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Outlook

Local Plan pre-submission consultation

[redacted]

Date Tue 2026-09-08 13:10
To Planning Policy and Urban Design <planning.design@havant.gov.uk>

1 attachment (210 KB)
Plan Response 8Sep26.pdf;

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Please find attached a submission from the Friends of Nore Barn Woods.

Please confirm receipt.

I wish to appear at the examination hearing.

Kind regards,

Roy Ewing
[redacted]

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Objection to proposed allocation of site EM08a (Horse's Field)

Friends of Nore Barn Woods – Registered Charity 1161720

1. Introduction – legal compliance and soundness

The Friends of Nore Barn Woods (FONBW) objects to Allocation 3, EM08a – Land south of Havant Road (Horse's Field). We recognise that the Borough needs new housing, but we do not believe the case for allocating this particular site has been properly made.

This Regulation 19 consultation asks whether the Plan is legally compliant and sound. Our main concerns relate to soundness, particularly whether EM08a is justified and consistent with national policy. However, there are also matters which we believe are relevant to legal compliance and which should be clearly demonstrated before the Plan is submitted for examination.

In particular, HBC needs to show that the Sustainability Appraisal and Habitats Regulations Assessment have properly assessed EM08a and the reasonable alternatives, and that the environmental effects of the allocation have been considered using the most relevant evidence. With the prospect that the Plan is unlawful; we are asking HBC and, ultimately, the Inspector to be satisfied that these legal requirements have been met.

2. HBC's earlier assessment of EM08a

The February 2026 Strategic Housing and Economic Land Availability Assessment (SHELAA) identifies EM08a as an 85-dwelling site and concludes that it is "Not suitable". The reasons include its greenfield location within Chichester Harbour National Landscape, the proximity to the Site of Importance for Nature Conservation, which is also a Secondary Support Area for Solent Waders and Brent Geese, and its particular importance for curlew. The SHELAA also states that suitable replacement compensatory habitat had not been demonstrated.

The July 2026 Publication Plan nevertheless allocates the site, with an indicative yield of 85 dwellings and policy wording referring to around 90 dwellings.

We would like to understand what changed between February and July 2026 and what new evidence led HBC to decide that the site should now be allocated. This is important to soundness because the Plan needs to be justified by proportionate evidence. It is also relevant to the Sustainability Appraisal process: if a site previously assessed as unsuitable was later selected, the assessment should make clear how the environmental effects and reasonable alternatives were considered.

3. Legal compliance – Habitats Regulations and Sustainability Appraisal

HBC's own Local Plan material recognises that environmental effects on internationally protected sites must be assessed through the Habitats Regulations Assessment (HRA), and that likely significant effects must be avoided or mitigated. This is therefore not simply a matter that can be left to a future planning application.

EM08a is particularly relevant because of the Solent Wader and Brent Goose Strategy designations in and around the site, its recorded importance for curlew, and its proximity to Chichester Harbour and Nore Barn Woods. The Local Plan also recognises the effect of additional residential development on recreational disturbance to the Solent SPAs.

FONBW therefore asks the inspector to ensure that HBC demonstrate clearly that the HRA has considered the effects of allocating EM08a, including effects in combination with other development, recreational disturbance and the function of the wider network of supporting habitat.

The Sustainability Appraisal is also important. HBC's evidence says that sites with significant doubt over whether adverse effects can be mitigated should not be allocated. The February 2026 SHELAA specifically said that suitable compensatory habitat had not been demonstrated. We would therefore like the evidence to show clearly how this issue was resolved before EM08a was included in the Publication Plan.

If these assessments do not adequately consider the allocation and reasonable alternatives, or rely on mitigation which has not been shown to be realistic, FONBW considers that this could raise a question of legal compliance as well as soundness.

4. Impact on the National Landscape

EM08a lies within Chichester Harbour National Landscape. The Publication Plan recognises this and requires landscape buffers and/or other mitigation.

Our concern is not just whether the houses themselves can be screened. The open fields and established hedgerows between the existing urban area and Nore Barn Woods help form the transition from Emsworth into the harbour landscape. Development would bring houses, roofs, domestic activity and lighting further towards Nore Barn Woods and the coast.

Views along the local paths and the King Charles III England Coast Path are part of the experience of this area. The overall change to openness, tranquillity and the position of the urban edge needs to be considered, rather than relying mainly on screening and the eventual layout of the site.

This is primarily a soundness issue: FONBW does not believe it has yet been shown that allocating this site is consistent with the level of protection national policy gives to National Landscapes.

5. Wildlife and lighting

The wider fields are used by Brent geese and curlew, and FONBW also holds records of bat activity in the area.[1] The fields and hedgerows form part of a wider wildlife network between inland feeding areas, Nore Barn Woods and Chichester Harbour.

The Publication Plan identifies Solent Wader and Brent Goose Strategy sites adjacent to EM08a. The February 2026 SHELAA records the vast majority of EM08a itself as a Secondary Support Area, particularly important for curlew, with the southernmost field identified as a Candidate site.

