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	Miss
First Name	Angelina
Last Name	de Potier

[redacted]

Please provide the following details where applicable and/or relevant
No Response

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 p olicy, 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	-
Allocation Number	3
Paragraph Number	-
Page Number	98

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.

Reason 1: Inconsistent with national policy.

Development in a National Landscape This site is within the Chichester Harbour National Landscape. To propose an allocation for 85 or more dwellings (a major development by any common-sense definition of that phrase) with no justifying evidence within a National Landscape is contrary to the National Planning Policy Framework (NPPF) and is hence unsound.

The NPPF paragraph 189 states:
‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.’
Residential development is generally not something that can conserve or enhance such a landscape however much mitigation is put in place.

Paragraph 190 says ‘When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.’ No such evidence has been provided.

It is also wrong to argue (as happened in the Full Council debate on 15 July 2026; video accessed 14 August 2026) that including the land in Allocation 3 in the Plan would protect the land to the south (EM08b) from development creep. The opposite would be the case: a precedent would have been created for that land and anywhere else within the National Landscape and indeed other National Landscapes. HA24 (Wade Lane) remains discounted for the exact reasons EM08a was in the Regulation 18 Draft Plan.

Furthermore, Paragraph 11b of the NPPF says
‘Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area (7)’

and footnote 7 begins:

7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority)

The exception and the footnote emphasise the status of a National Landscape. They mean that the "tilted balance" in favour of sustainable development changes with reference to Protected Landscapes like the Chichester Harbour National Landscape such that there is a strong reason for restricting development. The Council says ‘it has left no stone unturned in identifying sites which are suitable for addressing housing need ’ (Paragraph 2.108). However, this particular stone should have been replaced as it was. The Council cannot use the shortfall in meeting its housing need as a reason to allocate a major development of 85/90 dwellings in the Chichester Harbour National Landscape. That they are doing so makes the Plan unsound for being inconsistent with national policy.

Reason 2: Not legally compliant

Duty of relevant authority:

To propose an allocation for a major development within a National Landscape is also contrary to The Countryside and Rights of Way Act 2000 (as amended by the Levelling-up and Regeneration Act 2023 Section 245). This states that ‘relevant authorities must now ‘seek to further’ the statutory purposes of Protected Landscapes’. This is a duty.

The guidance on this on the Government website (https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes, published 16 December 2024, accessed 11 August 2026) explains that relevant authorities need to apply the duty when undertaking any function in relation to, or so as to affect, land in a Protected Landscape, including the preparation of Development Plans and associated assessments and documents. It says that the duty is an active duty, not passive, which means:
• a relevant authority should take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes
• as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes

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• for development plan making and development management decisions affecting a Protected Landscape, a relevant authority should seek to further the purposes of the Protected Landscape.

The guidance details what relevant authorities should consider. They are expected to be able to demonstrate that they have fulfilled the duty, and how compliance with the duty has been embedded in the plan-making and decision-making process.

Allocation 3 for EM08a does not comply with any of this. A residential development of up to 90 dwellings is not something that can contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Chichester Harbour National Landscape.

In addition, the duty to 'seek to further' the statutory purposes of Protected Landscapes includes a requirement that relevant authorities should make efforts to understand the Management Plan and relate their functions to it. The Chichester Harbour National Landscape Management Plan (NE06) It is the Plan for 2025-2030, yet it was stated in the Full Council debate on 15 July that this Management Plan had not yet been adopted by the Council. Consequently the 'live' Management Plan is that for 2024-2025 (https://www.conservancy.co.uk/about-chichester-harbour-conservancy/our-purpose/management-plan/ under Archived Documents). This lists in relation to Policy 1 Conserving and Enhancing the Natural Beauty of the Landscape 'Actions to be taken by other stakeholders:

1.9 To utilise the planning system to help conserve the landscape and its setting, including safeguarding the countryside and countryside gaps surrounding the National Landscape, for the benefit of future generations.'

There is a similar Action under Policy 2 Development Management. Allocation 3 does not fulfil either.

The 2025-2030 Plan includes the specific prescription that 'All new developments for a net increase in dwellings within the National Landscape or its setting are to be within existing settlement boundaries' (Policy PP01, point 5). Allocation 3 for EM08a is outside the settlement boundary, and hence conflicts with the NL Plan.

Taking all the above into account, the Council's inclusion of Allocation 3 is not legally compliant.

