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	Andrew
Last Name	Hunnibal

[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 (Land north of Long Copse Lane)
Paragraph Number	-
Page Number	-

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 or 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 allocation describes as potential a protected species which the Council's own Sustainability Appraisal and SHELAA record as present. The Habitats Regulations Assessment screens this allocation in against a bat Special Area of Conservation and then provides no assessment of that site or of the species for which it is designated. The mitigation the appraisal required has been narrowed in the criteria that carry it. The soundness tests not met are justified, effective and consistency with national policy, and the representation additionally raises legal compliance under the Conservation of Habitats and Species Regulations 2017.

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.

Allocation 2: Land north of Long Copse Lane should be deleted from the Plan in its entirety, together with the consequential amendments to Policy 6, the sources of housing supply table, the housing trajectory at Appendix 1 and the Policies Map. The safeguarding of the existing Gypsy and Traveller site at Long Copse Lane under Policy 43 is unaffected and should be retained.

Deletion makes the Plan legally compliant and sound because the defect cannot be cured by the allocation criteria. The appropriate assessment screens this allocation in against a bat Special Area of Conservation on the habitat-loss pathway, yet assesses neither the site nor the species for which it is designated. Regulation 105 permits the Plan to be given effect only once it has been ascertained that there will be no adverse effect on integrity, and that ascertainment has not been made.

Deletion is achievable without creating unsoundness elsewhere. This allocation is 325 dwellings of a total supply of 7,087, or 4.4 per cent, and the trajectory records no completions on it before 2032/33 — so its removal leaves the Plan's five-year supply untouched and more than ninety-five per cent of its total supply in place.

I put forward no revised wording for any policy or criterion, and none is sought. My objection is to the allocation of this land, not to the drafting of the criteria attached to it. No revision of those criteria would meet it, because the matters set out in my representation go to whether this site should be allocated at all rather than to how an allocation of it should be worded.

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.

- File: Representation-2-Bats-HRA.docx - Download

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 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.

The representation raises a question of legal compliance under the Conservation of Habitats and Species Regulations 2017 — whether an appropriate assessment that screens this allocation in against a bat SAC, yet assesses neither the SAC nor the species, discharges the duty — and a related question of consistency with paragraph 195 of the Framework. Questions of that kind, and the documentary discrepancies in the assessment, are best examined orally so the Council's response can be tested.

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

Representation 6 — Landscape, cross-boundary matters and relative performance

Regulation 19 representation — Havant Borough Council, Building a Better Future Plan

Declaration of interest. I should record two interests. [redacted] *it lies outside both SHELAA parcels comprising Allocation 2 and no part of this representation concerns it. I am also the coordinator of the Save Long Copse Lane campaign group, which is submitting its own representation prepared with professional planning input; this representation is made in my own name and does not speak for the group.*

Why the allocation is unsound

The River Ems wildlife corridor is deferred rather than dealt with

I do not put this as a breach of the Duty to Co-operate; the Written Ministerial Statement of 27 November 2025 records the Government's position that the Duty is not retained as a distinct legal test. I put it under justified, and under the NPPF's requirement for maintaining effective co-operation, applying the test the Statement of Common Ground sets for itself at paragraph 1.3: cross-boundary strategic matters must be "dealt with rather than deferred". That paragraph also records that the December 2025 draft NPPF's replacement test of "realistic" is identical in wording to the current definition of "justified", so the test does not fall away with the change.

The June 2026 SoCG lists wildlife corridors as a strategic cross-boundary matter. Paragraph 6.30 records that the River Ems forms the boundary between the two authorities and that Chichester's Local Plan designates a strategic wildlife corridor on its eastern bank, the western bank lying within Havant Borough. The entirety of the recorded agreement, at paragraph 6.31, is that both parties recognise the river's importance as a wildlife corridor.

Havant's own Sustainability Appraisal identifies, for both EM01 and EM02, "Potential for impacts to green corridor linking Southleigh Forest with River Ems and coastal zone". SA Appendix E identified mitigation of those impacts as part of the purpose of the ecological and landscape buffer.

So: Havant's evidence base identifies that this allocation may affect the corridor; Appendix E made mitigation of that effect part of the buffer's purpose; Chichester has designated a strategic corridor on the opposite bank; and the agreed position amounts to a shared recognition of importance, with no assessment, no agreed mitigation and no agreed position on the effect of this allocation. Allocation 2 does not name the River Ems corridor at all, and criterion (m) omits the corridor from the buffer's stated purpose. Criterion (j) addresses only connections between the South Downs National Park and Chichester Harbour National Landscape. Allocation 1, by contrast, requires at criterion (l) that a named green corridor be maintained and enhanced.

I note fairly that a single 325-dwelling allocation is not automatically a strategic matter. The point has force because the Councils themselves list wildlife corridors as strategic, and because Havant's own site appraisal identifies the effect.

bespoke policy measures are required to safeguard it, and recorded that it is the view of both the Council and Natural England that habitat within the Borough is highly likely to be functionally linked to the two Sussex Special Areas of Conservation. At paragraph 16 the same statement lists "Land North of Long Copse Lane (Policy H8)" among the sites where detailed bespoke Bechstein's survey effort was undertaken — evidence that this land was surveyed as a matter of course, whatever those surveys found.

The identical formula — "Potential for protected species including (but not limited to) Bechstein's bat" — appears in the Key Features of Allocation 1 at Southleigh (146 ha, printed p. 91) and Allocation 4 at Helmsley House (2.16 ha, printed p. 101). That is the difficulty rather than the answer. The phrase is template wording applied to three sites of wholly different character; it is not a judgement about this land, and on this land the Council's own appraisal records presence.

