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 whole of this allocation's wastewater and nutrient demand falls beyond the period for which the Council can demonstrate capacity or identify mitigation. Chichester District Council's current published monitoring puts the Thornham catchment 246 dwellings beyond its estimated headroom before any Local Plan allocation is added. The Council's own nutrient budget shows this allocation as 61.5% of the demand in its catchment beyond year five, for which the Habitats Regulations Assessment states no mitigation has been identified. The soundness tests not met are justified and effective.

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 sound because the constraint is not one the allocation can resolve. The whole of this site's wastewater and nutrient demand falls beyond the period for which the Council can demonstrate capacity or identify mitigation: monitored headroom at Thornham is negative before this allocation is counted, the funded uplift is scoped to another authority's allocations, and the nutrient budget places the entire load in years for which the Habitats Regulations Assessment records that mitigation “has not yet been identified”.

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-3-Wastewater-Nutrients.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 depends on the Council's own wastewater and nutrient evidence and on the undertaker's published plan. Several of those documents post-date the Plan or sit outside its evidence base, and the Council should have the opportunity to answer them orally.

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.

Average Q80 dry weather flow	5,852 m^3/d	6,247 m^3/d
Estimated remaining headroom within the Q80	713 m^3/d	318 m^3/d
Equivalent dwelling capacity at 500 l/d	≈ 1,426	636

Estimated headroom at Thornham has therefore more than halved since the evidence on which both Local Plans rely was prepared — from roughly 1,426 dwellings to 636. Chichester's note records that the works at Apuldram and Lavant are treated as having no usable headroom because of environmental constraints; Thornham is not so treated, so the 636 is presented as real capacity.

The monthly monitoring then sets committed development against that figure. The current published table is *Headroom Monitoring for Thornham WWTW – August 2026*, and it records the position at 1 August 2026:

Thornham WwTW, monitored position	**Dwellings**
Estimated remaining headroom within the Q80 at 1 January 2026	636
Less: Chichester dwellings not yet completed at 1 April 2025	−744
Less: Havant dwellings not yet completed at 1 April 2025	−65
Less: Chichester dwellings permitted 1 April 2025 to 31 July 2026	−65
Less: Havant dwellings permitted 1 April 2025 to 31 July 2026	−8
Estimated remaining headroom within the Q80 at 1 August 2026	**−246**

On Chichester District Council's own current published monitoring, the Thornham catchment is already committed 246 dwellings beyond the estimated Q80 headroom, on extant planning permissions alone, before any Local Plan allocation from either authority is added. Allocation 2 proposes 325 dwellings. Adding it to the monitored position would take the catchment to approximately −571. Havant's full 722-dwelling contribution to the joint catchment projection, net of the 73 dwellings already counted in the table above, would take it to approximately −895.

I record the date of that table plainly, and draw no improper inference from it. It states the position at **1 August 2026** — after the Plan was published in July 2026, and after the Statement of Common Ground was agreed in June 2026. It is therefore not evidence the Council could have taken into account when settling the Publication Plan, and I make no criticism of the Council for that. It is, however, evidence now before the Inspector.

Two further points follow from the same table. Of the 882 committed dwellings driving the deficit, 809 are Chichester's. The funded uplift discussed below is scoped to development allocated in the adopted

Chichester Local Plan — so a substantial part of whatever that uplift delivers is required simply to restore the catchment to a neutral position on commitments that already exist, before Havant's allocations are considered at all.

And Havant's recorded commitment in the catchment is small: 65 dwellings permitted but not completed at 1 April 2025, and a further 8 permitted in the sixteen months to 31 July 2026 — 73 in total. The joint evidence attributes 722 dwellings to Havant in this catchment to 2039. The difference between 73 and 722 must be substantially the Local Plan allocations, of which this is by some distance the largest.

The projection evidence points the same way

In February 2024 Havant Borough Council and Chichester District Council jointly commissioned Ricardo Energy & Environment to carry out an independent review of the position statement for Thornham WwTW (ref ED17942), intended to increase public confidence in the conclusions reached through the planning process. It is the Councils' own check on their own evidence.

The note records an Environment Agency permitted dry weather flow of 6,565 m^3/d against a current Q80 DWF of 5,852 m^3/d — an indicative remaining headroom of 713 m^3/d, equivalent to about 1,426 dwellings. Against that, the Councils' joint catchment housing projection to 2039 is 2,360 dwellings (1,638 Chichester; 722 Havant). At Table 2-6 the consultant sets out its own revised estimate of the associated flow increase on that current projection, using the consumption rates it recommends. Projected growth exceeds indicative headroom on every rate assessed:

Rate assessed	Projected growth	Headroom	Exceedance
500 l/d (Southern Water / EA guidance)	1,181 m^3/d	713 m^3/d	468 m^3/d (~936 dwellings)
469 l/d (Ricardo, recent actuals)	1,106 m^3/d	713 m^3/d	393 m^3/d (~838 dwellings)
433 l/d (Ricardo, corrected for return to sewer)	1,023 m^3/d	713 m^3/d	310 m^3/d (~716 dwellings)

The significance of the second and third rows is that they are the consultant's own preferred figures. Its summary describes 500 l/d as possibly too precautionary and suggests the Councils may consider using 469 or 433 l/d as most representative of current catchment conditions. The exceedance is therefore not an artefact of a cautious assumption: it holds on the less precautionary rates the consultant recommends, and on the up-to-date 2,360-dwelling projection rather than any superseded figure. The consultant's summary states that it is uncertain whether the available headroom could accommodate growth to 2039.

That analysis was carried out against an indicative headroom of 713 m^3/d. The current published estimate is 318 m^3/d, and the monitored position after commitments is negative. Every exceedance figure in the table above is therefore understated on the current evidence, and the consultant's uncertainty as to whether growth to 2039 could be accommodated has since moved in one direction only.

