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	Christopher
Last Name	Hooper

[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	Allocation 3
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.

Please see my 13 page letter dated 07/09/26, emailed to Havant Borough Council.

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.

Remove site EM08a from the Draft Plan to comply with NPPF National landscape rules.

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: Chris Hooper Response submission 07 Sept 2026.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.

My participation in the hearing will take a couple of minutes only. My representation will be courteous and relevant, not critical or emotional.
I need to emphasize certain relevant aspects to the potential loss of our National Landscape and ensure they have not been overlooked and to briefly mention a couple of points that are not within the planning terms of reference.

Future Notification

Do you wish to be notified of any of the following milestones in the Building a Better Future Plan process?
These milestones include:

The Local Plan has been submitted for examination
The publication on the Inspector's Report
The adoption of the Local Plan

If you indicate that you wish to be notified, the email address you provided in Part A of the form will be used by the Council to notify you of these milestones.

Yes, I wish to be notified

Havant Borough Council
Building a Better Future Local Draft Plan 2026
Pre-submission Consultation

PUBLIC REPRESENTATION LETTER - SEPTEMBER 2026

From:
Christopher Hooper
[redacted]

To:
Havant Borough Council
Planning Service
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Date: 7th September 2026

Referring to the Emsworth National Landscape Site EM08a (The Horse Field)
Local Plan Allocation 3: Land south of Havant Road (Horse's Field) Page 98

1. This letter is a consultation submission concerning HBC's Draft Plan 2026, please note that I am a lay person without any background in planning. I have relied on personal research for a large part of the information in this document. I have lived in Emsworth for fifty years and have always enjoyed the CHC National Landscape.

2. The Draft Plan proposes development of 80-90 dwellings on land in Emsworth, which is designated "National Landscape" and the proposals are therefore:

Not Legally Compliant

3. HBC has allocated EM08a (The Horsefield) for major development, despite it being within the National Landscape. The NPPF is clear that that planning permission should be refused on National Landscapes and Footnote 7 is clear that it cannot be overridden by new pro-growth delivery mandates.

4. HBC has added seven words to the NPPF restrictions; they have inserted **"*unless it is in the local plan*"**, which appears to have no relevance in law and is misleading to councillors and to a public response. Those words appear to have been conjured up by HBC in an attempt to bypass the NPPF restrictions.

5. It is surprising that HBC has chosen to undermine the Government Guidelines, which clearly state that Planning Permission should be refused.

Unsound

6. I believe that HBC have failed to produce evidence to explain exceptional circumstance or public interest as required by the NPPF.

7. HBC has failed in their legal responsibility to actively **conserve** and **enhance** this landscape.

8. HBC have failed to notify neighbours adjacent to EM08a under their Statement of Community Involvement at the plan formative stage; none of the residents in Barn Close have been notified.

9. With the Draft Plan being unsound, there is a risk that it will be rejected under government inspection, which would leave Havant without a much needed plan.

10. The authors of the Draft Plan, together with some councillors, appear to ignore or be unaware of the NPPF rules for National Landscapes, which require that planning permission should be refused and that government pressure to build houses cannot be used as a reason for development on a National Landscape. The same applies to the highly important environmental issues in Emsworth and more widely in the Chichester Harbour Conservancy.

11. Havant Council planners and Councillors have not considered it appropriate to instigate a Formal Compliance Monitoring and Reporting System to ensure adherence to this duty, in order to actively protect and enhance this National Landscape.

12. On 20th August 2026 I wrote to the Council Leader to ask what **specific action** the council and councillors have taken to further the conservation and enhancement of the EM08 National Landscape in Emsworth.

13. The prompt reply on 24th August was a 636-word letter drafted by an officer and signed by the council leader (Cllr Harris) outlining general aspects of our National Landscape and their collaboration with the CHC in attending meetings, but which did not answer my question about specific actions.