The county bat record for this land

On 1 September 2026 the Hampshire County Bat Recorder supplied a data search of the Hampshire Bat Group's database for the area around Hollybank Farm, Long Copse Lane, centred on SU 7502 0811. Within **one kilometre** of that point the database holds **753 records of 14 bat species** — of the seventeen species that breed in the United Kingdom — including **71 records of Bechstein's bat, 45 of western barbastelle and 4 of alcathoe bat**. Source: the Hampshire County Bat Recorder, summarising the Hampshire Bat Group database as at 1 September 2026.

Two figures are worth isolating. Bechstein's bat and western barbastelle are the two qualifying features of Singleton & Cocking Tunnels SAC, and within one kilometre of that centre point the county recorder holds **116 records of them**. And four of the 753 are alcathoe bat, a species not confirmed as breeding in Britain until 2010 and among the rarest in the country.

The West Sussex record for the same ground

The county boundary runs through this bat population, and the records either side of it are held by different bodies. I have therefore also obtained a data search from the Sussex Biodiversity Record Centre, from the same centre point and over the same radius, so that both halves can be seen together. It was supplied on 2 September 2026 under reference SxBRC/26/510, covering designated species from 1980 onwards within one kilometre of Land at Long Copse Lane, Westbourne.

It returns **146 bat records of 17 taxa, spanning 1999 to 2025**. Of those, **28 are Bechstein's bat and 7 are barbastelle** — 35 records of the two qualifying features of Singleton & Cocking Tunnels SAC, in the West Sussex dataset alone.

Four entries bear directly on this allocation:

Year	Distance from centre point	Record
2009	approx. 233 m	Maternity and nursery roost, **43 to 51 adult female Bechstein's bats**, at SU 748079
2009	approx. 191–332 m	A cluster of Bechstein's roost and capture records in Hollybank Woods, several radio-tagged, including a roost

		at SU 750083 recorded as *"used outside and within maternity period also as nursery roost"* with 12 adult females
2024	approx. 650–684 m	A **Bechstein's maternity roost tree in Southleigh Forest holding up to 47 bats**, with counts of 35, 39 and 47 recorded across July 2024
2025	approx. 417 m	A **barbastelle day roost confirmed in a barn**, emergence verified by sonogram analysis — the most recent record in the return

Three qualifications, which I put before the conclusion rather than after it. The distances above are measured from the search centre point, not from the allocation boundary, and I do not assert that any of these records falls within the allocation; that is a matter the Council can settle against its own Policies Map, and I invite it to do so. Twenty-three of the 146 records are given at one-kilometre precision, and the return itself notes that some grid references are estimates within 50 to 100 metres, so the distances for those records are indicative. And the Hampshire and Sussex figures must not be added together: the two searches share a centre point and a radius across adjoining counties, so an unknown number of records will appear in both.

Source: Sussex Biodiversity Record Centre, data search reference SxBRC/26/510, 2 September 2026, supplied under licence. I acknowledge the Sussex Biodiversity Record Centre and the recorders and recording groups whose records are included. The figures above are my own summary of that return; the Centre is not responsible for the use I make of them.

What the two searches establish between them does not depend on the arithmetic. The Bechstein's interest here is not a historic record base: on the Sussex records alone it runs to 2024, with maternity roosting recorded at Southleigh Forest in July of that year, and the most recent roost record of an SAC qualifying feature in the return is from **2025**, approximately 417 metres from the search centre point.

Set that against the Habitats Regulations Assessment, which records at paragraph 6.4 that the extent to which the SAC's bat species occur within the Plan area is unclear, that a direct link between the SAC and habitat in the Borough has been demonstrated only for Natterer's bat, and that Natural England have not formally accepted a functional link.

In June 2021 the same recorder had submitted a summary of bat surveys relevant to the examination of the withdrawn Havant Borough Local Plan 2036, at which this land was proposed for allocation as Policy H8. It records 986 bat records verified since the equivalent March 2019 document, and that at least 15 of the total UK list of 17 breeding species are now known to be present in the Borough — Havant, together with adjacent areas of East Hampshire and West Sussex, forming a remarkable hot spot for bat diversity with nationally important breeding populations of certain rare species.

Its entries for this site are set out below. Taking the locations in turn — Old Dairy Farm and Long Copse lie within the allocation boundary; Longacre, Malvern House and 54 Long Copse Lane immediately adjoin it, all at the southern end of the site along Long Copse Lane itself; Hollybank Woods adjoins to the north:

Location	**Survey**	**Recorded**
Old Dairy Farm — the copse off Long Copse Lane (within)	Radio-tracking for Portsmouth Water Company, 2009	Bechstein's bats radio-tracked to maternity roosts
Long Copse (within)	Capture surveys, Davidson-Watts Ecology, 2017	Bechstein's, Natterer's, whiskered, Brandt's, Daubenton's, brown long-eared, soprano pipistrelle
Longacre (adjoining — the author's own land; see the declaration of interest above)	Static detector, Hampshire Bat Group, June 2018	Western barbastelle, *Myotis* species, brown long-eared, noctule, common and soprano pipistrelle
Malvern House (adjoining)	Static detector, HBG, November 2018	*Myotis* species
Malvern House (adjoining)	Static detector, HBG, July 2019 and September 2020	Western barbastelle in both survey periods, *Myotis* species, Leisler's, long-eared, noctule, serotine, pipistrelles
54 Long Copse Lane (adjoining)	Static detector, HBG, August 2019	Western barbastelle, Natterer's, brown long-eared, Nathusius' pipistrelle, serotine, noctule, pipistrelles
Hollybank Woods (adjoining, north)	Capture survey, Daniel Whitby, 2005	Bechstein's, with evidence of local breeding. All other Hollybank Woods data withheld

Bechstein's bat and western barbastelle are the two qualifying features of Singleton & Cocking Tunnels SAC. Bechstein's is recorded within the allocation boundary, at two locations and in two separate survey exercises eight years apart. Western barbastelle is recorded at three separate locations immediately adjoining it, in four survey periods between 2018 and 2020.