Where Allocation 2 sits in the arithmetic. 325 dwellings at 500 l/d is 163 m^3/d — approximately 22.8% of the entire remaining indicative headroom at Thornham for a single allocation, and, assessing the allocation and the exceedance on the same rate throughout, between approximately 35% and 45% of the modelled exceedance. Deleting this allocation would close between a third and a half of the capacity gap the Councils' own consultant identified — and would remove 325 dwellings from a catchment whose monitored headroom is already negative.

Havant's input to that evidence is not demonstrated to include this site. The source given for Havant's 722-dwelling contribution is an email from the Council received on 31 January 2024 — not a published trajectory, and some two and a half years before the Publication Plan. Allocation 2 alone would be 45% of Havant's entire assumed contribution to the catchment. Whether the 722 includes this site is not stated. Either answer is material: if the 722 includes it, the exceedance is an exceedance with this site counted; if it does not, the joint capacity evidence underpinning two Local Plans was prepared without the largest Emsworth allocation in it.

The funded uplift is scoped to Chichester

At paragraph 6.28 the June 2026 Statement of Common Ground records that Southern Water has confirmed funding through its business planning process to increase treatment capacity at Thornham, expressly to deal with the level of development allocated to sites in the "now adopted Chichester Local Plan", to be delivered in the current AMP running to 2030.

The primary source behind that account is Chichester District Council's own committee report, *Wastewater Treatment Position Statements and Monitoring*, taken to its Development Plan and Infrastructure Panel on 15 October 2025. That report is more specific than the Statement of Common Ground, and in three respects it goes further.

It sets out what the Thornham Position Statement was for. At paragraph 2.3 it records that, for the purposes of the emerging — now adopted — Chichester Local Plan, the Position Statement formed part of ongoing cooperation with Southern Water to ensure that additional development in that Local Plan was considered, in combination with speculative development granted permission in the meantime, when investment needs were determined. Havant's allocations are not mentioned. Nor is Havant recorded among the consultees: the report lists Southern Water, the Environment Agency, the Chichester Local Plan Water Quality Group and Chichester's own development management officers. A neighbouring authority with 722 dwellings in the same catchment does not appear anywhere in the document.

It records that officers, Southern Water and the Environment Agency no longer saw a need for the Position Statement, which had "served a purpose in enabling SW to bid for additional funding". I do not read that as a finding that the catchment is unconstrained. I read it as a record that a constraint mechanism was retired once it had produced the investment it was designed to secure.

And it records that the withdrawal was resolved subject to formal written agreement from Southern Water and the Environment Agency, which at the date of the report had still to be given. The Statement of Common Ground of June 2026 records the withdrawal as having taken effect, and Chichester's current published guidance states that the position statements previously in place for Thornham and Apuldram have been removed following adoption of its Local Plan.

Three things follow. The scoped uplift addresses Chichester's allocations, not Havant's 722-dwelling contribution and not this allocation. Chichester has a phasing mechanism tying development to infrastructure delivery, and the Havant Plan has no equivalent on this allocation. And paragraph 6.29 of the Statement of Common Ground concedes that providing additional wastewater capacity is not within either Council's control.

The Council's own Infrastructure Delivery Plan does not identify a treatment capacity uplift at Thornham

The Infrastructure Delivery Plan (IT01, June 2026) is the document by which the Plan demonstrates that the infrastructure needed to support its allocations has been identified, costed, funded and programmed. Appendix 2A contains exactly one Thornham entry, at printed page 169:

> ***U009 — Emsworth & Cross-boundary — Thornham Wastewater Treatment Works.*** *Delivery organisation: Southern Water. Indicative cost:* ***£4,930,000****. Funding source: "Customer charges capped by Ofwat 5 yearly price reviews". Timing:* ***2025–2030****. Comments: "Solutions: 'Sustainable drainage solutions in the community and increased & optimised storage capacity. We estimate we need to manage approximately 7.3 hectares of impermeable land in the area, by installing sustainable drainage systems (SuDS) (e.g. planting trees, installing raingardens, etc.). This may include the installation of at least 571 household water butts and similar solutions for businesses and public buildings.'"*

That is a surface-water and storage scheme, of the same kind the same appendix records for Budds Farm. It is not expressed as an increase in permitted or treated dry weather flow, and it is not expressed in dwellings. Appendix 2A of the Infrastructure Delivery Plan does not state the capacity of the funded Thornham uplift, or that any part of it is attributable to Havant's Emsworth allocations. Its timing, 2025–2030, is the AMP period; the whole of this allocation falls beyond it.

The only site-level wastewater mechanism in the document is boroughwide and carries no cost. At printed page 169, ref U010: *"Specified allocated sites — provision and/or upgrade of local wastewater and sewerage infrastructure to service individual developments"*, delivered by "Developer with Southern Water", indicative cost **£0**, funding source *"Direct agreements between developers and Southern Water, facilitated by planning conditions"*, timing "In parallel with development", with the comment *"Nominal cost £0. Precise requirements will need to be determined on a site by site basis as development comes forward."*

So the Council's own infrastructure evidence for this allocation on wastewater consists of a boroughwide entry with no cost, no programme and no site-specific content, deferred entirely to planning conditions at application stage — in a catchment whose monitored headroom is negative, and in which the neighbouring authority operates a policy requiring phasing against delivery and operation.

The undertaker's own published plan answers the question the Council's does not — and it does not support the expectation placed on it

The capacity uplift is identified, costed and programmed, but in Southern Water's document rather than the Council's, and on terms the Council's evidence base does not disclose. Southern Water's Drainage and Wastewater Management Plan for the Thornham wastewater system is published in three parts: its Problem Characterisation and Generic Options Assessment are dated August 2021, and its Investment Needs schedule May 2023.

The undertaker's own assessment is that the works cannot take the growth. Under planning objective 6, wastewater treatment works water quality compliance, the Problem Characterisation records that Thornham *"has no record of compliance failure during the last three years (2018-2020). However it was assessed to not have adequate capacity to cope with future growth in the wastewater system."* Under planning objective 8 it records the existing permit as 6,565 m^3/d — the figure the Ricardo note uses — and the average annual dry weather flow for 2017, 2018 and 2019 as between 80% and 100% of that permit.