14. It appears that neither the leader of the council nor the two councillors (Cllrs Rawlings and Cllr Raison) seconded to the board of Chichester Harbour Conservancy, seemed to be aware that their duty is an active duty, not a passive one, as stipulated by DEFRA in their 'Guidance for Relevant Authorities on Seeking to Further the Purposes of Protected Landscapes'.

Environmental impact

15. This aerial view of Emsworth may help the councillors, planners and perhaps the Government Inspector to see a visual representation in order to fully appreciate the National Landscape in Emsworth and of the relevance of site EM08 in the National Landscape.



Important Secondary Linked issues

16. The developer for site EM08a, Markfield, also owns the fields to the south of EM08a, as shown above, and has communicated with Havant Borough Council suggesting a future project of an even larger housing development on the southern-central field in the National Landscape.

17. Prior to the publication of the Draft Plan, the developer had presented a map of a proposed development and an ecological survey, both of which could be misleading to HBC's planners and councillors when considering the current Draft Plan.

18. While Markfield's development proposals are not part of the current Local Plan their full application has ramifications for the current 2026 Draft Plans for EM08a.

19. HBC had not previously disclosed this information or the flawed ecology report by HDA and HWT from Markfield, which had to be obtained under a freedom of information disclosure.

20. That disclosure gives a new public insight into future planning. It also contains misleading information on ecology, specifically that the developers had commissioned a report from an organisation called HDA, described as "Landscape Architecture Masterplanning Ecology".

    In their report HDA says:

> *Field 1 (central field)*
> 3.2.6 No Curlew or other wader species were recorded roosting or foraging in Field 1 during any of the survey work carried out by HDA and HWT between 13th October 2007 and10th January 2012.
> On one occasion (28th December 2011) a group of 31 Curlew were briefly recorded landing in this field . . .etc.

21. The theme of this report is to claim that between 8th November 1997 and January 10th 2012 the central field is not a site where Brent Geese feed during their winter migration. However, Emsworth residents have many photos going back several years showing large flocks of up to 900 geese feeding in this 40 hectare field.

22. However, it must be noted that Brent Geese will only settle on fields that have suitable food, usually winter wheat. Due to crop rotation - a conventional farming practice - occasionally this field lies fallow in winter, when geese will not be present. I believe these instances of no sightings of geese have been used by the proposer to bias the report by HDA, intending to influence planning claims.

23. Please see full HAD report, which was submitted by the proposer of the development, or see the pdf file attached to the end of this document..

. . . ./continued

Photographic evidence of the reality.



24. November 2023 – About 300 Brent Geese spread across the EM08 green field of winter wheat.



November 2023 – Close-up identification of birds as Dark Bellied Brent Geese in the EM08 central field.

EVIDENCE

25. My submission refers to GOV.UK Guidance to Relevant Authorities published on 16th December 2024 by the Department for Environment, Food and Rural Affairs, The Protected Landscape duty and Statutory Purposes of Protected Landscapes under the National Planning Policy Framework and Section 245 Protected Landscapes and Regeneration Act 2023.

26. DEFRA Policy paper:
    Protected Landscapes Targets and Outcomes Framework
    Published 31 January 2024 states in Para 26.1.1:

> Our National Parks and National Landscapes, collectively known as Protected Landscapes, are home to some of our most iconic and beautiful places. These remarkable landscapes support our nation's health and wellbeing. They're also crucial to delivering our commitments to tackle climate change and restore nature, including our international commitments under the UN Convention on Biological Diversity.

Core Planning Rules for National Landscapes

27. **Equivalent Protection:** National Landscapes (formerly known as Areas of Outstanding Natural Beauty or AONBs) hold the same high planning status as National Parks.
28. **Substantial Weight:** Decision-makers must give substantial weight to protecting the natural beauty and scenic quality of these areas.
29. **Major Development Test:** Permission for major projects should be refused unless rare, exceptional circumstances and the wider public interest are clearly demonstrated.
30. **Housing Thresholds:** For residential proposals, a major development counts as a site providing 10 or more homes, or covering an area of 0.5 hectares or more.