That bears directly on the Habitats Regulations Assessment's own statement of the position. At paragraph 6.4 the HRA records that the extent to which SAC bat species occur within the Plan area is unclear, that a direct link between the SAC and habitat in the Borough has been demonstrated only for Natterer's bat, and that Natural England have not formally accepted a functional link. Whatever the position elsewhere in the Borough, for this allocation the county bat recorder's compilation places both qualifying species on or immediately beside the site, records radio-tracked maternity roosting of Bechstein's within it, and dates the earliest breeding evidence to 2005. That material was before the Council in 2021. It is not reflected in the appropriate assessment, and it is not reflected in the allocation, which describes the constraint as a potential one.

It also locates the interest precisely where the Westbourne appeal Inspector located it. Chichester District Council in that appeal, discussed below, relied on radio-tracked evidence of Bechstein's flight lines along the southern boundary of Long Copse Lane. Every one of the Long Copse Lane records above is at the southern end of this site, on that lane.

The Portsmouth Water surveys were not confined to 2009. The radio-tracking at the Havant Thicket, Staunton Country Park and Gypsy Plain complex ran in 2008, 2009 and 2018, and further survey work there in 2019 and 2020 again recorded Bechstein's bat in numbers, together with western barbastelle, alcathoe, Natterer's, whiskered and brown long-eared. Bechstein's presence at that complex is evidenced to 2020.

The connectivity is documented, not inferred. That radio-tracking traced bats from the Havant Thicket complex to Southleigh Forest, the Stansted estate and Hollybank Woods. Western barbastelle — the other qualifying species — recurs along the same axis: at Southleigh Forest, at Longacre, Malvern House and 54 Long Copse Lane, at Maisemore Gardens and Horndean Road in Emsworth, and at Mill Meadow Farm in Westbourne across the county boundary. The National Bat Monitoring waterways survey has run along the River Ems from Westbourne to Peter Pond since 2010.

The county bat recorder objected to the previous plan on this same land. Separately from the evidence document, he made a written submission (E14 and E15) which named Land North of Long Copse Lane, Emsworth as a particularly sensitive area; objected that there had been no real attempt to co-ordinate bat conservation strategy across the administrative boundaries, despite the efforts of adjacent authorities to set up corridors of connectivity; observed that the plan considered Bechstein's bat but ignored other rare species present in the Borough, including greater horseshoe and alcathoe alongside western barbastelle; and recorded that he had seen no evidence of the Bechstein's Bat Planning Protocol referred to at paragraph 5.205 of that plan, and that planning decisions should be withheld until it was agreed. The Council's own examination statement (MIQ05, paragraph 11) described that Protocol as supported by the Council, the adjacent local planning authorities and Natural England, and as requiring a landscape-scale approach. I invite the Council to state whether the Protocol has since been agreed, and if so how Allocation 2 reflects it.

Three qualifications. The maternity roosts recorded at Long Copse Lane in the entries above are dated 2009, and that record is now seventeen years old; I do not assert that any of those trees remains in use — that is a matter for survey, which is precisely the point. The compilation is third-party evidence submitted by the Hampshire County Bat Recorder rather than part of the Council's published evidence base, and it is not uniformly independent of the promoter: the recorder confirms that the 2021 records on his database are those of Davidson-Watts and Prime, the promoter's own consultants. The radio-tracking records are a different matter. The recorder has confirmed that the Portsmouth Water survey programme has been carried out by several ecological consultancies — ECOSA hold the Natural England licences for the reservoir project as a whole; their subcontractors Ecological Consultancy Services carried out the bat capture and radio-tracking; and static detector deployments, bat box checks and transect surveys were carried out by staff of the Hampshire and Isle of Wight Wildlife Trust. That work was commissioned for a reservoir project and has nothing to do with this allocation or its promoter. And the assignment of each location to a position within or adjoining the allocation is my own, from local knowledge, save for Longacre, which is my own land; I invite the Council to confirm the assignments against the Policies Map.

I ask the Council to state on what bat data, obtained from which source and on what date, the assessment of this site in the Sustainability Appraisal and the Habitats Regulations Assessment was based.

The promoter's own ecological evidence records a breeding population here, and is out of date by its own standard

The documents in this section belong to planning application APP/21/00893 — an outline application for approximately 210 dwellings on this land, submitted 23 August 2021, validated 7 September 2021, withdrawn in June 2025 and never determined. The Ecological Impact Assessment (Davidson-Watts Ecology, DWE 0766, 11 August 2021) carries the status line "Draft ready for submission". I cite these documents for their survey findings and for the professional judgement of the applicant's own ecologists, not as commitments: the party that offered the mitigation no longer promotes the land and the scheme no longer exists. Their value is as evidence of what competent ecologists, instructed by the promoter, judged this ecology to require.

The 2009 roosts were on this land, in more than one copse. The Ecological Impact Assessment records at 3.7.4 and 3.7.5 that the 2009 Portsmouth Water surveys located Bechstein's roosts in Hollybank Farm Copse and in Colman's Copse on site. Appendix F records a maternity population of Bechstein's located on the Site in 2009, with a key maternity roost at the southern boundary, and describes the Southleigh population as one of only three known metapopulations in Hampshire, giving the role of the Site national significance. Colman's Copse is within the site, in the south-western corner, approximately 60 by 70 metres.

The 2021 radio-tracking found a likely maternity roost immediately off the boundary. Appendix G (Advanced Bat Survey Report V2, 9 August 2021) records that in July 2021 three female Bechstein's used the same roost, R6, throughout the survey session; that access to the roost cavity was obtained and the cavity confirmed; and that the peak count from an infrared emergence survey was 19 bats. Table 3 records R6 as an ash tree at SU752083, marked as a likely maternity roost, and Figure 9 plots it immediately beyond the north-eastern boundary of the site. The report describes the breeding population as centred around Long Copse Hill.