The nutrient risk is assessed as very significant now and on a 2050 horizon. In the Baseline Risk and Vulnerability Assessment at Table 1, planning objective 11, nutrient neutrality, scores 2 — the "very significant" band — for both 2020 and 2050, with the driver recorded as "Unknown". The accompanying text records that this is because *"Natural England have advised that there is a risk to condition for the habitat sites that are hydraulically linked to our wastewater system"*, listing Chichester and Langstone Harbours, Solent and Dorset Coast, and Solent Maritime. 2050 is seven years beyond the end of this plan period.

Two capacity options are identified, and the larger is not programmed to begin until after this allocation's first dwellings are due. The Investment Needs schedule lists option THOR.PW02.1 at Thornham WTW, *"increase treatment capacity to allow for planned new development"*, at an indicative £34,900,000 with an indicative timescale of **AMP10**; and option THOR.PW02.2, *"increase capacity to allow for planned new development"*, at £16,500,000 in **AMP8**. AMP8 is the asset management period beginning in 2025; on the standard five-year periods AMP10 begins in 2035. I ask the Council to confirm those dates.

I record the point that runs the other way, because it is the most significant thing in the document. In the Outline Options Appraisal, option THOR.PW02.2 is described as a *"Permit Review"* with a *"Proposed permit-8175m3"*. If the Environment Agency were to grant a permitted dry weather flow of 8,175 m^3/d in place of the present 6,565, that would create approximately 1,610 m^3/d of additional permitted flow — on the 500 litres per household per day rate used throughout this representation, of the order of 3,200 dwellings. That would transform the capacity position, and I do not suggest otherwise.

Three things qualify it, and the Council should be asked to address each. It is a proposal within an options appraisal, not a determination: the increase would fall to the Environment Agency to grant, in a catchment where the undertaker's own document records that Natural England has advised there is a risk to the condition of the habitat sites hydraulically linked to it. Its scope has already changed — the Outline Appraisal costs the permit review at £2,205,000 and the later Investment Needs schedule enters the same reference at £16,500,000. And it appears in a schedule which disclaims commitment in terms.

The schedule states that it commits Southern Water to nothing. Note 3 to the Investment Needs reads: *"The table of Investment Need provides an indicative cost so we know what level of funding is needed to reduce the risks. It is not a commitment to fund or deliver any option."* Note 6 records that the listed options *"will inform our future business plans as part of the Ofwat periodic review process to secure the finance to implement these options"*, and note 1 that they *"will need further refinement as we implement the DWMP to confirm the exact location and scope of action needed, and the cost"*. The Statement of Common Ground records at paragraph 6.28 that funding has since been confirmed through Southern Water's business planning process for the level of development allocated in the

adopted Chichester Local Plan. If that confirmation extends further, to the permit review, to the AMP10 treatment capacity increase, or to Havant's allocations, the Council should evidence it; the underlying document does not.

What is programmed for nutrients in the current period is a study and a candidate scheme. Option THOR.OT01.2, at £695,000 in AMP8, is a *"study and investigation to understand the potential impact of wastewater discharges on Habitats and identify measures to prevent deterioration from Natural England's revised Common Standards Monitoring Guidance (rCSMG) targets for Total Phosphorus and Total Nitrogen"*, with Natural England as potential partner. Option THOR.WINEP.PO2.1, at £4,300,000 in AMP8, is to *"construct wetlands to reduce nitrate contributions"* at the works. Both sit under the same note 3.

And there is nowhere else to send the flow. The Outline Options Appraisal records that wastewater transfer was not taken forward because *"no other WTWs are within a 20km radius of THORNHAM WTW with spare capacity to take DWF"*.

The Council's own Infrastructure Delivery Plan records none of this. Its single Thornham entry, U009, is a £4,930,000 surface-water and storage scheme programmed for 2025–2030. The capacity options identified by the undertaker — £16,500,000 in AMP8 and £34,900,000 in AMP10 — appear nowhere in Appendix 2A, and neither does the permit review on which any near-term increase in permitted flow would depend.

What Chichester put in place, and what this Plan has not

Chichester is not relying on the funding alone. Policy NE17 of its Local Plan requires development to be phased to align with the delivery and operation of new or improved wastewater infrastructure, and its current published guidance confirms that monthly headroom monitoring continues meanwhile in order to inform those phasing discussions with Southern Water. So the position in Chichester is a funded scheme, a policy requiring phasing against delivery and operation, and monthly published monitoring feeding into it. In the same catchment, Allocation 2 has none of the three — no phasing criterion, no monitoring requirement, and no confirmation that the funded uplift extends to it.

The Plan does this elsewhere, and not here. Allocation 1 requires at criterion (ee) that occupation of development be phased to align with the delivery of sewerage infrastructure. Allocation 2 contains no such criterion, although its own Key Features record sewerage infrastructure within the southern part of the site, and although it is the allocation in the constrained catchment.

Against that, the housing trajectory at Appendix 1, printed page 358, records no completions at all on this site before 2032/33, and then delivery spread across seven consecutive years: 30 dwellings in 2032/33, 50 in each of the five years following, and 45 in 2038/39. Table 5, the sources of housing supply table at printed page 61, records the same split — 30 dwellings in Years 1–11 and 295 in Years 12–21. The whole of the allocation falls beyond the AMP period on which the Statement of Common Ground relies, and beyond the 2025–2030 programme of the only Thornham entry in the Infrastructure Delivery Plan.

Nutrient neutrality — this allocation is the majority of the unmitigated demand in a catchment the Plan's own evidence shows exhausting before the site is built

Appendix 3 to the Habitats Regulations Assessment is the Council's nutrient budget for the plan period. It divides the Borough between two nutrient catchments. Allocation 2 falls within the Western Streams catchment, and is entered there at 310 dwellings and a nutrient load of 376.92 Kg/TN/Yr.

Three things follow from the Council's own figures.

The whole of this allocation's nutrient demand falls beyond the first five years. The budget records nil against Allocation 2 in the 0–5 year column and the entire 376.92 Kg/TN/Yr in the 5+ year column — consistent with the trajectory, which places 295 of the dwellings in years 12–21.