Key Details of the Duty of local planning authorities

31. **The Legal Shift:** Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) changed the old requirement from simply having "regard to" statutory purposes to an active duty to "seek to further" them.
32. **Who it Applies To:** Relevant public authorities, statutory undertakers, and local planning authorities when carrying out functions that affect land inside or outside protected boundaries.
33. **Where it Applies:** Decisions involving planning applications, development plans, local transport plans, and nationally significant infrastructure projects.
34. **Official Guidance:** You can read the full operational principles via the Protected Landscapes duty on GOV.UK.

Key Planning Protections

35. **Strong Presumption:** Major developments in National Landscapes must be refused unless exceptional circumstances and the public interest are proven.

36. **Substantial Weight:** Decision-makers must give substantial weight to conserving and enhancing the natural beauty, wildlife, and cultural heritage of these protected areas.

37. **Scale and Location:** Any permitted development within these zones must be strictly limited in scale, sensitively located, and designed to avoid harm.

38. **Legal Duty:** Under the Levelling Up and Regeneration Act, authorities have a hard legal duty to actively seek to further the statutory purposes of National Landscapes.

39. **Under the Levelling Up and Regeneration Act 2023,** all public bodies must "seek to further" the statutory purposes of Protected Landscapes in any decisions or actions affecting that land.

40. Scant priority has been given to the legal requirement to 'seek to further' the purposes of Protected Landscapes. Instead, Policy 30 of the Local Plan mentions **Exceptional Circumstances** and **In the Public Interest**, and HBC have not produced any evidence to show what those circumstances or interests might be.

41. My response is evidence based and reflects research of the following Government and other online publications:

42. DEFRA Policy paper
    Protected Landscapes Targets and Outcomes Framework
    Published 31 January 2024

    - Our National Parks and National Landscapes, collectively known as Protected Landscapes, are home to some of our most iconic and beautiful places. These remarkable landscapes support our nation's health and wellbeing. They're also crucial to delivering our commitments to tackle climate change and restore nature, including our international commitments under the UN Convention on Biological Diversity.

Key Details of the Duty of local planning authorities

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44. **Who it Applies To:** Relevant public authorities, statutory undertakers, and local planning authorities when carrying out functions that affect land inside or outside protected boundaries.

45. **Where it Applies:** Decisions involving planning applications, development plans, local transport plans, and nationally significant infrastructure projects.

46. **Official Guidance:** You can read the full operational principles via the The Protected Landscapes duty on GOV.UK.

47. That documents stipulates that relevant authorities must now **'seek to further'** the statutory purposes of Protected Landscapes, which replaces the previous duty to **'have regard to'** their statutory purposes.

The "Strong Reason" vs. "Clear Reason" Distinction

48. A crucial nuance in the NPPF text is the bar required to restrict development.

49. **In Plan-Making (11b):** The framework states that Footnote 7 assets must provide a **"strong reason"** to restrict the overall growth scale when a council is mapping out its long-term strategy.

50. **In Decision-Taking (11d):** When a developer submits a specific planning application on an individual site, the wording shifts. If a local council lacks a valid housing supply, the "tilted balance" triggers, meaning a presumption to approve unless Footnote 7 assets provide a **"clear reason"** for refusal

51. Under the revised National Planning Policy Framework (NPPF), councils should refuse major development proposals within National Landscapes (formerly Areas of Outstanding Natural Beauty) except in exceptional circumstances.

52. At its core, **Paragraph 11(b) read with Footnote 7** establishes that a Local Planning Authority (LPA) must plan to meet 100% of its local housing and employment needs *unless* doing so would damage England's most highly protected environments and heritage assets.