The promoter's own ecologist accepted harm at the National level. At 6.4.2 the Ecological Impact Assessment states that, without sufficient mitigation, construction activity, noise and lighting would be a significant adverse impact at National level for Bechstein's bat. Appendix G puts it in the same terms at 5.1.3, and adds at 5.1.5 that, without mitigation, recreational and general human activity arising from an increase in the local population is likely to have an indirect negative impact — through felling and topping of potential roost trees on health and safety grounds, increased proximity and frequency of disturbance, and recreational use of the woodland. The question raised by this allocation is therefore not whether harm would occur. It is whether the allocation secures mitigation sufficient to prevent it.

The evidence base is stale by the standard the same document sets. The Ecological Impact Assessment states at 7.7.1 that where survey data is 18 months or older, update surveys are likely to be required for European protected species licensing. The Bechstein's baseline is 2017 and 2021. The assessment also records at 3.7.19 that the 2021 static logger results had not yet been analysed, and its contents page lists "Appendix P Bat Static Logger Surveys 2021 (to be submitted)" — an appendix that never was. The Council's own SHELAA of February 2026 records that the detailed work on the ecological constraints to the developable area has yet to be undertaken.

And the surveyed area is not the allocated area. The 2021 application site was 14.6 hectares for approximately 210 dwellings, being the main parcel of the 16.9 hectare Policy H8 allocation. Allocation 2 is 18.9 hectares for 325 dwellings. The additional fields in the north west of EM02 were not within the 2021 red line and were not surveyed for it — and they are the corner of the site where the SHELAA records woodland subject to a Tree Preservation Order and where Southleigh Forest SINC bounds the boundary.

I record the position that runs against me. The Ecological Impact Assessment grades western barbastelle as of Local value, at 0.7% of recorded calls, and considers it restricted to the west of the site; an earlier survey for the same promoter, reported in 2018, concluded that the site was unlikely to be important for the species. I do not ask the Inspector to set those findings aside, and I do not say this site is important for barbastelle. I record only that western barbastelle is one of two qualifying features of Singleton & Cocking Tunnels SAC; that it is nonetheless recorded immediately adjoining this land by the Hampshire County Bat Recorder in 2018, 2019 and 2020; and that all of these professional evaluations rest on data which the promoter's own ecologist would treat as out of date.

Woodland is recorded in the appraisal and omitted from the allocation

SA Appendix D records Priority Habitat woodland at the north-western edge of EM02. The SHELAA pro-formas for both EM01 and EM02 state that the site is "adjacent to ancient woodland". The promoter's Biodiversity Enhancement Management Plan records at 3.1.8 that an area of woodland immediately north of the site is semi-natural ancient woodland. The Hampshire Biodiversity Information Centre's mapping of the Hampshire Ancient Woodland Inventory shows Ancient & Semi-Natural Woodland, with Ancient Replanted Woodland within it, to the north and north-east of the site. The allocation's Key Features record Tree Preservation Order woodland on the northern boundary and around the south-western corner, and record neither the Priority Habitat status nor the adjacent ancient woodland.

The comparison with Allocation 1 is again instructive. Southleigh's Key Features, at printed p. 91, expressly record "Priority Habitat woodland in north of site, and substantial woodland in surrounding area". The status was recorded there and not here, although Appendix D identifies it in both cases. Tree Preservation Order status and Priority Habitat status are not equivalents; the latter engages the Environment Act 2021 and Framework protections that the former does not. Ancient woodland is an irreplaceable habitat, for which paragraph 193(c) of the Framework requires refusal of development resulting in loss or deterioration unless there are wholly exceptional reasons and a suitable compensation strategy exists, and for which Natural England's standing advice expects a buffer from adjacent development. Neither the buffer nor the woodland status appears in the allocation.

The inventory I cite is the Hampshire Ancient Woodland Inventory as held and mapped by the Hampshire Biodiversity Information Centre, which HBIC records as having been updated between 2022 and 2024 to include woodlands under 2 hectares and as approved by Natural England but not yet formally published. It may differ from the published Natural England inventory for the smaller woodlands. Source: Hampshire Biodiversity Information Centre, ecological data search reference 14749, 26 August 2026, supplied under licence. I acknowledge HBIC and the species recording groups whose records are included.

The trees themselves are protected, and the Council has not assessed them for this purpose. Tree Preservation Orders are recorded on the Council's own public register over land north of Long Copse Lane, among them TPO/2054/2016, a Woodland Order over "land to north of Long Copse Lane, to north

and east of White Lodge", made 21 September 2016; TPO/2063/2017 over "land to the north of Long Copse Lane"; and TPO/2064/2017 over "fields to the north-east of Hollybank Farm". The Plan's own Key Features list for this allocation records TPO woodland bounding part of the northern boundary and extending into the north west of the site, with a further area wrapping around the south-western corner. Set against that, the February 2026 SHELAA records that "The need for ecological mitigation and TPO woodland is likely to constrain the developable area, but detailed work has yet to be undertaken by the site promoter."

That matters to this representation for a specific reason. Mature and veteran trees are the roosting resource for the species at issue: Bechstein's bat is a woodland species roosting in tree cavities, and the maternity roosts recorded on and around this land are tree roosts. The Council knows the woodland on this site's boundaries is protected, knows the developable area is likely to be constrained by it, and has allocated 325 dwellings before the further work the SHELAA identifies as outstanding — the work which would establish where those trees are and what they support — has been undertaken.

The buffer requirement was carried across, but narrowed — and the two receptors it names are one

SA Appendix E required an ecological and landscape buffer between the woodland and the developed area, to mitigate the impact on protected species, woodland, and Southleigh Forest SINC, and to mitigate impacts to the green corridor linking Southleigh Forest with the River Ems and the coastal zone.

