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	Samuel
Last Name	Stainton

[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	-
Allocation Number	2
Paragraph Number	-
Page Number	95-97

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.

[redacted] I am not opposing housing in principle. I am saying that this particular allocation rests on an evidence base that cannot support it, and that it commits the Council to a development which may not be lawfully deliverable.

1. The bat evidence does not justify the allocation

The land north of Long Copse Lane is not an isolated field. It is the foraging and commuting ground for the bat populations of Hollybank Woods, and the two species that matter here are Bechstein's bat (Myotis bechsteinii) and barbastelle (Barbastella barbastellus). Both are Annex II species and both are European Protected Species under the Conservation of Habitats and Species Regulations 2017. This is not a matter of local sentiment about wildlife. It is a matter of species that carry the highest level of statutory protection available in this country.

Bechstein's bats are woodland-obligate, form small colonies, and forage within a short radius of their roosts. The woodland and the open land next to it function as a single ecological unit. Allocating the open land while claiming to conserve the roosts is not a coherent position.

Both species are also severely light-averse. The Institution of Lighting Professionals guidance GN01/21 sets an effective zero-lux requirement for Myotis species. A development of 260+ homes, with its street lighting, house lighting, headlights and garden lighting, cannot deliver dark conditions across a site of this size. The unlit corridors previously offered by the promoter, at 25 metres for primary routes and 10 metres for secondary ones, appear to have been derived from what was left over after the developable area was drawn, rather than from any published evidence that such widths are functional for these particular species.

I would ask the Inspector to establish what survey work actually underpins this allocation: how many seasons, what effort, and whether any radio-tracking was undertaken to map roost and foraging relationships. If the Council has allocated a site of this ecological sensitivity on the strength of transect surveys alone, the allocation is not justified.

Nor is Biodiversity Net Gain an answer. The statutory metric measures habitat units. It does not measure whether a Bechstein's colony survives.

2. The allocation is not deliverable, and therefore not effective

An allocation must be capable of being delivered. Development affecting a European Protected Species will require a license from Natural England, and a license can only be granted where the derogation tests under Regulation 55 are met: that there is no satisfactory alternative, that there are imperative reasons of overriding public interest, and that the favorable conservation status of the species is maintained.

Where alternative housing sites exist within the Borough, and where the population affected is of more than local significance, the prospect of those tests being satisfied is at best uncertain. The Council should not be building its housing trajectory on a site that may never be licensable. If it does, the numbers in the plan are illusory and the plan is not effective.

3. Water quality and Chichester Harbour: the plan is not legally compliant

Chichester Harbour is designated as a Special Protection Area, forms part of the Solent Maritime Special Area of Conservation, and is a Ramsar site. It is already in unfavourable condition, with nutrient enrichment a principal cause.

Foul flows from this allocation would be routed to Thornham wastewater treatment works and would ultimately reach the Harbour. Natural England's advice on nutrient neutrality in the Solent has been in place since 2019 and is not a technicality that can be resolved later.

The Habitats Regulations Assessment of the plan must be capable of concluding, with certainty, that there will be no adverse effect on the integrity of these European sites. Two points follow. First, following the judgment in People Over Wind, mitigation measures cannot be taken into account at the screening stage. Second, mitigation relied upon at plan stage must be secured and demonstrably available, not deferred to a future application on the assumption that a solution will be found. If the HRA does not meet that standard, the plan is not legally compliant, and I do not consider that it does.

Recreational disturbance to overwintering birds from a further site of this scale, on the Harbour's fringe is a further in-combination effect that the assessment must address rather than absorb into a per-dwelling contribution.

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.

Delete Allocation 2 (Land north of Long Copse Lane) from the plan

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 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.

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 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.

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

Yes, I wish to be notified