The Mechanics: How 11(b) and Footnote 7 Work Together

53. Paragraph 11 outlines the **Presumption in Favour of Sustainable Development**. It splits into two halves: Paragraph 11(b) handles **plan-making** (creating a Local Plan),

while Paragraph 11(d) handles **decision-taking** (deciding actual planning applications).

54. Under **Paragraph 11(b)**, councils are told that their strategic policies must, as a minimum, fully provide for their "objectively assessed development needs" (such as local housing targets).

55. However, **Paragraph 11(b)(i)** provides an explicit exception. A council can refuse to meet its full housing target if:
    *"The application of policies in this Framework that protect areas or assets of particular importance provides a **strong reason** for restricting the overall scale, type or distribution of development in the plan area."*

56. **Footnote 7** is the exact list that defines what those "areas or assets of particular importance" actually are.

What is on the "Footnote 7" Protected List?

57. If a council's land is heavily constrained by the designations listed in Footnote 7, they have a legal mechanism to tell the government, *"We cannot physically build our full housing quota without harming protected assets."*

58. The closed list of protected assets includes:
    - Habitats Sites / Sites of Special Scientific Interest (SSSIs)
    - The Green Belt
    - Local Green Spaces
    - National Landscapes (formerly Areas of Outstanding Natural Beauty / AONBs)
    - National Parks and the Broads
    - Heritage Coasts
    - Irreplaceable Habitats (including ancient woodland and veteran trees)
    - Designated Heritage Assets (such as Listed Buildings, Scheduled Monuments, and Conservation Areas)
    - Areas at risk of flooding or coastal change

The "Strong Reason" vs. "Clear Reason" Distinction

59. A crucial nuance in the NPPF text is the bar required to restrict development.

60. **In Plan-Making (11b):** The framework states that Footnote 7 assets must provide a **"strong reason"** to restrict the overall growth scale when a council is mapping out its long-term strategy.

61. **In Decision-Taking (11d):** When a developer submits a specific planning application on an individual site, the wording shifts. If a local council lacks a valid housing supply,

the "tilted balance" triggers, meaning a presumption to approve unless Footnote 7 assets provide a "clear reason" for refusal.

Evolution of the Policy

62. Following major overhauls to national policy, the government has further tightened how these protections interact with growth targets. For instance, while new classifications like the **"Grey Belt"** have been introduced to free up low-quality Green Belt land for homes, Footnote 7 assets (like historic fields or high-risk flood zones) remain strictly protected and cannot be overridden by new pro-growth delivery mandates.

63. **No Duplication:** Under the updated NPPF rules, local plans are explicitly directed not to replicate or contradict national decision-making policies unless specific local justification or deviation is allowed.

Highest Status of Protection:

64. Protected landscapes maintain strong safeguarding, requiring decision-makers to give substantial weight to conserving and enhancing natural beauty.

65. Finally, I could not find any reference in the Draft Plan to any specific consideration in EM08 for:

- Mineral Sterilisation
- Agricultural Loss

66. Perhaps HBC might consider building tower blocks on their large estate, which would provide realistic affordable housing, without infringing the planning rules. Although frowned upon, this is a realistic solution for government housing pressures.


TURLEY- EM08 Land south of Havant Road


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- ADDENDUM – my letter to HBC and their reply:

Dear Councillor Gillian Harris MBE,

Your Legal Duties regarding the National Landscape in Emsworth

I am writing to you as leader of the council regarding the council's oversite responsibilities of the National Landscape in Emsworth, in order to fully respond to Havant's Building a Better Future Draft Plan.

Emsworth's only bit of National Landscape is site EM08a (The Horsefield), which is administered by Chichester Harbour Conservancy. Under the law it has the highest level of protection of landscape in England. I have written to the Housing Minister Angela Rayner to confirm reports that she is quoted as saying that she would respect National Landscapes but unfortunately she is not available until Parliament resumes on 1st September.