Criterion (m) requires a buffer "to mitigate the impact of protected species and Southleigh Forest SINC". Woodland has been dropped from the stated purpose, as has the green corridor, as has the specification that the buffer lie between the woodland and the developed area. Criterion (o) requires woodland retention, which is a different thing from buffering it from development.

The Council's own county records centre records the designation basis of the site that criterion (m) names. Southleigh Forest (South) is a Site of Importance for Nature Conservation, reference HV0116, of 48.16 hectares, designated under criteria 1D and 6A, and the species supported that meets Section 6 of the Hampshire SINC Selection Criteria is *Myotis bechsteinii* — Bechstein's bat.

That wording treats the protected species and the SINC as two receptors, each capable of being addressed on its own terms. They are not independent. The SINC is designated in part for the very species the criterion separately names. A buffer that does not work for Bechstein's bat does not work for the SINC either, and the Council is not able to satisfy one limb of its own criterion by reference to the other.

The criterion specifies no extent. The ecologists who surveyed this land for the promoter proposed buffers of 20 to 40 metres, averaging 30 to 35 metres, with 25 to 35 metre buffers around the copse on the southern boundary and a buffer of 30 metres or more on the northern boundary adjacent to Southleigh Forest. The figures vary between their documents, and I do not present any one of them as a settled position. What matters is the order of magnitude they were working in, and that the allocation carries no figure at all — a single undefined requirement, addressed to two receptors which are in substance one.

The lighting strategy was re-purposed

SA Appendix E required a sensitive lighting strategy as part of the mitigation for harm to protected sites, species and the ecological network — that is, as ecological mitigation, in the same cell as the bat and SINC requirements.

Criterion (c) requires a sensitive lighting strategy "which demonstrates how development will conserve and enhance the intrinsic quality of the South Downs Dark Night Skies Reserve". That is a landscape and amenity purpose. Allocation 1, by contrast, requires at criterion (p) "an ecologically sensitive lighting strategy".

The difference is material for this species. Bechstein's bat is among the most light-averse British bats, and the promoter's own ecologist records at Appendix G 5.1.4 that light spill is likely to be detrimental and that the species is associated with darker rural areas. A dark skies strategy addresses skyglow and the appearance of the night sky; an ecologically sensitive strategy addresses lux levels on commuting routes, roost access and foraging habitat. The requirement Appendix E specified for ecological reasons has been carried into the allocation for a different reason, and the ecological purpose does not appear.

Two consultees have already told the Council, on this land, that a lighting strategy of this kind is not enough. As recorded in the appendices to the shadow Habitats Regulations Assessment submitted with the 2021 application, Hampshire County Council's ecologist responded on 27 October 2021 that the submitted assessment did not provide the detail required to assess lighting impacts on the buffer and adjacent habitats; that further information was needed for reassurance that the aspirations were deliverable; that a lighting plan with contours and, critically, vertical spillage was necessary; and that protection of the adjacent woodland habitat was essential in determining the acceptability of the proposal. Natural England responded on 6 December 2021 requiring a detailed strategy, approved by the county ecologist, showing how light spill would be prevented in the unlit bat buffers. The South Downs National Park Authority also responded. Answering them took vertical and horizontal lighting grids, specified maximum lux levels at stated distances from the buffers, and a reduction of the illumination class abutting the buffers to P6, the lowest in BS 5489.

Criterion (c) requires none of that: no lux levels, no vertical spill, no buffer width, no ecologist approval, no monitoring. The Council's own county ecologist has already said, of this land, that a strategy without those things cannot be assessed.

The current published guidance post-dates everything relied on above, and it is more demanding than criterion (c) allows for. The Institution of Lighting Professionals, with the Bat Conservation Trust, issued Guidance Note GN08/23, *Bats and Artificial Lighting at Night*, in 2023. It is the current edition and it supersedes the 2018 edition on which the 2021 consultee correspondence was working.

Three things in it bear directly on this allocation. At paragraphs 1.13 to 1.14 the guidance identifies the light-averse species, and they include *Myotis* species *"(which include Brandt's, whiskered, Daubenton's, Natterer's and Bechstein's)"* and barbastelle — that is, both qualifying features of Singleton & Cocking Tunnels SAC. At paragraph 4.14 the examples of **Key Habitat** — habitat *"considered essential for the function and stability of local bat populations"* (paragraph 4.13) — include *"roosting and swarming sites for all species and their associated flightpaths and commuting habitat"* and *"foraging or commuting habitat for highly light-averse species… or nationally/locally rare species"*. And at paragraph 4.15, under the step *"avoid lighting on any Key Habitats"*, the guidance states:

> *"An adverse impact from illumination onto a Key Habitat feature is likely to have a significant effect on the bats using it. Therefore, an absence of artificial illumination and glare acting upon both the feature and an appropriately sized buffer zone is most often the only acceptable solution. An ecologist will be best placed to set the size of such a buffer zone according to the species present…"*

Source: Institution of Lighting Professionals and Bat Conservation Trust, *Guidance Note 08/23 — Bats and Artificial Lighting at Night*, 2023, read in full. I record that the copy I have read was supplied to me by the Hampshire County Bat Recorder.

Criterion (c) does not engage with any of this. It points the lighting strategy at the Dark Night Skies policy, and the Dark Night Skies policy is directed at the setting of the National Park, not at bat habitat. The current published standard for this species assemblage contemplates the absence of illumination on Key Habitat and on a buffer sized by an ecologist to the species present. The allocation neither identifies the Key Habitat on this land nor requires that it be left unlit.

Recreational and human disturbance is not addressed at all

Appendix G identifies recreational and general human activity from an increase in the local population as a likely indirect negative impact on this population. The mitigation proposed in 2022 included dense scrub along the northern boundary specifically to deter unmanaged public access into Southleigh Forest, monitored over approximately twenty years, together with monitoring of artificial light within the ecological buffers on the northern, eastern and south-western boundaries.

