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	John
Last Name	Kingdon
[redacted]	

Please provide the following details where applicable and/or relevant
No Response

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 p olicy, 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	Policy 30
Allocation Number	-
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 o r is unsound. Please be as precise as possible.
If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your comments.

Policy 30 is unsound and not legally compliant. There is a substantive conflict between the National Planning Policy Framework (NPPF, December 2024) and the wording introduced by the Council in the Regulation 19 version of Policy 30: Nationally Protected Landscapes. By inserting the Phrase "other than where allocated within this Local Planor", the Council has attempted to create a locally invented exemption that allows major development within a National Landscape to proceed without demonstarting exceptional circumstances or public interestat both the plan-making and decision-taking stages. The wording contrives to circumvent the mandatory national planning policy tests placing Policy 30 in direct and explicit contravention of the NPPF. The proposed allocation within the National Landscape, Allocation 3 (EM08a) cannot be presumed to be on land which has least envirnmental and amenity value as required by the NPPF at Paragraph 188. Policy 30 appears to have been specically created to provide a carve out from national planning policy for Allocation 3 (EM08a), to try and ensure the site is exempt from Paragraph 190 scrutiny at the application stage, despite the Council's own Sustainability Appraisal stating that it will cause negative environmental and landscape impacts. It is noteworthy that the policy in the Havant Borough Council REgulation 18 draft Local Plan correctly reflected national planning policy stating that "major development within Chichester Harbour National Landscape would be refused...other than in exceptional circumcstances." This is no longer the case in the Regulation 19 pre-submission Local Plan, where the wording of this policy (now numbered 30) has been revided to "Major development will not be permitted within the Chichester Harbour National Landscape, other than where allocated within this Local Plan or where it can be demonstrated that there are exceptional circumstances and the development is in the public interest." The additional phrase"other than where allocated within this Local Plan or" does not appear in NPFF paragraphs 187 to 190 so does not conform with national planning policyBy inserting an allocation-based exemption, Policy 30 departs from national policy by effectively lowering the protection afforded to the Chichester Harbour National Landscape by national planning policy and legislation. Planning Practice Guidance is clear that policies within a Local Plan should be consistent with naitional policy. The Council cannot rewrite national policy by local drafting. If it could, it would set a national precedent directly contrary to Government Policy, which gives National Landscapes the highest level of protection, and contrary to the statutory duty in section 85 of the Countryside and Rights of Way Act 2000, as amended by section 245 of the Levelling-up and Regeneratrion Act 2023, requiring authorities to further the purposes of National Landscapes. The wording of Policy 30 is fundamentally flawed. It departs from established NPPF wording and conflicts with the statutory duty under the CRoW Act. As it is inconsistent with national planning policy and contrary to a legal requirement, the Plan is both not legally compliant and unsound, failing in particular the soundness test of consistency with national policy. Policy 30 is not legal as it serves to negate the statutory effect of section 85 the CRoW Act.

Please set out the modification(s) you consider necessary to make the Local Plan legally c ompliant and sound, in respect of any legal compliance or soundness matters you have ide ntified above.
You will need to say why each modification will make the Local Plan legally compliant or so und. 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 the words "where allocated within this Local Plan or" from Policy 30. This would restore the policy to a form that is legally compliant and aligned with national planning policy.

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 1 0 files to include with your form.

No Response

Examination Hearing Session Invitation

If your representation / representations are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?
Please note that while this will provide an initial indication of your wish to participate in examination hearing session(s), you may be asked at a later point to confirm your request to participate.
No details on the examination hearing session(s) have yet been determined and will be made available upon the submission of the Building a Better Future Plan to the Planning Inspectorate.

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.

I request to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of the Policy 30 wording change.

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