HBC have a statutory responsibility to safeguard this land and as you know, two HBC Councillors have been appointed with that specific task. The relevant law is Section 85 of the Countryside and Rights of Way Act 2,000 which states:

- The Council must seek to further the conservation and enhancement of the National Landscape.

My question to you is to find out what action the council has taken during the past ten years or so to comply with the law and to further the conservation and enhancement of this landscape.

In view of the Local Plan's deadline for responses by 9th September I would ask you to prioritise your reply to me in good time before that date. Please acknowledge receipt.

Yours sincerely,

(Signed)

(Mr) Chris Hooper

Copies to:

- Cllr Rennie, HBC
- Cllr Raison, HBC
- Matt Briers CEO Chichester Harbour Conservancy

Chris Hooper by email only:
Enquiries to:
Cllr Gillian Harris

[redacted] Dear Mr Hooper

[redacted] 24.08.2026

Legal duties regarding the Chichester Harbour National Landscape

Thank you for your letter dated 20 August 2026 and your interest in the preservation and enhancement of the Chichester Harbour National Landscape. Having sat on the Board of the Chichester Harbour Conservancy as well as through my Cabinet roles at Havant Borough Council, I appreciate the value that our protected landscapes give to the local area and the critical role that public bodies play as their custodians.

The Chichester Harbour National Landscape covers a sizeable area of our Borough, covering both urban and more rural parts of Emsworth alongside the eastern coastline of Hayling Island together with Chichester Harbour itself of course. You are right to highlight that the National Landscape has many protections, in law, national policy and our own local planning policies.

The Council discharges our statutory duties on an ongoing basis in our role as a local planning authority, in assessing and managing the harbour's coastline and in managing our own estate in the area. Over many years we have worked collaboratively with the Chichester Harbour Conservancy to prepare, adopt and implement a Management Plan for the National Landscape. Our officers are currently working with the Chichester Harbour Conservancy so we can adopt the latest Management Plan, nonetheless, there have been several over the last decade that we have worked collaboratively on.

The Council considers many planning applications within the National Landscape and within its setting. In such cases, the impact from development on the National Landscape is considered. For example, I would draw your attention to planning application APP/25/00162 which was considered by the Council's Planning Committee on 25 June this year. This application is for extensive coastal defence works in Langstone and so clearly the impact on the National Landscape is highly relevant.

I would like to draw your attention to the planning application case file[1] and various supporting documents including but not limited to the Design and Access Statement, the Environmental Statement and the Landscape/Seascape and Visual Impacts report. This sets out how the Council (through Coastal Partners) have designed the scheme in a sensitive way respecting the various constraints on the site, including the Chichester Harbour National Landscape. In then considering the scheme through the planning process, this was once again considered. The impact on the Chichester Harbour National Landscape is considered in detail in the Planning Committee report[2]

I appreciate that your letter is regarding the decision which we have taken to allocate the Horsefield site within the Local Plan. It is recognised within the Local Plan that the site is constrained, particularly in terms of landscape and ecology. Following assessment of information provided by the site promoters, it was concluded that the northern parcel only of the site could be allocated – significantly less than was originally promoted to us. The allocation also makes it clear that there needs to be an appropriate mitigation package and it sets a framework to avoid unacceptable visual, landscape and ecological impacts. As you highlight, there is a high bar for development within a National Landscape and great weight should be given to this status. However this does not automatically preclude development in a National Landscape. By including the site in our local plan with these requirements, we are protecting the southern sections of the site far more than we could by not allocating it.

I appreciate the strength of feeling of many in the Emsworth community regarding the Building a Better Future Plan and the difficult decisions which we have had to make as a Council. I hope that this response is helpful for your response to the consultation and useful in understanding the ongoing work which we have taken and will continue to take to discharge our responsibilities for the Chichester Harbour National Landscape.

Yours sincerely,

Cllr Gillian Harris
Leader of Havant Borough Council

END of Representation 2026 Document