Building a Better Future Plan - Representation Form

Part A - Personal Details

Please indicate whether you are completing this form yourself or if you are an agent completing this on behalf of a client

I am completing this form myself

Part A - Personal Details (Completing form on own behalf)

Please provide the following personal details.
Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate.
The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process. More information on how we use your personal information can be found as part of the 'Planning Policy' privacy notice is available here.

Title	Mr
First Name	Jeremy
Last Name	Muir

[redacted]

Please provide the following details where applicable and/or relevant

[redacted]

Part A - Personal Details (Agent on client's behalf)

If an agent is appointed, please provide the following information:
Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate.
The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process. More information on how we use your personal information can be found as part of the 'Planning Policy' privacy notice is available here.

No Response

Please provide the following information about the client for whom you are completing this form on their behalf

No Response

Part B - Your representation(s)

Which part of the Building a Better Future Plan does your representation relate to?
Please provide as much detail as possible.
If you wish to make a change to the Policies Map, please comment on the corresponding policy, and explain what change you would wish to make. If you would be helpful if you could show this in visual form
A full list of policies and allocations can be found in the contents page(s) of the Publication Plan - you can access this document here.

Policy Number	30
Allocation Number	3
Paragraph Number	-
Page Number	253

Do you consider the Local Plan is ...
(Please select as appropriate)

	Yes	No
Legally compliant		X
Sound		X

Please give details of why you consider the Building a Better Plan is not legally compliant o r is unsound. Please be as precise as possible.
If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your comments.

The Building a Better Future Plan is unsound and not legally compliant in respect of the allocation of Site EM08a (Allocation 3: Land South of Havant Road, "Horse's Field", page 98) and Policy 30: Nationally Protected Landscapes (page 253), for the following reasons:

1. Not consistent with national policy (unsound — fails the "consistency with national policy" test)
Policy 30 (page 253) has been amended to state that major development will not be permitted within Chichester Harbour National Landscape "other than where allocated within this Local Plan or where it can be demonstrated that there are exceptional circumstances." This wording allows the Council to exempt any site it chooses to allocate from having to demonstrate exceptional circumstances, simply by virtue of allocating it.
This is inconsistent with the National Planning Policy Framework, which requires major development in a National Landscape to demonstrate exceptional circumstances and that it is in the public interest, regardless of whether it has been allocated. No such exceptional circumstances have been demonstrated for Site EM08a.

2. Not justified (unsound — fails the "justified" test)
The Plan itself states (paragraph 2.108) that it will only meet approximately 40% of the Borough's objectively assessed housing need, leaving an accepted shortfall of around 9,500 dwellings. Given this scale of shortfall is already accepted as unavoidable, the Council has NOT justified why this specific 90-dwelling site should override the highest level of landscape protection, when the harm to the National Landscape is not offset by a level of public benefit that could not otherwise be achieved.

3. Not effective (unsound — fails the "effective" test)
The development requirements for Site EM08a (page 98–99) do not include any requirement for a site-specific Transport Assessment or highway capacity mitigation, despite the site taking access from Havant Road (A259), Already a heavily trafficked A-road through Emsworth. This is inconsistent with the approach taken for other allocations in the Plan (e.g. the Southleigh strategic site, which requires specific junction works), and means the Plan cannot be relied upon to deliver acceptable outcomes on highway safety and capacity.

Requested modification: Remove Site EM08a from the housing allocations; remove the phrase "other than where allocated within this Local Plan or" from Policy 30; and, if the site is retained, add a requirement for a site-specific Transport Assessment to the EM08a development requirements.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above.
You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Modification 1: Remove Site EM08a from the housing allocations
Delete the "Allocation 3: Land South of Havant Road (Horse's Field)" site allocation (page 98) in its entirety, and remove the corresponding entry from the housing trajectory and site allocations schedule.
Why this makes the Plan sound: Removing the allocation removes the requirement to demonstrate exceptional circumstances for major development in a National Landscape without evidence to support it, and resolves the unassessed traffic, flood risk, heritage and ecological constraints identified above. This would make the Plan consistent with national policy and better justified.

