# 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 Sustainability Appraisal states that its strategy options were not based on the selection or rejection of particular sites. No option ever tested the choice about this site: it is entered at 325 dwellings in Options 2, 3 and 4 identically, and at zero in Option 1 only, as a by-product of a blanket greenfield rule applied equally to the Southleigh strategic site. Nor did any option test the Plan's own density standard as a way of distributing the requirement. The soundness test not met is justified, and the representation additionally raises legal compliance under the Strategic Environmental Assessment Regulations.

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 no reasonable alternative in which the choice about this site was itself tested has been appraised. The Sustainability Appraisal's options were constructed along a single axis of total supply; the exclusion of individual constrained sites was never an axis of appraisal. Where a housing requirement is expressly capacity-based, which sites are counted towards that capacity is the central judgement in the plan.

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-5-SEA-Alternatives.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 outline why you consider this to be necessary.
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in examination hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

The representation raises discrete questions of legal compliance under the SEA Regulations, and the same questions as ones of soundness, on which I would wish to make oral submissions and respond to the Council's answer.

## Future Notification

| |
|---|
| Do you wish to be notified of any of the following milestones in the Building a Better Future Plan process?<br>These milestones include:<br><br>The Local Plan has been submitted for examination<br>The publication on the Inspector's Report<br>The adoption of the Local Plan<br><br>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.

The Plan's total supply over the plan period is 7,394 dwellings before non-implementation discounts, and 7,087 after them, as Policy 6 and its footnote 31 record at printed page 59. This allocation is 325 of them — **4.4%**. The housing trajectory at printed page 358 records no completions on the site at all before 2032/33, and Table 5 at printed page 61 records the same split: 30 dwellings in Years 1–11 and 295 in Years 12–21. Removing the site would therefore leave the Plan's five-year supply untouched, and would leave more than ninety-five per cent of its total supply in place.

That matters for two reasons. It disposes of any suggestion that an option excluding this site was too remote to be worth appraising: it is a small, late component of supply, and the appraisal of an option without it would have been an ordinary exercise. And it removes the force of the Council's answer at paragraph 3.10. The objection here is not that the Council should have found more land; it is that it should have tested the consequences of not using this land, in a plan whose requirement is expressly capacity-based rather than need-based. Paragraph 2.107 records that the housing requirement "is therefore capacity based, established based on the level of housing that can be delivered within the plan period, having regard to the identified constraints and limited land availability", and paragraph 2.108 that around 40% of the Borough's need will be met. Where a requirement is set by capacity, the question of which constrained sites are counted towards that capacity is the central judgement in the plan, and it is precisely the judgement the alternatives were not constructed to test.

### The Council's evidence base treats one site as a site and the rest as a category

The same pattern appears in the viability evidence. Appendix 1 to the Stage 2 Local Plan Viability Assessment (Dixon Searle Partnership, May 2026) contains a table headed "Table 1d: Specific Site Allocations". It contains exactly one site: "Southleigh Strategic Site – Allocation 1", with its own gross area, indicative capacity, affordable housing sensitivity range, site-works allowance, phasing assumption and site-specific costs. Every other allocation, including this one, is represented only by an anonymous typology of a given size and site type. The words "EM01", "EM02" and "Long Copse" appear nowhere in that appendix.

I do not say that typology testing is an improper method; it is the standard approach, and the Council will rightly say so. I say that it is a further illustration of the same thing the SA shows: the evidence base was built to answer questions about totals and about one strategic site, and not to answer the question whether any particular constrained site should be in the plan at all.

### A second alternative the appraisal never tested: the Plan's own density standard

That single axis of total supply is not the only one available. There is a second the Plan itself supplies, and no option tested it either.

Policy 14 of this Plan, at printed page 168, provides that "any residential development must maximise its contribution to addressing housing need", and that permission will be granted where development achieves a minimum of 80 dwellings per hectare of net development area in the Havant, Waterlooville and Leigh Park town centres, 55 within the defined opportunity areas, and 40 elsewhere in the Borough. It concludes: "residential developments providing an artificially lowered density will be refused." Paragraph 4.24 records that the Council "will refuse applications which are considered to fail to make efficient use of land."

The evidence behind that policy is the Council's *Residential Density Evidence Paper* of August 2025. Its paragraph 8.2 is the source of the three thresholds. Paragraph 8.4 requires an applicant falling below

them to demonstrate "that they have optimised the use of the land and maximised the site's potential in addressing housing need", with "a clear and transparent audit trail of site's constraints". Paragraph 8.5 states: "Development that fails to optimise the use of land will be refused planning permission." At page 38 the paper's own case study 10 records a scheme at "Land west of Horndean Road and south of Southleigh Road - Emsworth", APP/17/00358, of 125 dwellings at 40 dwellings per hectare, classified as suburban and comprising "two, three and four-bed two-storey homes".