That is the period for which the Council states no mitigation has been identified. At paragraph 7.49 the HRA records that credit supply in the Western Streams catchment is not expected to run out until 2032/33, and its Figure 5 shows supply falling to nil at that point while demand continues to rise. At paragraph 7.51 it states that beyond five years a further 4,659 Kg/TN/Yr is required across all catchments, 13% of it in Western Streams, and that "nutrient mitigation has not yet been identified to satisfy these years". The Council's expectation is that the current rate of schemes will continue, supplemented by improvements at the wastewater treatment works and by Natural England's Environmental Delivery Plans — of which the same paragraph records that it is currently unknown when they will come forward, or whether they will provide suitable mitigation for the allocations. What the undertaker's own published plan says about those works improvements is set out above.

Allocation 2 is the majority of that gap. Total Western Streams demand beyond year five is 612.43 Kg/TN/Yr. Allocation 2's 376.92 is 61.5% of it. The site does not appear in the budget's schedule of allocations with permission and secured mitigation, in which seven other allocations are listed. Deleting this allocation would remove three-fifths of the unmitigated nutrient demand in the catchment.

Nor does the Infrastructure Delivery Plan supply what the budget does not. Appendix 2A contains a single nutrient neutrality entry for the whole Borough, at printed page 150: ref GB015, Emsworth — Warblington Nutrient Mitigation, £220,000, funding source "Developer contributions for nutrient neutrality and habitat compensation", timing 2020–2043, with the comment *"Primary funding secured through s106 and LEP Growth Deal funding (£220,000). Future phases to be determined."* That is a scheme whose primary funding was secured against past development, with future phases undetermined. The Council's infrastructure evidence therefore identifies no funded or programmed nutrient mitigation attributable to the allocations in this Plan, in either catchment: the single entry is a scheme already funded against development that has taken place, whose further phases are "to be determined".

The Council's own Position Statement says the same of this catchment, and says it more recently. Its *Position Statement and Mitigation Plan for Nutrient Neutral Development* of August 2025 records at paragraph 3.13 that for the East Hampshire catchment there is sufficient mitigation for the short and medium term, and that long-term sufficiency is likely. For the Chichester catchment it records only that there are currently enough nitrogen credits in the mitigation market to meet immediate need, and that there are likely to be enough to meet short-term need. It makes no claim beyond that. That is the catchment into which this allocation drains: paragraph 1.20 of the same document records that Emsworth drains to Thornham and the rest of the Borough to Budds Farm, and it is the catchment the

Habitats Regulations Assessment calls Western Streams. The whole of this allocation is programmed for delivery beyond the only period for which the Council claims sufficiency of mitigation.

I record the point that runs the other way here too, because it is the most significant change since the Council's nutrient budget was prepared. **Thornham is a nutrient significant plant.** Defra's *Notice of designation of sensitive catchment areas*, published 25 January 2024, designated the Solent, and the accompanying schedule of nutrient significant plants lists Thornham in the nitrogen table, with a standard of 10 mg/l and an upgrade date of **1 April 2030**. Section 168 of the Levelling-up and Regeneration Act 2023 places the undertaker under a duty to meet that standard by that date, and Schedule 15 to the same Act requires a competent authority carrying out a relevant assessment to assume that the plant meets it from the upgrade date. No dwelling on this allocation is programmed for completion before 2032/33, so the assumption would apply to all of it.

None of that repairs the Plan, for three reasons.

The assumption lowers the rate at which mitigation is calculated. It does not remove the requirement. The guidance published for planning authorities by the Local Government Association's Planning Advisory Service describes the effect as mitigation calculated at a higher rate for the period up to 2030 and thereafter at a lower rate in perpetuity, with the residual load to be covered by permanent mitigation. A residual load and a permanent mitigation obligation survive the upgrade, and no mitigation for this allocation has been identified on either basis.

The figure the Council has entered for this site, 376.92 Kg/TN/Yr, was calculated on the present permit, and it remains the figure on which this Plan's nutrient budget rests. If the Council's position is that the upgrade reduces it, the recalculation at a 10 mg/l standard has not been published, and neither has the assumption the Council has made about the present agricultural use of this land, against which the new load falls to be measured. The burden of producing both is the Council's, and until it does the figures in this representation are the Council's own. And whatever residual any such recalculation produced, it would have to be mitigated on land meeting the locational tests considered below, and permanently.

And a nutrient pollution standard is a limit on concentration, not permission to discharge more. It creates no permitted dry weather flow at Thornham, and so it does not answer the question of volume addressed in the first part of this representation.

I add one observation. The designation was published some two and a half years before this Plan. The Habitats Regulations Assessment records at paragraph 7.51 an expectation that the shortfall will be met by a continuing rate of schemes supplemented by improvements at the wastewater treatment works, but I have found no reference anywhere in it to the designation, to the 10 mg/l standard, to the upgrade date or to Schedule 15, and nothing that quantifies what those improvements would contribute. If the expectation recorded at paragraph 7.51 is a reference to the statutory upgrade, I ask the Council to say so and to state what it has assumed the upgrade delivers, and where.

Two credit-selling schemes have been secured for the Western Streams catchment, and the scale of this allocation against them is worth stating. The first is at Chilgrove, a Chichester District Council scheme agreed in August 2024 with the South Downs National Park Authority and the landowner, of 12 parcels over 26.01 hectares delivering approximately 688 Kg/TN/Yr, on the River Lavant. The second is at West Itchenor: Chichester District Council's Planning Committee resolved on 12 February 2025 to enter into a legal agreement securing a scheme on 23.730 hectares at West Itchenor, delivering a reduction of

430.12 Kg/TN/Yr, described in the committee report as mitigation for around 430 dwellings. Part of that land is separately committed to development at Bakers Barracks, and a proportion of the wider field already provides mitigation for two other developments under standalone agreements. Allocation 2 alone requires approximately 395 Kg/TN/Yr at the 325 dwellings the allocation provides for. A single allocation would therefore absorb very nearly the whole of the West Itchenor scheme, and more than half of the larger Chilgrove scheme, leaving the windfall and small-site development that the same report describes as held up in the planning system without a solution.

