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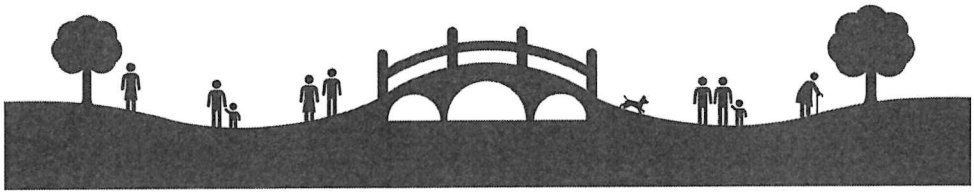
BOROUGH COUNCIL



Publication Building a Better Future Plan (Regulation 19) Representation Form

This is the final consultation before the plan is formally submitted for an Examination by an independent Inspector. At this stage, comments can only be made about whether the Plan is legally compliant and/or sound.

We highly recommend that you refer to the supporting guidance note when completing your response, as this provides further information about what is meant by soundness and legal compliance as well as assistance in completing each question.

The supporting guidance note can be found online at www.havant.gov.uk/localplan or can be requested by calling 023 9244 6019.

All representations must be returned by 5.00pm on 9 September 2026.

Once completed, please use the pre-paid envelope provided with this survey to post your response back to Havant Borough Council by the above date.

If you have any questions about this survey, please contact our Planning Policy Team at 023 9244 6019.

If you wish to comment on more than one part of the plan, please complete and submit a form for each part of the Plan you wish to comment on.

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HAVANT BOROUGH COUNCIL
01 SEP 2026
RECEIVED

About this representation form

The form has two parts:

Part A - Personal Details - this only needs to be completed once for each form submission.

Please note that representations are not confidential and will be published on the Council's website. However, personal details, other than the respondent's name and/or organisation will be redacted. Personal details will be sent to the Planning Inspectorate in line with the Privacy Notice.

Part B - Your representation(s) - please fill in a separate submission for each representation you wish to make.

Please also use Part B as appropriate to request to be notified of stages of the Local Plan examination and adoption, and to request to participate in the examination hearings.

Privacy Notice

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 on our website at **www.havant.gov.uk/privacypolicy** or can be requested by calling 023 9244 6019.

A copy of each representation will be made available to the Planning Inspectorate and to the person appointed by the Secretary of State to conduct the examination (i.e. the Inspector), Representation(s) will also be 'made available' in line with the Regulations (The Town and Country Planning (Local Planning) (England) Regulations 2012). This includes publication on the LPA's website.

More information on how the Planning Inspectorate uses your personal information can be found on our website at:
www.gov.uk/government/publications/planning-inspectorate-privacy-notices

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Part A - Personal Details

1. Please indicate whether you are completing this form yourself or if you are an agent completing this on behalf of a client – please select one option.

☑ I am completing this form myself

☐ I am an agent completing this form on behalf of a client

If you are completing this form yourself, please go to Section 3 below.

If you are an agent completing this form on behalf of a client, please go to Section 4 (on page 4).

Section 3. Personal Details (Completing form on own behalf)

2. 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.

Title	MR.
First Name	DAVID
Last Name	GILLESPIE
[redacted]	

[redacted]

3. Please provide the following details where applicable and/or relevant

[redacted]

Organisation N/A.

Once you have completed this section, continue to page 6 of this form.

Section 4. Personal Details (Agent on client's behalf)

4. 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.

Title	
First Name	
Last Name	N A

Job Title	

Organisation	
Address Line 1	
Address Line 2	
Postcode	
Telephone Number	
Email Address	

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5. Please provide the following information about the client for whom you are completing this form on their behalf

Title	
First Name	
Last Name	
Organisation (if applicable)	

5. Part B - Your representation(s)

Please complete this section of the form for each representation you wish to make on the Building a Better Future Plan.

Please note in your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

This form allows you to submit one representation on the Building a Better Future Plan. If you wish to submit a representation on a separate part of the Plan, please complete this form in its entirety and then start a new form for your separate representation.

6. 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.

Policy Number	3 D
Allocation Number	3 (SHELAA REF EM08a)
Paragraph Number	ALL WHERE APPLICABLE
Page Number s	98, 99 253, 254, 253

PLUS OTHER AREAS WHERE THEY RELATE TO ALLOCATION 3 (EM08a) THE HORSEFIELD

7. Do you consider the Local Plan is ...

(Please select as appropriate)

	Yes	No
Legally compliant	☐	☑
Sound	☐	☑

8. 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.

You are welcome to attach additional pages to your response form.

TYPED REPRESENTATION INCLUDED ON THE FOLLOWING PAGES (1-4)

SEE TYPED RESPONSE.
NEXT PAGES

9. 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.

David Gillespie: Regulation 19 Representation to HBC relating to the Local Plan "Building a Better Future"

Policy No 30 Pages 253,254 &256
Allocation No 3 SHELAA Ref EM08a Pages 98 &99
Paragraphs All where applicable
Page Numbers as above plus other areas in the plan where they relate to EM08a

.....