Allocation 2 requires nothing of the kind. Allocation 1, in the same plan, carries criterion (u): "Provide appropriate recreational disturbance mitigation within the site", and criterion (l), maintaining and enhancing the green corridor. Allocation 2 has neither. Three requirements that Southleigh gets — ecological lighting, the green corridor and recreational disturbance mitigation — are absent from the allocation whose recorded constraint is a woodland-specialist bat.

I should record the point that runs most obviously against this, because it arose on this lane and this year. In appeal decision 6002048 of 24 June 2026, two of the Council's reasons for refusal concerned Solent habitats — water quality and recreational disturbance. At paragraph 22 the Inspector recorded that both fell away, the appellant having provided a Unilateral Undertaking dated 25 September 2025 securing a contribution to the Solent Recreation Mitigation Strategy and nitrate mitigation, with which the Council confirmed itself satisfied. The Council will say, fairly, that recreational disturbance of the Solent designations is routinely resolved at application stage by a standard mechanism, and that it does not need to be written into an allocation.

I accept that as far as it goes, and it is why I do not put recreational disturbance of the Solent sites as a ground here. The disturbance identified in Appendix G is a different thing: not recreational pressure on the coastal designations, but human activity within and adjacent to woodland used by a bat population, for which the mitigation proposed in 2022 was physical — dense scrub to deter unmanaged access into Southleigh Forest, monitored over approximately twenty years — and for which no Solent tariff provides. That is the mitigation Appendix G identified, and the allocation does not require it.

The Habitats Regulations Assessment screens this allocation as capable of a significant effect on a bat SAC, and then does not assess it

The HRA (July 2026) screens Allocation 2 as likely to have a significant effect, alone as well as in combination, on Singleton & Cocking Tunnels SAC — recorded at Table 5 as approximately 13 km to the north-east, and designated for barbastelle (S1308) and Bechstein's bat (S1323). Habitat loss is the pathway. The SAC does not appear in the HRA's air quality or nutrient tables, so functional habitat loss is the only pathway on which this allocation is screened in against it. Because *People Over Wind* excludes mitigation at the screening stage, as the HRA records at paragraph 2.26, that result reflects the unmitigated position. Allocation 3, Land south of Havant Road, also in Emsworth, is not screened in against that SAC at all.

At paragraph 6.5 the HRA states that seven policies and eight allocations have been identified as having a reasonable likelihood of development resulting in the loss of foraging or commuting habitat for the SAC's bat species, and that such loss has the potential to impact the ability of bats to forage, travel and socialise to the extent that impacts are felt at the population level. The HRA's own screening summary, however, records that SAC as screened in against Policies 1, 2, 6–8, 45 and 47 and against Allocations 1, 2, 4, 5, 13, 14, 15, 18, 23 and 25 — ten allocations, not eight.

The eight are nowhere identified, and the discrepancy is not explained. I ask the Council to reconcile the figure at paragraph 6.5 with its own screening summary and to state which eight allocations were carried forward. Until that is done it is not possible to establish from the HRA whether this allocation is among them, or what loss of bat habitat has been attributed to 18.9 hectares of woodland-edge greenfield land.

The appropriate assessment does not resolve it. I do not say the SAC is absent from the HRA as a whole — Chapter 6 discusses it at paragraphs 6.4 and 6.5, and I rely on that discussion. The difficulty is in Chapter 7, the appropriate assessment. Its contents run to habitat loss, impacts to SPA and Ramsar supporting habitat, solent wader and brent goose sites, recreational disturbance, air quality, coastal squeeze, and water resources and nutrient neutrality. There is no bat section and no SAC section. The SAC appears within Chapter 7 in a single row of Table 14, recording a "Commitment to consideration" of the SAC and Bechstein's bat protection within Local Plan policy, a requirement for survey, impact assessment and mitigation, and a conclusion of no impact on site integrity by reference to Policies 21 and 25. The narrative under the heading Habitat Loss opens at paragraph 7.5 by recording that no policy or allocation would result in direct land take within a European site, and concludes at paragraph 7.8 that Policy 21 alone would provide sufficient safeguard. Functional habitat loss outside a European site — the pathway on which this allocation was screened in — is not addressed there at all; the narrative moves directly to SPA and Ramsar supporting habitat at paragraph 7.9.

That conclusion sits uneasily with the HRA's own statement of method. Paragraph 2.18 records that it is not sufficient for an HRA to conclude no significant effects merely because the plan contains a policy protecting European sites, and that any policy introduced to remove uncertainty must be targeted specifically at the issue causing the uncertainty. Paragraph 7.8 then rests the conclusion on Policy 21 alone — and Policy 21 is a policy of general application, protecting the Borough's internationally and nationally designated sites and triggering project-level assessment for development likely to affect one. I acknowledge that Policy 25(d) is bespoke to Bechstein's bat, and the Council may fairly point to it; but paragraph 7.8 does not rest on Policy 25, and the point stands against the policy the appropriate assessment actually relied on.

Paragraphs 2.27 and 2.28 of the same document record the requirement in *Holohan* that an appropriate assessment catalogue the entirety of the habitat types and species for which a site is protected, and examine the implications for habitat types and species found outside the site's boundaries where those implications are liable to affect its conservation objectives. For Bechstein's bat, neither exercise appears.

The Council cannot say the information was unavailable, or that nobody asked for it. After the 2021 application was submitted, consultation responses from Natural England, Hampshire County Council and the Council's own Nutrient Team asked the applicant to produce a shadow Habitats Regulations Assessment to inform the assessment the Council would itself undertake — and the scope requested expressly included habitat loss affecting protected species. The Council received that document, running to 218 pages and addressing Singleton & Cocking Tunnels SAC on this exact land, in March 2022. Four years later the Council's own HRA screens the same land in against the same SAC on the same pathway, and assesses neither.