Modification 2: Amend Policy 30 to remove the allocation exemption
Current wording (page 253):
"Major development will not be permitted within Chichester Harbour National Landscape, other than where allocated within this Local Plan or where it can be demonstrated that there are exceptional circumstances and the development is in the public interest."
Suggested revised wording:
"Major development will not be permitted within Chichester Harbour National Landscape unless it can be demonstrated that there are exceptional circumstances and the development is in the public interest."

Why this makes the Plan legally compliant: This removes the exemption that allows allocated sites to bypass the exceptional circumstances test purely by virtue of being allocated. It brings Policy 30 into line with the National Planning Policy Framework, which requires exceptional circumstances and public interest to be demonstrated for all major development in a National Landscape, not just non-allocated development. It also removes the circularity in the current wording, whereby a site is exempt from the test because it has been allocated, but was allocated without needing to pass the test.
Modification 3 (in the alternative, if Site EM08a is retained): Add a transport requirement to the EM08a development requirements

Insert an additional development requirement into the Allocation 3 (EM08a) policy (page 98–99):
"Provide a site-specific Transport Assessment, in consultation with the Highway Authority, addressing the impact of the development on the Havant Road (A259) corridor and Emsworth town centre, INCLUDING cumulative impacts with other allocated development in Emsworth, and deliver any mitigation identified as necessary before occupation."

Why this makes the Plan sound: This ensures the Plan is effective and deliverable by requiring highway impacts to be properly assessed and mitigated, consistent with the approach taken for comparable allocations elsewhere in the Plan (e.g. the Southleigh strategic site).

To summarise, I consider the Building a Better Future Plan to be unsound and NOT legally compliant in respect of the allocation of Site EM08a and the associated wording of Policy 30, for the reasons set out above.
The Plan currently allows sites within the Chichester Harbour National Landscape to bypass the exceptional circumstances and public interest test simply by being allocated, WITHOUT published evidence demonstrating that Site EM08a specifically meets that test. Combined with the absence of any highway capacity or Transport Assessment requirement for a site accessed from a heavily trafficked A-road, and the unresolved flood risk, heritage and ecological constraints identified above, I do not consider the Plan to be justified, effective, or consistent with national policy in this respect.

I ask that the modifications set out above be made to the Plan. If the Council considers that exceptional circumstances HAVE in fact been demonstrated for Site EM08a, I would ask that the relevant evidence be published so that it can be properly tested through the examination process.

If you wish to upload any documents to support your representation, please do so below. Please note that there is a maximum file size of 50MB and you can upload a maximum of 10 files to include with your form.

No Response

Examination Hearing Session Invitation

If your representation / representations are seeking a modification to the plan, do you consi der it necessary to participate in examination hearing session(s)?
Please note that while this will provide an initial indication of your wish to participate in exa mination hearing session(s), you may be asked at a later point to confirm your request to p articipate.
No details on the examination hearing session(s) have yet been determined and will be ma de available upon the submission of the Building a Better Future Plan to the Planning Inspe ctorate.

No, I do not wish to participate in examination hearing session(s)

Examination Hearing Session Invitation (2)

You indicated that you wish to participate in the examination hearing session(s). Please out line why you consider this to be necessary.
Please note the Inspector will determine the most appropriate procedure to adopt to hear th ose who have indicated that they wish to participate in examination hearing session(s). Yo u may be asked to confirm your wish to participate when the Inspector has identified the m atters and issues for examination.

No Response

Future Notification

Do you wish to be notified of any of the following milestones in the Building a Better Future Plan process?
These milestones include:

The Local Plan has been submitted for examination
The publication on the Inspector's Report
The adoption of the Local Plan

If you indicate that you wish to be notified, the email address you provided in Part A of the f orm will be used by the Council to notify you of these milestones.

Yes, I wish to be notified