Natural England's advice in that case also bears on the location of mitigation for a Thornham discharge. Advising Chichester District Council on the appropriate assessment, Natural England recorded that their existing spatial principles for nutrient mitigation in Chichester Harbour, set out in the Solent Nutrient Neutrality Methodology of June 2020, state that mitigation should preferably drain to the same arm of the harbour as the expected impact, and gave as their illustration that Thornham wastewater treatment works discharges into the Thorney Channel. Where that is not possible, mitigation draining to another arm may be acceptable on a case-by-case assessment, or until such time as further evidence suggests a different approach is required. Two points follow for this Plan. Natural England still treated the June 2020 methodology as their operative spatial principles in February 2025, so it is not spent. And the acceptability of mitigation for this allocation in another arm of the harbour is, on Natural England's own advice, a case-by-case question that the Plan does not ask and its evidence base does not answer.

The Council's Position Statement of August 2025 also sets the test that mitigation has to meet. Paragraph 3.9 requires that in all cases a clear scientific link be established between the proposed development and the mitigation scheme, and that any third-party scheme provide supporting evidence that the mitigation principles in Natural England's guidance have been met. Paragraph 3.10 expects the mitigation provider to demonstrate the scientific link between the mitigation site and the catchment in which the development is located. That is the Council's own test, and it is applied at application stage. Nothing in the allocation, and nothing in the Plan, identifies how it is to be met for this site, by whom, or against what evidence.

The only nutrient mitigation scheme ever brought forward for this land was reviewed by the Council's own consultant and was not accepted

The limits of this point, stated first. The two reviews below are dated February 2023 and address a specific applicant's scheme at application stage, not the soundness of an allocation. Ricardo nowhere concludes that nutrient mitigation for this site is unachievable; on the nutrient budget calculation itself it found the assumptions agreeable and the resulting figure accurate. Much of what it identified were gaps in evidence — baseline monitoring, quantification of lag time, the detail of the Discretionary Advice Service correspondence, the duration of the planning obligation — and gaps in evidence are in principle curable. The reviews pre-date the current deployment of the Local Nutrient Mitigation Fund and the Environmental Delivery Plan framework. I recognise, too, that nutrient neutrality falls to be demonstrated at application stage and that budgets are recalculated then. I do not say mitigation for this site is impossible. I say that on the single occasion when anyone has attempted to assemble it, the Council's own independent reviewer could not accept the result — and that this bears directly on whether the allocation is effective, because effectiveness is a test of deliverability.

What the Council commissioned, and what it was told. In December 2022 Havant Borough Council commissioned Ricardo Energy & Environment to review the material supporting application APP/21/00893, a proposal for 210 dwellings on this land. Ricardo reported on 15 February 2023 in

two parts (ref NNCP008 / ED16771106), both of which are on the public planning register. It is the same consultant, in the same independent-reviewer role, as the two Councils later used for the Thornham position statement discussed above.

On the shadow Habitats Regulations Assessment, Ricardo found that the Stage 1 screening had not assessed the qualifying features of the European sites, had treated the Chichester and Langstone Harbours SPA and the Ramsar site as a single entity where they should have been assessed separately, and had omitted the Solent and Dorset Coast SPA although it fell within the search radius. On the Stage 2 Appropriate Assessment it found that the correct process had not been followed and that there was insufficient information to inform the Council about the quantity and rate of nitrogen loading. Its recommendation was that, until that information was provided, "the Competent Authority rejects this sHRA". It further found that the draft planning obligation secured the mitigation land for twenty years, against Natural England's requirement that mitigation be in place for the lifetime of the development — generally defined as eighty to a hundred and twenty-five years — and against the UK Forestry Standard's position that broadleaved woodland takes at least sixty years to establish.

On the mitigation scheme itself, at Stansted Park, Ricardo did not fully agree with the hydrogeological conceptual model and recorded a significant lack of site-specific baseline data on stratigraphy, groundwater regime and water levels. It found that the unsaturated zone could exceed twenty metres, that leaching of residual nitrate could take months or years, and that the scheme was therefore unlikely to demonstrate a net change in nutrient contribution within the one year the appraisal assumed. Its conclusion was that there were "too many uncertainties to provide sufficient confidence in the mitigation scheme". Because the expected depth to groundwater exceeded five metres, it identified a potential non-compliance with Natural England's Solent guidance rather than merely a shortfall in evidence. And it recorded that the offset land drains substantially to the River Lavant catchment, while the wastewater from this site would be treated at Thornham — which, on Natural England's own account set out above, discharges into the Thorney Channel.

The application was withdrawn in June 2025 without ever being determined.

The guidance behind that finding is specific. Natural England's advice on achieving nutrient neutrality for new development in the Solent region states at section 5.46 that for sites in the upper fluvial catchment on chalk bedrock, without a watercourse in close proximity, where groundwater lies more than five metres below ground level, the land is unlikely to be appropriate for mitigation for short-term development — although it may be appropriate for development phased over more than five years, provided the mitigation land is delivered straight away. Section 5.45 records the preference for mitigation sites in the lower fluvial catchment, close to watercourses draining into the Solent estuaries and harbours, because such sites reduce the time lag between the change in land use and the benefit reaching the designated site. Those are the conditions Ricardo recorded at Stansted Park. I note that the exception in section 5.46 is available only where the mitigation land is delivered straight away, and that Ricardo's objection did not rest on depth to groundwater alone: it rested also on the absence of site-specific baseline data on stratigraphy, groundwater regime and water levels, and on the scheme's inability to demonstrate a net change in nutrient contribution within the period assumed.