Reason 3: Not effective

Ecology

The site (EM08a) is immediately to the north of a site identified in the Solent Waders and Brent Goose Strategy (2024) (NE02) as being part of the network of areas that are regularly used by, and are of fundamental importance to, over-wintering waterfowl across the Solent. It lies to the north of the Chichester and Langstone Harbours Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). The SPA and SSSI are designated for reasons including internationally important wintering populations of wildfowl and waders. The harbours are also Ramsar sites because of their importance as wetland habitat; they are also part of the Solent Maritime Special Area of Conservation (SAC). These designations mean that the harbours are referred to in summary as a European site.

The field is also included in the Brook Farm Site of Importance for Nature Conservation. This SINC is designated for the potential foraging habitat it provides for wintering Brent Geese, one of the species contributing to the international designations. As such it also forms part of the 'functionally linked land' (FLL) associated with the European site. This means that it is considered to be critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which the site has been designated, in this case Brent geese and Curlew.

The Habitats Regulation Assessment (RA03) rightly notes that Allocation 3 'would, if implemented, potentially result in the loss of SPA supporting habitat… through … functional habitat loss. Impacts to supporting habitat could result in the displacement of qualifying species and therefore would be highly likely to undermine the conservation objectives of the SPA' (Paragraph 6.9). Further, it is considered that ten policies and all 23 housing allocations could reasonably be assumed to result in potential recreational disturbance impacts by facilitating new housing development' (Paragraph 6.14). The following Section 7 discusses the need for mitigation to avoid impacts to site integrity, saying (paragraph 7.8) 'Policy 21 alone would provide sufficient safeguard that no development could conceivably take place that would potentially affect a European site without first ensuring that any impacts are understood, and an appropriate level of mitigation is secured, such that impacts to site integrity are avoided'. Paragraph 7.20 on Policy 26 and 7.27 on Policy 23 support this and all are good. Policy 1(f) of the Plan itself says there would be 'Development only where it has no unacceptable impacts on international, national or local ecological designations, or national landscape designations'.

However, the Strategic Housing and Economic Land Availability Assessment (HS05) (SHELAA) chapter on Discounted Sites, says for the SWBGS/SINC field (EM08b) that 'it has not been demonstrated that

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suitable replacement compensatory habitat can be achieved' and the HBC Ecologist also advised the Principal Planning Officer on 9 October 2024 'this is an important site for Curlew and also Brent Geese – it's part of the network of sites associated with Warblington Farm and birds use this site when WF is too disturbed. Any loss of habitat would require compensatory habitat and it's tricky to see where that would be.' (EIR request response received 27 August 2026). As suitable compensatory habitat could not be achieved, it is unsound to propose Allocation 3.

Reason 4: Not effective

Inconsistent with other parts of the Plan

Allocation 3 does not fulfil Paragraph 4.297 of the text in the Heritage and Landscape section of the Plan. That says:

The plan will seek to protect, conserve and enhance designated landscape and the Borough's heritage assets and their setting, both through criteria-based policies and through its development allocation selections. … Development within protected landscapes will be avoided unless such development would meet the specific criteria in the NPPF associated with designated landscapes.

As explained above, this allocation as presented does not do so, and it also conflicts with Policy 1(f) in relation to both landscape and ecology.

Furthermore Paragraph 4.18 in the Sustainability Appraisal (RA02) accepts that some policies including Policy 30 are judged to have the potential to restrict housing delivery, but variations were not taken forward as these alternatives would reduce the effectiveness of these policies in relation to what they setting out to achieve, and the potential negative effects on housing delivery of these policies are considered acceptable. It is therefore illogical to propose Allocation 3.

Reason 5: Not legally compliant

Procedural

Allocation 3 was included in the Plan at the end of May 2026, but not made public until the publication of the papers for the Cabinet on 23 June. The Council's own Cabinet Liaison Panel, meeting on 5 and 17 June, had insufficient time to scrutinise it thoroughly. It was not in the Sustainability Appraisal until July 2026. That means that the version of the Sustainability Appraisal for consideration at the Cabinet meeting on 1 July did not include anything on EM08a.The Full Council meeting on 15 July was considering a Cabinet recommendation based on insufficient information.

Chichester Harbour Conservancy, responsible for managing the National Landscape, were not informed and did not find out until 15 June 2026. (Video of full council meeting on 15 July 2026, https://events.teams.microsoft.com/event/9263b900-cb07-4d82-a308-92333159462a@575c0bde-3a1d-4474-85c6-550cf50fdc99 accessed 14 August 2026 [not available after 90 days after the meeting]).

