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	Caple
[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: Objection to the Wording of the First Sentence

I am objecting to the wording of Policy 30: Nationally Protected Landscapes. The first line on the policy has been amended from the version consulted on at the Regulation 18 consultation of the Local Plan. The wording is now ‘Major development will not be permitted within 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 ‘where allocated within this Local Plan or’ directly means that any application for development on an allocated site within the Chichester National Landscape does not require to be assessed against the exceptional circumstances and public interest tests detailed in the National Planning Policy Framework (NPPF)

This wording addition is not legally compliant and is unsound in a number of ways.

NON-COMPLIANCE WITH THE NPPF

The wording of Policy 30 is in direct conflict with Paragraph 190 of the National Planning Policy Framework (NPPF), which states:

"When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest."

The proposed policy wording implies that these requirements can effectively be set aside where a site has been allocated by the Council through the Local Plan process. In doing so, it allows the the exceptional circumstances and public interest tests required by Paragraph 190 at the planning application stage, to be bypassed, effectively a ‘carve out’.

The Council could argue that no exceptional circumstances and public interest tests were required at the application stage as they have already performed these tests at the plan-making stages, but they have not.

Consequently, Policy 30 creates a clear inconsistency with national policy by implying that development on an allocated site in a Nationally Protected Landscape can proceed without satisfying the requirements of Paragraph 190. This approach risks bypassing a fundamental safeguard established by the NPPF for protected landscapes.

Therefore, Policy 30, as drafted, is not legally compliant and is consequently unsound.

DECISION NOT JUSTIFIED

The wording of Nationally Protected Landscape Policy in the Regulation 18 Local Plan did not contain the additional text now proposed. The public was specifically directed to this policy and invited to comment on it during that consultation. I contend that the response to the original wording would have been overwhelmingly positive because it accurately reflected the protections set out in Paragraph 190 of the National Planning Policy Framework (NPPF).

The Council's decision to amend the policy wording was taken only after it had decided to allocate a development site within the National Landscape under Allocation 30. The timing of this amendment is significant. It appears to have been introduced retrospectively to accommodate a specific site allocation rather than as part of a principled review of planning policy.

The practical effect of the revised wording is to enable Allocation 30 to avoid full consideration against the exceptional circumstances and public interest tests required by NPPF Paragraph 190 for major development within a National Landscape. The Council has sought to justify the change by stating that the additional wording was previously unnecessary because no sites within the National Landscape had been allocated for development.

However, this explanation is inherently contradictory. If the additional wording was genuinely unnecessary, there would have been no reason to introduce it. Conversely, if it became necessary only after a site within the National Landscape was allocated, this strongly suggests that the amendment was made to facilitate that allocation and to avoid scrutiny of whether it could satisfy the stringent tests set out in Paragraph 190.

Policy wording should be evidence-led, consistent, and applied objectively. It should not be altered after the allocation of a site in a manner that appears designed to reduce or circumvent policy safeguards that would otherwise apply. The sequence of events creates a clear perception that the policy was amended to fit the allocation, rather than the allocation being tested against the policy.

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.

Therefore, the decision to reword Policy 30 lacks a sound planning justification, is inconsistent with the principles of transparent plan-making, and renders this aspect of the Local Plan unsound.

PROCESS FAILINGS

I have serious concerns about the process by which Policy 30 was amended. Many Havant Borough Councillors are concerned that the wording amendment is not legally compliant with the NPPF. These concerns were significant enough that, at the Full Council meeting on 15 July, a motion was tabled to return the Local Plan to Cabinet and remove the additional phrase from Policy 30. A sufficient number of Councillors were so persuaded by the arguments that 50% supported the motion and was defeated only by the Mayor's second casting vote.

I contend that the motion would have succeeded had the Lead Councillor for the Local Plan not strongly asserted that there was insufficient time to amend the Plan before submission for examination and that officers would not make the changes even if the Plan were referred back to Cabinet. It was additionally stated that the Full Council meeting was not the time to make such amendments but was for the Local Plan Examination stage to decide the legality of the Plan. At no point did a Council Solicitor intervene to correct any statements made.

It is misleading to suggest that officers would disregard a lawful instruction from Full Council. Furthermore, if there was genuinely no time available to consider amendments following the Full Council meeting, this raises serious questions about the purpose of that meeting and suggests that members were effectively being asked to rubber-stamp a predetermined outcome.

As a result, the decision to retain the Policy 30 wording as is in the Regulation 19 Local Plan appears to have been driven by the Council’s own procedural deadlines of the Local Plan than the merits of the legality of the wording.

Therefore, the decision-making process was flawed, and the decision to not to amend the wording of Policy 30 renders this aspect of the Plan unsound.

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.

Removing the words “where allocated within this Local Plan or” 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.

- File: Policy 30 - Objections - Andrew Caple - 9Sep26.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.

in order to respond to the Council’s evidence and to assist the Inspector on matters related to the wording of Policy 30..

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 Regulation 19 Local Plan Consultation Response

Submitted by:

Andrew Caple
[redacted]

Policy 30: Objection to the wording

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