Location constrains the search as much as geology does. The same advice records at section 5.34 that, for the works draining to Portsmouth, Langstone and Chichester Harbours, the priority location for mitigation is the same river catchment as the works' outfall, and at section 5.36 that mitigation in other river catchments within the harbours falls to be examined case by case. Natural England's Nutrient

Neutrality Principles put the same requirement as a matter of principle, requiring mitigation to lie upstream of the location at which the development's wastewater has its effect on the habitats site. Taken together with the five-metre groundwater threshold, the land capable of providing mitigation for a Thornham discharge is considerably more constrained than a catchment-wide credit figure suggests.

Why this matters to the allocation. Three things follow, and I put them no higher than they go.

First, the Council's Strategic Housing and Economic Land Availability Assessment records against both site pairs that the need for suitable environmental mitigation for protected species and for nutrient neutrality may significantly affect the viability of delivering the site. These reviews are the evidenced instance behind that sentence. It is not a generic caution; it reflects what happened when mitigation for this land was actually attempted.

Second, the scale has since increased. The 2021 application was for 210 dwellings and required 263.23 Kg/TN/Yr of mitigation. The Stansted Park scheme offered 301.54 Kg/TN/Yr.

Figure	**Nutrient load**
Mitigation required, APP/21/00893 (210 dwellings)	263.23 Kg/TN/Yr
Mitigation the Stansted Park scheme offered	301.54 Kg/TN/Yr
Allocation 2 in the Plan's nutrient budget (310 dwellings)	376.92 Kg/TN/Yr
Allocation 2 at 325 dwellings, on the budget's own per-dwelling rate	≈395 Kg/TN/Yr

Appendix 3 therefore requires approximately 25% more mitigation for this allocation than the Stansted Park scheme was able to offer, and approximately 31% more at the 325 dwellings the allocation provides for. The comparison is indicative rather than exact, because the application figure carries a twenty per cent precautionary buffer and the two calculations rest on different assumptions. But the direction is not in doubt: the allocation requires materially more mitigation than the largest package ever assembled for this land could deliver, and that package was not accepted.

Third, and most directly, the Plan's case on nutrients for this allocation is that mitigation will emerge. As set out above, the Council's own budget places the entire 376.92 Kg/TN/Yr beyond year five, in the period for which paragraph 7.51 of the Habitats Regulations Assessment records that mitigation has not yet been identified, in a catchment its Figure 5 shows exhausting in 2032/33, for a site none of which is programmed for delivery before that date. The expectation that mitigation will emerge is being asked to carry the whole weight of this allocation. The only empirical test of whether mitigation for this particular land can in fact be assembled produced a recommendation from the Council's own consultant that the assessment be rejected.

I do not say the Council has failed to make a case that mitigation will emerge. It makes one at paragraph 7.52; the Plan describes at paragraph 2.18 the deployment of the Local Nutrient Mitigation Fund across a catchment-level geography with safeguards in place; the Statement of Common Ground records at paragraph 6.25 that both authorities sit within the Solent Mitigation Partnership managing that fund; and I recognise that nutrient budgets are recalculated at application stage and that strategic mitigation has been delivered in this sub-region before, including through the Council's own Warblington Farm

scheme. I say that the case rests on expectation rather than on identified mitigation, in a catchment the Council's own figures show exhausting in 2032/33, for a site none of which is programmed for delivery before that date, and for which the only mitigation scheme yet brought forward was one the Council's own consultant declined to accept.

Two things follow from that history for the question of availability. The only mitigation ever assembled for this land was assembled by a promoter with a live application and every incentive to find conforming land, and it was found wanting — in part because the offset land drained substantially to the River Lavant while the wastewater from this site is treated at Thornham. The position has not improved since. Both credit-selling schemes secured in the catchment since then, at Chilgrove in August 2024 and at West Itchenor in February 2025, drain to the Chichester Channel, so on Natural England's own spatial principles the position on same-arm mitigation for a Thornham discharge is no better in 2026 than it was in 2021. I do not say that no conforming land exists, and it is not for me to prove a negative. I say that no mitigation for this allocation has been identified, that the Council's own Position Statement claims sufficiency for this catchment no further than the short term, and that the area Natural England's spatial principles describe for a Thornham discharge is a small one.

The consequence for deliverability is one I set out in my Representation 4, where I rely on the Inspectors' Interim Findings on the withdrawn plan in respect of Rook Farm and Campdown. I do not repeat it here, beyond recording that the uncertainty those Inspectors treated as decisive was uncertainty as to whether an appropriate mitigation site could be secured at all.

One further passage bears on the question before the Inspector rather than on any application. In the advice by which Natural England put this regime in place, competent authorities are recommended to consider carefully whether it is possible to allocate development in catchments, or parts of catchments, of sites which are likely to have significant constraints in being able to apply nutrient neutrality. That is advice directed at where development is allocated, not at how an application is later determined. It is the question in front of the Inspector, and there is nothing in the Plan's evidence base to show it was asked of this site.

Four matters the Council should be asked to resolve

First, the HRA states at paragraph 7.46 that there is one allocation in the Western Streams catchment. Appendix 3 lists two: Allocation 2, and Land south of Havant Road at 90 dwellings and 95.55 Kg/TN/Yr. Together the two Emsworth allocations account for 472.47 Kg/TN/Yr, which is 77% of the catchment's demand beyond year five.

Second, Appendix 3 enters Allocation 2 at 310 dwellings, where the allocation provides for around 325, the SHELAA yields reconcile to 325, and the HRA's own Table 10 describes the site as residential up to 325 dwellings. If 310 is the correct input, its basis should be stated; if it is not, the nutrient demand recorded against this site is understated.

Third, Appendix 3's own summation for the Western Streams catchment does not reconcile. The allocations sub-total is 400 dwellings and the windfall allowance 176, giving 576; the summary row for total demand in that catchment records 266. Beyond year five the components give 554 dwellings against a recorded 244. The nutrient loads reconcile exactly — 472.47 plus 159.96 gives the 632.43 recorded, and 472.47 plus 139.96 gives the 612.43 — so the discrepancy appears to lie in the dwelling counts alone, and the equivalent East Hampshire Rivers row does reconcile. I do not suggest the

nutrient arithmetic on which this section relies is wrong; the figures I use are the ones that do reconcile. But the Council should be asked to correct the summary, because the budget is the document by which the Plan demonstrates compliance with the Habitats Regulations on nutrients, and a plan-period total that is less than half the sum of its parts should not stand on the examination record uncorrected.