The SHELAA included it in the list of discounted sites as recently as 21 July 2026.

These shortcomings make the Plan not legally compliant.

Reason 6: Not legally compliant

Inadequate consultation

Allocation 3 has not been subjected to proper consultation. Some information was not disseminated, some was shared so late that insufficient time was available to react, and some was misleading or confusing.

The Gunning Principles (R v Brent LBC ex p Gunning[1985]) are a common law requirement of fairness in relation to public consultations. They say that that consultation must happen when proposals are still at a formative stage, sufficient and relevant information should be provided in an accessible way, there should be adequate time allowed and the product of the consultation must be conscientiously considered.

Allocation 3 was included after the Regulation 18 consultation, so people have not had the chance to comment on whatever aspect of the Allocation concerned them (or they approved of). Instead, they are faced with this Regulation 19 consultation which allows for responses only on legal compliance and soundness.

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The HBC Statement of Community Involvement 2025 (SCI) (https://www.havant.gov.uk/planning-services/planning-policy/statement-community-involvement-sci) says in Table 1 that the Council will provide up to date information on planning policy documents on its website. This did not happen. HBC failed to publicise the inclusion of Allocation 3 and to say that this was a change from the draft version of the Plan which was consulted on during the Regulation 18 process. It has taken a volunteer-led campaign during the Regulation 19 consultation to point this out to residents. Confusingly HBC did not amend the SHELAA to show that EM08a was no longer discounted, even though it belatedly included it in the list of developable sites. This was also misleading.

Under 'Written Consultation and Communication' HBC says it will Notify neighbouring properties on proposed Local Plan sites'. No such notification was made to properties adjacent to Site EM08a when that was added in as Allocation 3.

The SCI also says in relation to the Sustainability Appraisal that they will 'Publish revised SA report where proposed changes to the DPD have significant sustainability effects' (Page 10 Box 4 in Table 3.3). The inclusion of Allocation 3 within the National Landscape should have triggered an updated version of the SA. This did not happen in a timely way, so it was too late to be considered by Cabinet. The text, when it was published, showed that Site EM08a was rated Negative against 8a 'Protect and enhance valued landscape' and 8f 'be sensitive to the local environment and promote a sense of place'. That should have informed the debate.

Owing to the late inclusion of the site after the Regulation 18 stage, infrastructure providers will have only a short amount of time to comment, and such comments cannot be part of the evidence available to the public at this Regulation 19 stage. This and other inadequacies discussed above are counter to Paragraph 16c of the NPPF which requires early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees '.

These inadequacies make the Plan not legally compliant.

Reason 7: Not justified

Not based on proportionate evidence

Evidence in support of an allocation should be in proportion to what the allocation is. EM08a in in a National Landscape, a location which attracts the highest level of protection in the NPPF. It should therefore be the subject of rigorous assessment yielding adequate and robust evidence. It has been shown above that the Sustainability Assessment was late, the SHELAA confusing, there were no updated assessments from infrastructure providers and there has been no independent opinion provided on the landscape implications. This is inadequate for a site in a National Landscape, and is thus unsound.

Please set out the modification(s) you consider necessary to make the Local Plan legally c ompliant and sound, in respect of any legal compliance or soundness matters you have ide ntified above.
You will need to say why each modification will make the Local Plan legally compliant or so und. 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.

Allocation 3 should be deleted from the Plan. The Plan thus amended would comply with the NPPF. It would show that the Council was carrying out its duty to seek to further the statutory purposes of Protected Landscapes, and would conserve the European site's ecology. It would remove inconsistencies in the Plan in relation to the Policy. By removing the allocation the inadequacies of the consultation process, the procedural shortcomings and the lack of proportionate evidence would be irrelevant and no longer a concern.

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 1 0 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 consider 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 examination hearing session(s), you may be asked at a later point to confirm your request to participate.
No details on the examination hearing session(s) have yet been determined and will be made available upon the submission of the Building a Better Future Plan to the Planning Inspectorate.

Yes, I 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 outline why you consider this to be necessary.
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in examination hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

I wish to participate in the Examination hearings in relation to this Policy. I feel strongly about the importance of the Chichester Harbour National Landscape and internationally important species and habitats. I am very concerned about the threats to all these in this Plan, and wish to present in person the case for protecting and preserving these valued features of the Borough.

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 form will be used by the Council to notify you of these milestones.

Yes, I wish to be notified