14 of the LAA report explains how flood risk is treated in reaching the outcome of Stage One, with any sites “that contain more than 10% of the gross site area in Flood Zone 3” being withdrawn (albeit they may be revisited at a later assessment stage, should there be insufficient land to meet housing need within the emerging supply).

However, paragraph 11 and footnote 7 have been applied incorrectly in this assessment. Paragraph 11b deals with meeting objectively assessed needs, and not the potential allocation of sites. In the context of plan-making, footnote 7 relates to restricting the overall scale, type or distribution of development (i.e. not meeting objectively assessed needs). The footnote 7 policies need to provide a strong reason for such restrictions. Footnote 7 is not specifically a tool for choosing which sites to allocate.

NPPF encourages plans to take a sequential, risk-based approach to the location of development (paragraph 172). Therefore, the Council should take into account the scientific site-specific evidence that will be submitted as part of planning application 20/02712/OUT. This will demonstrate that the site can be developed in accordance with NPPF, and therefore, should also be used to justify the site being taken forward to the Stage Two assessment.

## **Consultation questions**

### **Question SS 20**

*Do you think that the potential ‘showstopper’ constraints identified above, are correct or are there any others that we should consider?*

### **Question SS 21**

*What information should we take into account when assessing sites for allocation in the new Local Plan?*

### **Question SS 22**

*Do you have any other comments or suggestions you wish to make about our approach to identifying potential growth areas or allocations in the new Local Plan?*

In response to Questions SS 20 – 22, the ‘showstoppers’ should exclude areas of flood risk, where site-specific evidence shows that flood risk can be mitigated and that there is general betterment to the site and surrounding areas. This would reflect a ‘real world’ scenario, rather than a high-level Environment Agency map that is regularly challenged and found to be of less accuracy and reliability than local modelling and assessment.

### **Question 23**

*Which of the identified potential growth areas around Chester do you consider to be the most suitable?*

We have no comment on the four growth areas shown on the periphery of Chester, however we strongly question why the options for growth do not identify options within the settlement area, such as Sealand Road where there is a live planning application. Information provided in that application, and summarised with these representations, show that the site is developable and deliverable, and therefore should be allocated for 150 homes.

### **Question FW 1**

*Do you agree with the suggested policy approach towards flood risk and water management, as set out in FW 1 ‘Flood risk and water management’ above? If not please suggest how it could be amended?*

In establishing the correct growth option and allocating land for development to meet identified needs, the Local Plan should weigh flood risk against other constraints. The Local Plan should consider the real world scenario; where sites shown at risk of flooding on a map have been subject to detailed assessment, the Local Plan should accept that they can be allocated so long as the necessary mitigation and betterment is provided for. Land at Sealand Road is shown to be at risk of flood on the Environment Agency maps, but detailed work by Weetwood as part of planning application 20/02712/OUT shows that in the real world, post-development, there would be less risk of flooding, including across the site and across the surrounding areas. As the site is located in a highly accessible and sustainable location within the urban area of Chester, it will deliver other sustainable credentials that sites in more peripheral locations will not.

## **Summary**

Site-specific technical evidence is available to demonstrate that Site 1181 is deliverable, particularly in light of the EA maps showing the site is within Flood Zone 3. This evidence will also demonstrate that the site should pass the Stage One assessment.

Furthermore, NPPF paragraph 11 and footnote 7 should be used to consider whether strategic policies will be able to meet objectively assessed needs; they should not be used to judge whether a site passes the Stage One assessment.



Site 1181 is within the settlement boundary of Chester. It can accommodate at least 150 dwellings (more if the LAA's suggested density is applied) in an accessible and sustainable location without the need for releasing Green Belt land. It would support the city accommodating a significant proportion of the housing needs for the borough.

We would be pleased to discuss these comments further, should you wish. In the meantime we look forward to acknowledgement of receipt of these representations.

Yours faithfully

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