Fourth, the dwelling input for Allocation 1 requires the same treatment. Appendix 3 enters the Southleigh strategic site at 1,500 dwellings. The Plan's own site profile for Allocation 1, at printed page 90, gives the indicative yield as "2100 (of which 1,500 in the plan period)" and is consistent with that. But Table 5 at printed page 62 records Southleigh at 150 dwellings in Years 1–11 and 1,500 in Years 12–21 — 1,650 in total — and the housing trajectory at printed page 358 records 50 dwellings in 2031/32, 100 in 2032/33 and 150 in each of the ten years from 2033/34, which is also 1,650. The Plan's total supply of 7,394 depends on the figure of 1,650. If 1,650 is the operative figure, the nutrient budget has been prepared on a Southleigh input 150 dwellings lower than the trajectory it is meant to reflect, and the Council should state which figure the budget's catchment totals rest on.

Questions to put

These questions are addressed to Havant Borough Council. I ask that they be answered in the Council's response to representations or in its evidence to the examination, and that the answers be published before the hearing sessions so that they can be tested. Where no answer is given, I ask that the question be put to the Council at the examination.

- Chichester District Council's published monitoring records estimated remaining headroom within the Q80 at Thornham of −246 dwellings at 1 August 2026. Does Havant Borough Council accept that figure, and where in the Plan's evidence base is the current monitored position addressed?
- What is the capacity of the funded Thornham uplift, expressed in dwellings, and how much of it is required to restore the catchment to a neutral position on commitments that already exist?
- Is entry U009 in Appendix 2A of the Infrastructure Delivery Plan the funded Thornham uplift on which the Statement of Common Ground relies? If so, by how much does £4,930,000 of sustainable drainage and storage increase the treated dry weather flow the works can accept, and in how many dwellings is that expressed? If not, where in the Plan's evidence base is the uplift identified, costed and programmed?
- Is there confirmation from Southern Water or the Environment Agency that the funded uplift extends beyond the level of development allocated in the adopted Chichester Local Plan to cover Havant's Emsworth allocations?
- Chichester's monitoring records 73 Havant dwellings permitted and not completed in the Thornham catchment. The joint evidence attributes 722 dwellings to Havant in that catchment to 2039. Does the 722 include Allocation 2, and on what trajectory assumption?
- Does Havant Borough Council maintain, or have access to, headroom monitoring for the Thornham catchment equivalent to that published monthly by Chichester District Council?
- Was Havant Borough Council consulted on, or party to, the review that led Chichester District Council to resolve in October 2025 to withdraw the Thornham Position Statement?
- What is the evidenced capacity position for AMP periods after 2030, in which the whole of this allocation is expected to be delivered?
- Southern Water's own Drainage and Wastewater Management Plan records that Thornham "was assessed to not have adequate capacity to cope with future growth in the wastewater system". Does the Council accept that assessment, and where in the Plan's evidence base is it addressed?

- That plan identifies two capacity options at Thornham — £16,500,000 in AMP8 and £34,900,000 in AMP10 — neither of which appears in the Infrastructure Delivery Plan. Why not, and which of them does the Council rely on as the uplift referred to at paragraph 6.28 of the Statement of Common Ground?
- The same plan proposes a permit review seeking a dry weather flow permit of 8,175 m^3/d in place of the present 6,565. Has that application been made, what is its status with the Environment Agency, and does the Plan's evidence base assume it will be granted?
- The Investment Needs schedule states that it "is not a commitment to fund or deliver any option". What written confirmation does the Council hold from Southern Water that the funding recorded at paragraph 6.28 of the Statement of Common Ground extends to the permit review, to the AMP10 treatment capacity increase, or to Havant's Emsworth allocations?
- Southern Water assesses the nutrient neutrality risk at Thornham as very significant in both 2020 and 2050, seven years beyond the end of this plan period, because Natural England has advised there is a risk to the condition of the hydraulically linked habitat sites. How is that reconciled with the conclusion at paragraph 6.33 of the Habitats Regulations Assessment that there is current capacity at the works?
- Why does Allocation 2 contain no sewerage phasing requirement equivalent to Allocation 1 criterion (ee), or to the phasing against delivery and operation that Chichester requires under its Policy NE17?
- Is Thornham capacity assessed anywhere in the appropriate assessment at Chapter 7 of the HRA, which addresses Budds Farm, or does it rest on the commentary at paragraph 6.33 alone?
- Are there one or two allocations in the Western Streams nutrient catchment?
- On what basis is Allocation 2 entered in the nutrient budget at 310 dwellings rather than 325?
- Why does the Western Streams summary row in Appendix 3 record 266 dwellings where its components total 576, and 244 beyond year five where they total 554?
- Does the nutrient budget rest on a Southleigh input of 1,500 dwellings in the plan period, when Table 5 and the housing trajectory both record 1,650 and the Plan's total supply figure depends on 1,650?
- What identified nutrient mitigation is available in the Western Streams catchment for the period after 2032/33, in which the whole of this allocation's nutrient demand falls?
- Appendix 2A of the Infrastructure Delivery Plan contains a single nutrient neutrality entry, GB015 Warblington, whose primary funding was secured through s106 and LEP Growth Deal money and whose future phases are "to be determined". What nutrient mitigation infrastructure does the Council identify, cost and programme for the plan period?
- Paragraph 3.13 of the Council's own Position Statement and Mitigation Plan of August 2025 claims sufficiency of mitigation for the East Hampshire catchment in the short and medium term and considers long-term sufficiency likely, but claims only immediate and short-term sufficiency for the Chichester catchment. On what basis does the Council allocate 376.92 Kg/TN/Yr of nutrient demand to that catchment, wholly beyond the period for which it claims sufficiency?
- How is the clear scientific link required by paragraphs 3.9 and 3.10 of the Position Statement to be established for this allocation, by whom, and at what stage?
- Paragraph 3.27 of the Position Statement records that Ricardo's review of the Warblington Farm scheme confirmed the scientific link between the effect of development and the mitigation, as required by the Habitats Regulations. Has any equivalent conclusion ever been reached for a mitigation scheme serving this land?