We are concerned about fragmentation of this habitat and about additional lighting closer to the northern side of Nore Barn Woods. Lighting could affect bats and other nocturnal wildlife using the fields, hedgerows and woodland edge.

These wildlife issues are relevant both to whether the allocation is sound and, where internationally protected habitats are affected, to whether the required Habitats Regulations assessment has been properly carried out.

6. Pressure on Nore Barn Woods

Nore Barn Woods is an approximately eight-acre public open space on the shoreline of Chichester Harbour, owned by Havant Borough Council and managed collaboratively with FONBW since 2002. It would be the nearest significant natural open space to the proposed homes.

FONBW visitor surveys have recorded around 300 visits during peak periods.[2] Local visitors commonly approach via Beach Road and Selangor Path, while longer-distance visitors also use the King Charles III England Coast Path.

We already see trampling and wear to paths. We also deal with or receive reports of unauthorised fires and barbecues, wild camping, dog fouling, dogs off leads disturbing wildlife and other visitors, and dogs attacking animals. These are problems we already deal with in the woods.

Another 85–90 households nearby are likely to add some recreational pressure. We think the Plan needs to look at what that means in practice, especially for paths already showing wear and for fire, dog and wildlife-disturbance issues.

This is relevant to soundness, but it is also relevant to the HRA where additional recreational use could contribute to disturbance of protected coastal habitats and species.

7. Selangor Path, access and drainage

Selangor Path runs south from the A259 towards Nore Barn Woods. Its poor condition, maintenance and recurrent flooding have previously been raised with HBC. It is not clear to FONBW how residents of EM08a would connect to the existing path network or whether Selangor Path would become a main route towards the woods.

We would like the likely walking routes to Nore Barn Woods to be identified and the condition and flood resilience of Selangor Path to be considered. It would be difficult to describe the development as sustainable if it increases use of an already problematic route without considering the infrastructure needed to support that use.

We also have concerns about drainage and water quality. A watercourse can be seen along the Selangor Path corridor, including at the northern and southern ends of the path. EM08a is itself identified as having areas of flood and surface-water flood risk.

We are not claiming that development will necessarily pollute this watercourse. We do, however, think HBC should establish the hydrological relationship between the site, the watercourse, groundwater, the wet woodland and Chichester Harbour and demonstrate that development would not create unacceptable effects.

8. Consultation and legal compliance

FONBW has not been directly consulted by HBC about EM08a or what the development might mean for Nore Barn Woods. We do not know whether HBC's Land team or other relevant officers were consulted internally.

We think this is important because HBC owns Nore Barn Woods and FONBW has worked with the Council to look after the site for more than 24 years. We hold practical information about visitor numbers, access, flooding concerns, incidents and wildlife which could help assess the effects of the allocation.

We recognise that the fact FONBW was not individually consulted does not by itself mean that the Local Plan is legally non-compliant. However, if relevant evidence held by those managing a Council-owned site was not considered when EM08a was introduced, this raises a reasonable question about whether the environmental assessment and consultation process had sufficient information before the allocation was selected.

9. What we would like HBC to do

For these reasons, FONBW asks that EM08a is removed from the Local Plan unless HBC can provide clear evidence that:

- the change from the February 2026 SHELAA conclusion of "Not suitable" and "Not achievable" is justified by new or materially different evidence;
- the Sustainability Appraisal has properly assessed EM08a, reasonable alternatives and the environmental effects of selecting the site;

- the Habitats Regulations Assessment has properly considered the allocation, including recreational disturbance, Solent Wader and Brent Goose habitat and effects in combination with other development;
- the allocation is consistent with the protection given to Chichester Harbour National Landscape;
- effects on curlew, Brent geese, bats, ecological connectivity and artificial lighting can be avoided or adequately mitigated;
- the likely additional pressure on Nore Barn Woods and the local path network has been considered;
- the condition, flooding and likely future use of Selangor Path have been assessed; and
- the relationship between EM08a, local watercourses, groundwater, Nore Barn Woods and Chichester Harbour has been adequately understood.

If HBC cannot demonstrate that the required legal assessment has been properly undertaken, FONBW considers that the Plan should not be regarded as legally compliant in relation to this allocation. Separately, if the Council cannot demonstrate that EM08a is justified and consistent with national policy, we do not believe the allocation should be regarded as sound.

If it is decided to keep EM08a in the Plan, we would at least like the site requirements to be strengthened so that these issues have to be properly assessed and dealt with, rather than being left until later.

Evidence and notes

[1] Bat monitoring has previously been undertaken by a FONBW trustee. Further information can be provided if required.

[2] FONBW has previously undertaken a physical visitor survey. Further information can be provided if required.

Key HBC evidence considered: Publication Building a Better Future Plan (July 2026); Strategic Housing and Economic Land Availability Assessment (February 2026); Sustainability Appraisal of the Regulation 19 Draft Local Plan (July 2026); Habitats Regulations Assessment; and the Local Plan evidence base relating to habitats, flood risk, green and blue infrastructure and recreation.

Objection for and on behalf of:
The Friends of Nore Barn Woods
Registered Charity 1161720