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	30
Allocation Number	-
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.

Reason 1: Not legally compliant

Duty of relevant authority:

The inclusion of the words ‘where allocated within this Local Plan or’ is contrary to the National Planning Policy Framework (NPPF) and The Countryside and Rights of Way Act 2000 (CROW Act) (as amended by the Levelling-up and Regeneration Act 2023 Section 245) and is therefore unsound.

The guidance on the Government website (published 16 December 2024, accessed 11 August 2026) explains that relevant authorities have a duty to ‘seek to further’ the statutory purposes of Protected Landscapes. They will 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
• 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.

Policy 30 should reflect this duty, but it does not. Including the words ‘where allocated within this Local Plan or’ opens the possibility of major development within the Chichester Harbour National Landscape. That flies in the face of the duty to seek to further the statutory purposes of National Landscapes which is enshrined the amended CROW Act, and is therefore unsound.

Reason 2: Not consistent with national policy

Development in a National Landscape

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.’

The Regulation 18 Policy on Designated Landscapes (then called Policy 29) adhered to the NPPF. Paragraph 4.44 of the current Sustainability Appraisal (RA02) says ‘Further changes were made to the plan between the Regulation 18 and 19 stages, in response to consultee comments and the evolving evidence base. These were all found to strengthen the plan in relation to the Sense of Place objective.’ In relation to Policy 30 it says ‘Changes were made to detailed wording in consultation with the relevant national landscape bodies, to improve the clarity of the policy application within the national landscapes, thereby confirming the expected strong positive outcomes against criterion 8f.’

The change is the addition of the words ‘where allocated within this Local Plan or’. Evidence from obvious bodies such as Chichester Harbour Conservancy and Natural England has not been provided in support of this. I believe it is unlikely that they would support a Policy which would lead to untested major development in a National Landscape. These words do not appear in the NPPF or the government website guidance. They would enable a major development to happen without the application of the exceptional circumstances or public interest tests. It is wrong to include in the Policy the wording ‘where allocated within this Local Plan or’ The Policy is therefore unsound.

Reason 3: Not effective

Inconsistent with other parts of the Plan

By including words which are not in accordance with the NPPF, Policy 30 also conflicts with Policy 1(f) of the Plan, which says that there will be ‘Development only where it has no unacceptable impacts on

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.

international, national or local ecological designations, or national landscape designations'.

In addition Policy 30 does not comply with Paragraph 4.297 of the text in the Heritage and Landscape section which introduces it. 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.

Policy 30 does not adhere to this.

In Appendix C of the Sustainability Appraisal the contents of the cell titled 'No policy Alternative Commentary' are, in relation to Policy 30, 'Without the policy, national policy and guidance would still apply and much of the proposed approach is in line with those requirements'. This appears to admit that 'much of' but not all of Policy 30 is in line with national policy and guidance, which is wrong in itself and unsound. The words 'where allocated within this Local Plan or' are those which do not appear in the NPPF or the government website guidance. They should therefore be deleted.

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) 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). Policy 30 includes the possibility of development outside the settlement boundary, and hence conflicts with the National Landscape Plan.

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.

Policy 30 should therefore be amended to exclude the words 'where allocated within this Local Plan or'. The Policy thus amended would comply with the NPPF, would remove inconsistencies in the Plan in relation to the Policy, and in respect of this Policy would show that the Council was carrying out its duty to seek to further the statutory purposes of Protected Landscapes.

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 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.

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 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.

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 the threats to it in this Plan, and wish to present in person the case for protecting and preserving it.

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