



Our Ref:- H/69/BSJ

Chief Executive
Havant Borough Council
Civic Offices
Havant
Hampshire
PO9 2AX

3rd September 2010

For the attention of Ms Sandy Hopkins

Dear Ms Hopkins

LAND AT HAVANT ROAD, WARBLINGTON
Havant Core Strategy

I am writing to you on behalf of my clients, Barratt Homes Southampton, who have entered an option arrangement with the land owners on the land at Havant Road, Warblington (see enclosed plan). This site has been put forward for consideration as part of the Strategic Housing Land Availability Assessment (SHLAA). It is identified as UE2b.

My clients instructed consultants to examine the potential of the site and submitted the relevant papers. Your Council has responded and determined that the site is "*Unsuitable for Consideration*" on two grounds that, one, it lies within a Strategic Gap and, secondly, that it is affected by a Gas Main. I am especially concerned about the reference to the Gas Main. There appear to be three references to the 'gas main'.

I have set out the wording below and attached the relevant sheet from the SHLAA for your assistance. The first relates specifically to UE2b and it states:-

"Site affected by gas pipeline and would detrimentally affect the strategic gap at its narrowest point". (SHLAA; December 2009; Appendix B, page 189)

There is a second reference to the issue of the Gas Main in the section of the SHLAA entitled "Assessing the Suitability of land for housing", sub heading "Policy Restrictions/Physical Constraints" paragraph 4.28. It states under the heading "Gas Pipeline" that:-



“High pressure gas mains are protected by a 140 metre (minimum) wide planning easement. Sites which were affected by a high pressure gas main were either discounted from the assessment, or the net developable area calculated”.

Obviously, this statement has caused my clients concern as the existence of the pipeline was not revealed by the Solicitors who undertook the respective ‘Searches’. An easement of 140 metres affecting my client’s site would have eliminated the possibility of any development.

The existence of this pipeline and its significance can only be deduced from the statement under Utilities – Gas Section which states:-

“A high pressure gas main crosses greenfield areas 2 (A3M corridor between Havant and Waterlooville), 5 (southern slopes of Portsdown Hill), 6 (Broadmarsh) and 7 (countryside between Havant and Emsworth). This is a major constraint since it cannot be rerouted and because it is protected by a 140 metre (minimum) wide ‘planning easement’. For security reasons the routeing of the high pressure gas main cannot be published.” (Infrastructure Background Paper July 2007; Chapter 9; Utility Services; Gas: Existing Provision)

This paragraph restates the width of the ‘planning easement’ and then adds ***“For security reasons the routeing of the high pressure gas main cannot be published.”***

Needless to say, this has caused my clients and their adviser’s considerable alarm and it has been necessary to investigate the implications carefully. The Solicitors have examined the legal documentation which did not reveal the gas main. As a result, they have engaged specialists consultants to examine the implications of the gas pipeline. These investigations have confirmed that the impact is marginal and that the width of easement is incorrect and that plans are available.

The consultants have been advised by Southern Gas Networks which is part of the Scotia Gas Networks Group that “there is a High Pressure apparatus in the Vicinity” and a section passes along the eastern boundary. However, the easement states that ***“no development is acceptable within 6 metres”*** including garden land ie it is a 12 metre easement centred on the pipeline. Most of the line of the pipeline follows Havant Road and it is outside of my clients’ land. Indeed, the easement does not prevent an access road from passing over it. I have enclosed a copy of the letter from Southern Gas Networks for your information. I am seeking further written confirmation of the width of the easement but this has been confirmed in exchanges of emails which also confirmed that the company had no knowledge of any easements of that magnitude nor any requirements to conceal plans.

I have spoken to Mr Andrew Biltcliffe, the Planning Officer responsible for the Evidence Base, who has accepted that if the statements are incorrect they can be amended. However, in my opinion, this does not go far enough. This is entirely misleading information which is in the public domain and it is part of the “Evidence Base” of the Core Strategy. The Core



Strategy is under consideration by the Inspector at the Hearing Sessions due to commence in the next few days. It seems to me that this is a very serious matter that makes one question the validity of the other elements of the "Evidence Base".

I believe that the relevant elements should be changed immediately and the Inspector be informed of the errors and corrections made. I would also like to know why that element of the pipeline that affects my client's land has not been revealed in Searches.

I also believe that my clients should receive an apology for the unnecessary work that has had to be undertaken to investigate a matter that has proved to be unfounded.

I would be most grateful if you could investigate this matter as a matter of urgency in view of the forthcoming Hearings.

Yours sincerely



Bryan S. Jezeph BA DipTP MRTPI FRICS FRSA

Enclosures:-

1. Plan Identifying the Site;
2. SHLAA; December 2009; Appendix B, page 189;
3. SHLAA; December 2009; paragraph 4.28: Assessing the Suitability of land for housing, sub heading "Policy Restrictions/Physical Constraints";
4. Infrastructure Background Paper July 2007; Chapter 9; Utility Services; Gas: Existing Provision;
5. Letter from Southern Gas Networks.

Copies to: - Andrew Biltcliffe; Flo Churchill.