This engages national policy directly. Paragraph 195 of the Framework provides: "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site." Allocation 2 is screened in as likely to have a significant effect on Singleton & Cocking Tunnels SAC, alone and in combination. The disapplication therefore bites unless the appropriate assessment has reached that conclusion for this SAC — and for this SAC the appropriate assessment contains no narrative at all. National policy makes the appropriate assessment's conclusion the gateway; where that conclusion has not been reached on the pathway and the qualifying features screened in, the Plan is to that extent inconsistent with national policy, as well as raising the question of legal compliance below.

On legal compliance, I invite the Inspector to consider whether an appropriate assessment which screens a European site in against this allocation, provides no narrative assessment of that site or of the species for which it is designated, does not engage with the county bat recorder's evidence of maternity roosting by one qualifying species within the allocation and repeated records of the other immediately adjoining it, does not engage with the promoter's own record of a likely maternity roost of nineteen bats immediately beyond the boundary, and identifies eight allocations against ten screened in without reconciling the difference, discharges the duty under the Conservation of Habitats and Species Regulations 2017. I say it does not, and I answer the legal compliance question on the form accordingly. I make no allegation of bad faith. Regulation 105 permits the authority to give effect to the Plan only once it has ascertained that it will not adversely affect the integrity of the European site, and a single row of a table recording a conclusion by reference to two policies is not that ascertainment. I do not ask that the appropriate assessment be revisited so that this allocation may be carried; the remedy I seek is deletion. Whether the duty has been discharged is a question the Inspector must reach independently of the planning balance, and it is not one the allocation policies can answer.

In fairness to the Council, paragraph 2.13 contemplates that detailed assessment may be deferred to the project level, and the Council may say that survey and mitigation secured through Policies 21 and 25 will do that work. Two things count against that here. The same paragraph permits deferral only where the higher-tier assessment cannot reasonably assess the effect in a meaningful way, and this is a defined allocation boundary with a bat interest already recorded in the Council's own Sustainability Appraisal

and SHELAA. And paragraph 2.15 requires every effort to be made to adapt the higher-tier plan to avoid effects — which is a matter of what the allocation itself requires. I recognise also that Natural England has been consulted throughout and that plan-level assessments are not required to reach project-level detail.

On the "unclear" at paragraph 6.4, there is a document the Habitats Regulations Assessment does not engage with, and it is Natural England's own. On 9 January 2023, under reference 416855, Natural England responded to the Council on the outline application for this land, APP/21/00893, over the signature of Rachael Clemson, Sustainable Development Lead Adviser, Thames Solent Area Team. It advised that "as submitted, the application could have potential significant effects on" a list of designated sites, and **the first site on that list is Singleton and Cocking Tunnels Special Area of Conservation** — before Chichester and Langstone Harbours Special Protection Area and Ramsar site, the Solent and Maritime Special Area of Conservation, and the Langstone and Chichester Harbours Sites of Special Scientific Interest. It required a Habitats Regulations Assessment before the significance of those effects and the scope for mitigation could be determined, and stated that "without this information, Natural England may need to object to the proposal".

That is the statutory nature conservation body, addressing this land, naming the bat SAC first among the European sites capable of being significantly affected. I do not overstate what it decides: it is a consultation response on a planning application, given on the precautionary basis appropriate to that stage, and it is not a finding that a functional link exists. But paragraph 6.4's difficulty is that the extent of SAC bat occurrence in the Plan area is unclear and that no functional link has been formally accepted, and the Council has had Natural England's view about this specific land, in writing, since January 2023. It is not referred to in the appropriate assessment.

I note fairly that the HRA records at paragraph 6.4 that the extent to which SAC bats occur within the Plan area is unclear, that a direct link between the SAC and habitat in the Borough has been demonstrated only for Natterer's bat, and that Natural England have not formally accepted a functional link; the HRA proceeds on the precautionary assumption that Bechstein's populations in the Plan area are functionally linked. That is the correct precautionary approach. But it is the assumption on which the screening result rests, and it is precisely why the assessment it calls for should have followed.

The cross-boundary position on bats has been deferred rather than dealt with

This site adjoins the West Sussex boundary, and the bat interest plainly crosses it: the appeal decision discussed below concerns land on the same lane, immediately across the borough boundary. The Statement of Common Ground between Chichester District Council and Havant Borough Council of June 2026 records at 6.30 that the River Ems forms the boundary and that Chichester's Local Plan includes a strategic wildlife corridor on its eastern side, and states at 6.31, as the area of agreement in full, that both parties recognise the importance of the River Ems as a corridor for wildlife. It contains no mention of Singleton & Cocking Tunnels SAC, of bats, or of functional linkage.

The Effective test at paragraph 36(c) of the Framework asks whether cross-boundary strategic matters have been dealt with rather than deferred, as evidenced by the statement of common ground. The Plan's own Policy 22(c) requires development to avoid fragmentation of the Local Ecological Network, including across administrative boundaries. The county bat recorder made precisely this complaint to the previous examination in 2021 — that there had been no real attempt to co-ordinate bat

conservation strategy across the administrative boundaries. Five years later the statement of common ground is silent on it.

The data position illustrates the same gap, and it can now be stated as a completed fact rather than an expectation. The Hampshire records are held by the Hampshire County Bat Recorder, who records the Hampshire side of the boundary together with such Sussex records as reach him. The West Sussex records are held separately by the Sussex Biodiversity Record Centre. Neither authority has obtained the other county's dataset for this site. I have obtained both, from the same centre point and over the same radius, and they are set out above: 753 Hampshire records of 14 species, and 146 Sussex records of 17 taxa running to 2025.

That is the difficulty in a sentence. A resident objecting to an allocation has assembled the cross-boundary bat record that the Habitats Regulations Assessment, the Sustainability Appraisal and the statement of common ground between the two authorities do not contain. The assessment which concluded at paragraph 6.4 that the extent of SAC bat presence in the Plan area is *"unclear"* was made without the West Sussex half of the record for the very site screened in.