- Given Ricardo's finding on depth to groundwater at Stansted Park, and Natural England's advice that land with groundwater more than five metres below ground level is unlikely to be appropriate for short-term mitigation, what assessment has the Council made of whether land meeting that threshold exists in the Western Streams catchment at the scale this allocation requires?
- The West Itchenor scheme secured by Chichester District Council in February 2025 delivers 430.12 Kg/TN/Yr, part of which is already committed. Allocation 2 requires approximately 395 Kg/TN/Yr. What is the Council's assessment of the mitigation that would remain available in the Western Streams catchment for other development, including its own, if this allocation were mitigated from the schemes now secured?
- Thornham is listed as a nutrient significant plant in the Solent sensitive catchment area, with a nitrogen standard of 10 mg/l and an upgrade date of 1 April 2030, under a designation published on 25 January 2024. Does the Council rely on that upgrade, and on the assumption required by Schedule 15 to the Levelling-up and Regeneration Act 2023, in reaching its conclusions on nutrients? If it does, where in the Habitats Regulations Assessment does that reasoning appear? If it does not, on what basis was the conclusion reached? And what does the nutrient requirement for this allocation become at a 10 mg/l standard, measured against what assumed present agricultural use of the allocation site itself?
- Relatedly, and whatever the effluent standard: which existing land use category has the Council applied to this site in the nutrient budget? Natural England's Solent advice sets the nitrogen loss coefficients at Table 2, where lowland grazing is 13.0 Kg/N/ha/yr against 25.4 for general cropping, 31.2 for cereals, and an average across the farm types of 26.9. The category chosen therefore moves the credit against the new load by a wide margin. Paragraph 4.51 of the same advice recommends that evidence be provided of the farm type for the last ten years, and paragraph 4.55 advises a precautionary approach where the existing land use is not confirmed. I ask the Council to state the category it applied, the evidence of land use on which it relied, and whether the precautionary approach at paragraph 4.55 was taken.
- Natural England's spatial principles state that mitigation should preferably drain to the same arm of Chichester Harbour as the impact, and give Thornham and the Thorney Channel as the example. Both schemes secured in this catchment drain to the Chichester Channel. On what basis does the Plan proceed on the footing that mitigation for a Thornham discharge is available, and has the case-by-case assessment Natural England's principles require been carried out for this allocation?
- What weight has the Council given, in allocating this site, to its own commissioned reviews of February 2023 (ref NNCP008 / ED16771106), and in particular to the recommendation that the shadow HRA be rejected?
- Has any nutrient mitigation scheme for this land been identified since the withdrawal of APP/21/00893 in June 2025, and if so where is it evidenced?
- What assessment has the Council made of the availability of land in the Western Streams catchment capable of delivering mitigation at the scale this allocation requires, given its consultant's February 2023 findings on lag time and depth to groundwater?

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.

The Council's own evidence places the whole of this allocation's wastewater and nutrient demand beyond the period for which it can demonstrate capacity or identify mitigation. The monitored headroom at Thornham is negative before this allocation is counted; the funded uplift is scoped to another authority's allocations; the only entry for those works in the Council's infrastructure evidence is a surface-water scheme programmed to end in 2030, before a single dwelling on this site is expected, while the undertaker's own two capacity options for the works appear nowhere in that evidence at all; the undertaker's own assessment is that the works lacks adequate capacity for planned growth, and its investment schedule commits it to nothing; the nutrient budget places the entire 376.92 Kg/TN/Yr in the years for which the Habitats Regulations Assessment records that mitigation "has not yet been identified"; and the only mitigation scheme ever brought forward for this land was one in which the Council's own consultant found too many uncertainties to provide sufficient confidence, recommending that the shadow assessment supporting it be rejected. That is a site which should not be carried in the Plan.

Why this needs to be tested at a hearing

This representation depends on the Council's own wastewater and nutrient evidence — the Ricardo Thornham note of February 2024, the Council's own commissioned reviews of February 2023, Chichester District Council's committee report of 15 October 2025, the June 2026 Statement of Common Ground, the Infrastructure Delivery Plan and the Appendix 3 nutrient budget — and on several figures within it that do not reconcile. Those discrepancies, the scope of the funded Thornham uplift, and the current monitored headroom position need testing in exchange with the Council, Chichester District Council and Southern Water rather than on paper.

I also ask that the following related matters be treated as live at examination and, so far as they bear on this allocation, examined orally. Each is a matter for Havant Borough Council to answer, and I ask that its answers be given in writing before the hearing sessions so that they can be tested:

- The treatment of Thornham wastewater capacity in the Habitats Regulations Assessment. Paragraph 6.33 records that the joint review of the position statement for Thornham sets out that there is current capacity at the works, subject to case-by-case consideration. That is a summary of the same Ricardo note discussed above, whose own Table 2-6 shows the current catchment projection exceeding indicative headroom on every rate it assesses. I ask that the basis for the characterisation at paragraph 6.33 be stated. The matter is in any event not carried into the appropriate assessment at Chapter 7, where the water quality analysis addresses Budds Farm and records at paragraph 7.44 that the underlying PfSH study looked only to 2036, against a plan period running to 2043.
- The Infrastructure Delivery Plan (IT01, June 2026), and what it identifies for this allocation. Appendix 2A identifies infrastructure by settlement area, with Southleigh dealt with separately in Appendix 2B. I ask the Council to state which entries in Appendix 2A it relies on as the wastewater, nutrient, education and health infrastructure for this allocation, and on what evidence those entries are sufficient for 325 additional dwellings in Emsworth.

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?	Yes
Sound?	No
Test(s) of soundness	Justified; Effective
Change sought	Deletion of Allocation 2 in its entirety
Appear at hearings?	Yes
Date	4 September 2026