**What the paper does not contain is any test of any allocated site against the standard it recommends.** The words "allocation", "allocated" and "greenfield" do not appear in its 61 pages, and "yield" appears once, at paragraph 1.2. So the Council proposes a minimum density standard for the Borough, and a policy refusing development that fails to optimise land, without demonstrating that the yields on which its own housing supply depends were derived at those densities.

That is what makes the omission an SEA point rather than a policy quarrel. A reasonable alternative available to the Council was an option in which the distribution of the requirement was tested against Policy 14's own standard — that is, an option in which the accessible urban sites the policy directs to 80 and 55 dwellings per hectare carry a greater share, and the least accessible constrained greenfield sites carry less or none. That option would have been realistic, because the standard is the Council's own and its own evidence base illustrates it being achieved in suburban Emsworth without flats. It was never constructed, never appraised, and the reasoning at paragraph 3.10 does not reach it: an option distributing the same requirement differently is not an option requiring "sites that do not exist".

**I am not asking that a higher density be applied to this site, and this representation should not be read as inviting it.** The opposite follows from the Council's own evidence. This is land carrying Tree Preservation Order woodland on its northern, north-western and south-western boundaries, an adjacent Site of Importance for Nature Conservation, a European protected species, two Grade II listed buildings, the setting of a National Park, surface water flood risk and a secondary aquifer — and its own site assessment records that the ecological and Tree Preservation Order work which would establish the developable area has not been carried out. It is precisely a site on which the scope to optimise density is most constrained, which is the reason it should not be relied on, while sites the Council's own policy directs to 55 and 80 dwellings per hectare can carry more.

**One limit, which I state rather than leave to be found.** Policy 14 operates on net development area. Every published figure for this Plan's allocations is gross — 2,100 on 146.32 hectares at Southleigh, 325 on 18.9 hectares here — and no net development area is published for any of them. It follows that the Plan does not enable the net density of any allocated site to be verified from its own figures. The point is put as a question the Council must answer about its own yields: whether the indicative yields underpinning Table 5 were derived at the densities Policy 14 requires, and if they were not, why an alternative applying that policy was not among the options appraised.

### The Council's previous plan failed on this ground, and the Inspectors said so in terms

In their Interim Findings on the withdrawn Havant Borough Local Plan, published by the Council, the Inspectors examining that plan reached the following conclusions on the same authority's Sustainability Appraisal:

> *"43. Given all of the above, the SA has not assessed all reasonable alternatives. For the Plan to be justified it must represent an appropriate strategy, taking into account the reasonable alternatives. We would therefore be unable to find the above aspects of the Plan sound."*
>
> *"44. Further, the SA is not compliant with the requirements of Strategic Environmental Assessment and would therefore be at risk of legal challenge on adoption. Further SA work is required to ensure both soundness and legal compliance."*

The alternatives the Inspectors required at paragraph 42 were not confined to strategy-level choices. They included alternatives at policy level — thresholds for accessibility and wheelchair standards, a range of housing densities, less restrictive approaches to employment land and agricultural land, open space thresholds and energy standards — and, expressly, at site level: "Site Allocations: The Plan allocates some sites for uses that are not supported by the site promoter, who are advocating them for other or additional uses… The SA should assess the sites for the other promoted uses as reasonable alternatives."

I state the qualifications plainly. That was a different plan, with a different Sustainability Appraisal, prepared under a different Framework; the findings were interim; the plan was withdrawn before they were finalised; and the Council has since commissioned a new appraisal from different consultants. Nothing in those findings binds this examination and I do not suggest otherwise. The reason they are worth putting before the Inspector is narrower: this is the same authority, discharging the same statutory function, told, on the previous plan, that its appraisal had not assessed all reasonable alternatives and was not compliant with the SEA requirements. The question whether the present appraisal tested the exclusion of an identified site is therefore not an abstract one, and it should be examined rather than assumed.

## 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 SEA Regulations — whether any reasonable alternative excluding this site was appraised, and whether any alternative applying the Plan's own density standard to the distribution of the requirement was appraised. It raises the same question as one of soundness, on the footing the Inspectors themselves set out at paragraph 43 above: that for the Plan to be justified it must represent an appropriate strategy, taking into account the reasonable alternatives. A strategy selected without appraising either alternative is not justified on the evidence. Those are discrete questions on which I would wish to make oral submissions and respond to the Council's answer.

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

- The derivation of the indicative yields in Table 5 against Policy 14. I ask the Council to state whether the yields on which its housing supply depends were calculated at the minimum densities Policy 14 sets, whether any net development area has been established for any allocation, and why no option testing the distribution of the requirement against that policy appears among the alternatives appraised. I do not invite any change to the yield of Allocation 2, for the reasons given above.

## 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; and legal compliance — Strategic Environmental Assessment |
| Change sought | Deletion of Allocation 2 in its entirety |
| Appear at hearings? | Yes |
| Date | 4 September 2026 |