The recorder has also confirmed that the Hampshire Biodiversity Information Centre — the body whose data search the Council's ecological evidence draws on — has told him it will be several months before the database updates he has supplied during 2026 are incorporated into its own records. The Council's ecological information source therefore lags the county recorder's by a period longer than the remainder of this examination.

That two adjoining authorities are assessing a bat interest which straddles their common boundary, without either the record centres or the statement of common ground bringing the two datasets together, is the deferral rather than the dealing with.

A Planning Inspector has already found this land's bat interest material, and comparable mitigation inadequate

In December 2022 an Inspector dismissed an appeal for seven dwellings at Land west of The Shire, Long Copse Lane, Westbourne, immediately across the borough boundary (APP/L3815/W/22/3290395). Chichester District Council's putative refusal included an absence of information relating to the effect of the proposal on the Bechstein's bat.

At paragraph 20 the Inspector recorded the Council's case, advanced on radio-tracked evidence, that the site and its surroundings form part of the flight lines of Bechstein's bat, and identified the southern boundary along Long Copse Lane specifically. That is the lane on which this allocation fronts. The Inspector accepted at paragraph 22 that there was a reasonable likelihood the proposal would affect Bechstein's bat.

At the same paragraph the Inspector found the proposed mitigation — a 5 metre buffer described without detail, together with limitations on external lighting — neither appropriate nor detailed enough, and found that the scheme could therefore have a harmful effect on a protected species. He attached substantial weight to that potential harm. He also noted at paragraph 21 that three plots' rear gardens would abut that boundary with only protective fencing.

A seven-dwelling scheme was dismissed on appeal, in part, because that buffer and those lighting limits were not adequate mitigation for this bat on this lane. Allocation 2 proposes 325 dwellings, behind a

buffer of unstated extent under criterion (m), with a lighting strategy framed to the Dark Night Skies Reserve rather than to ecology. The deficiency the Inspector identified is the same one, at more than forty-six times the scale.

I put this as context rather than precedent. It is a section 78 appeal in a different local planning authority, decided on a different development plan and under the 2021 Framework rather than the December 2024 Framework against which this Plan is examined. Bats were one of three reasons for dismissal, and the appeal would have failed on countryside location and character alone. It does not bind this examination. Its relevance is that the radio-tracking evidence concerns this lane, and that the mitigation found wanting there — a buffer of stated width, with lighting limits — was more specific than anything this allocation requires.

The Plan restricts housing by reference to constraints which this site engages

Policy 6 provides, at printed p. 59, that during the period 2022–2043 the Plan "makes provision for at least 7,087 new dwellings across the Borough during the plan period, averaging 337 dwellings per annum". Paragraph 2.104 on the same page records that the most up to date assessment of objectively assessed housing need is "15,822 dwellings over the plan period, which equates to 879 homes per annum", and paragraph 2.108 records that around 40% of the Borough's overall housing need will be met, leaving "a large shortfall of housing delivery over the plan period in the region of 9,500 dwellings".

That shortfall is authorised, if at all, by paragraph 11(b)(i) of the Framework: the application of policies protecting areas or assets of particular importance provides a strong reason for restricting the overall scale of development. Footnote 7 defines those assets, and the list includes habitats sites and irreplaceable habitats.

Allocation 2 is screened in against a habitats site by the Council's own HRA, carries Tree Preservation Order woodland bounding part of the northern boundary and extending into the north west, and has semi-natural ancient woodland immediately to the north. The Council invokes footnote 7 constraints to justify planning below need, and then allocates a site to which those same constraints apply.

The Council's answer is likely to be that footnote 7 operates at plan-area scale in setting the housing requirement, not as a site-selection test, and that the constraint here is addressed through the allocation criteria. On the first limb it has a point, though paragraph 195 does not work at plan-area scale in the same way: it turns on whether a likely significant effect on a habitats site has been resolved by an appropriate assessment, and here it has not been. On the second, the criteria are the very thing this representation shows to be deficient: a buffer of no stated extent, a lighting strategy aimed at the night sky, no recreational disturbance mitigation, and no woodland or green corridor purpose carried across from the appraisal.

The modification I seek

For the reasons above, and taken with the planning balance, I ask that Allocation 2: Land north of Long Copse Lane be deleted from the Plan in its entirety, together with the consequential amendments to Policy 6, the sources of housing supply table, the housing trajectory at Appendix 1 and the Policies Map. The safeguarding of the existing Gypsy and Traveller site at Long Copse Lane under Policy 43 is unaffected and should be retained.

Why this needs to be tested at a hearing

This representation raises a question of legal compliance under the Conservation of Habitats and Species Regulations 2017 — whether an appropriate assessment that screens this allocation in against a bat SAC, yet assesses neither the SAC nor the species, discharges the duty — and a related question of consistency with paragraph 195 of the Framework. Legal-compliance questions of this kind, and the documentary discrepancies in the HRA (the paragraph 6.5 counting gap, and the treatment of the county bat records and the promoter's own survey evidence), are best examined orally so that the Council's response can be tested.

Representation form entries

Field	Entry
Respondent	Andrew Hunnibal — individual response
Contact	Longacre, Long Copse Lane, Emsworth, Hampshire PO10 7UR · ahunnibal@gmail.com
Policy Number	—
Allocation Number	2 (Land north of Long Copse Lane)
Paragraph Number	—
Page Number	Printed pp. 95–97 (PDF pp. 99–101)
Legally compliant?	No
Sound?	No
Test(s) of soundness	Justified; Effective; Consistent with national policy — and legal compliance under the Conservation of Habitats and Species Regulations 2017
Change sought	Deletion of Allocation 2 in its entirety
Appear at hearings?	Yes
Date	4 September 2026