I would strongly object to the late inclusion of Site Ref EM08a into the Local Plan on the basis that it is not legally compliant and is Unsound for the following reasons:-

A. Failure by HBC to provide meaningful and transparent Consultation

The site, now designated EM08a, was excluded from all Local Plans prior to late May 2026 when it was included.

All prior documentation produced by HBC designated the site as *"NOT SUITABLE. This is a greenfield site adjacent to the urban area but lies within Chichester Harbour National Landscape"*, as confirmed in all the Strategic Housing Land Availability Assessment (SHELAA) documents published before June 2026.

At the public meeting held by HBC to discuss the Local Plan we were advised by both Local Councillors and Senior Planning Officers that this was indeed a Protected site which was totally unsuitable for building and consequently could not be included in the Plan. [redacted] I was confident that this site was to retain its protected status under Planning Law.

In accordance with the "Statement of Community Involvement "(SoCI) on Page 5 it is the obligation of the council to "Notify neighbouring properties on proposed Local Plan sites and Planning Applications. Furthermore, it is a one of the main Principles of Community Involvement that, *Clause 2.3 " Community engagement should occur throughout the various steps of preparing the local plan. To be truly effective, this must provide appropriate opportunities for Information gathering, participation, consultation and response."*

To date (late August2026) neither myself nor any of my neighbours have received notification of the inclusion of this site in the plan.

You will appreciate my concern at discovering by accident on 24 June 2026 that it had been included at this late stage in the plan. The consultation period for the Regulation 18 response to the plan was due to expire on the 1 July 2026 leaving only a few days for representation and does not provide adequate time for this as required by Clause 2.3 of the SoCI. This late inclusion also deprives all local residents from responding in a meaningful and professional manner and as such constitutes **procedural unfairness.**

In view of the above HBC have failed to comply with the Statement of Community Involvement (Section 19(3) PCPA2024) resulting in the inclusion being legally Non-Compliant.

B. Failure to comply with the National Planning Policy Framework (NPPF)

The Local Plan is prepared in accordance with the NPPF published on 12 December 2024, and the failure of HBC to comply with the requirements therein has rendered the plan to be **UNSOUND .**

Section 189 of the NPPF states that *"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the **highest status of protection** (my highlighting) in relation to these issues"* HBC have failed to comply with Section 189.

The inclusion of 85+ houses on any site must be considered to be a **major development.**

Section 190 of the NPPF states that " ..... *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."* HBC have **failed to provide justification or evidence** that any of the foregoing apply.

In reality **nothing has materially changed, nor are there any exceptional circumstances** which have occurred from the date of the production of the first consultation document being issued to the present time, other than HBC have chosen to include it in the Local plan without justification or evidence.

It has been established at law that the **shortage of housing** to meet government targets does NOT constitute exceptional circumstances.

In addition, if development is to be proposed in protected areas, consideration must be given to the 3-pronged tests specified in Section 190 a,b,c. No such consideration has been produced by HBC nor have they in any way demonstrated that the inclusion of this site is in the public interest.

HBC say that site EM08a was introduced at the end of May 2026 but the SHELAA was not published on the website until 23 June 2026, and only then could it be considered to be in the public domain. This also reinforces the argument in favour of Item A (above) in that it fails to give sufficient time for meaningful consideration by the public and all interested parties.

The SHELAA purports to suggest that the site is suitable for development subject to mitigation, and provides comments (without evidence) as to possible means of mitigation. This does not provide any justification that the site is subject to "*exceptional circumstances and in the interest of the public.*" as required by Section 190.

It also fails to meet the strict criteria required by *Section 190 a,b,c* and consequently renders the inclusion of the site both **Unlawful and Unsound.**

The late inclusion of this site, the lack of detailed evidence and the shortage of time given to councillors, means that both the cabinet and the full council meetings were required to give judgement on the inclusion based upon **a predetermined assumption that the site was suitable without any substantive documentary evidence.** This can not comply with any test of fairness and consequently must considered to be Unsound.

Furthermore it appears from the minutes of meetings available that the inclusion of EM08a was not recorded as being discussed by the council until late June.

As a direct result of all of the above the Failure to comply with the National Planning Policy Framework (NPPF)must render the inclusion of site EM08a to be LEGALLY NON-COMPLIANT & UNSOUND

C. Breach of Statutory duty in failure to comply with the requirements of the Countryside and Rights of Way Act 2000 (CRoW) as amended by the Levelling-up and Regeneration Act (LURA) December 2023

The Local Plan is prepared in accordance with the Countryside and Rights of Way Act 2000 (CRoW) as amended by the Levelling-up and Regeneration Act (LURA) December 2023 and the failure of HBC to comply with the requirements therein has rendered the plan to be **LEGALLY NON-COMPLIANT & UNSOUND .**

Section 85 of the CRoW Act 2000 places a statutory duty on relevant authorities—including local planning councils—to "have regard to the purpose of conserving and enhancing the natural beauty" of Areas of Outstanding Natural Beauty (AONBs), now designated as National Landscapes.

HBC have failed to comply with this legal duty because:

- No Site-Specific Assessment: HBC included the site without producing an independent, site-specific landscape assessment prior to allocation.
- "Allocate First, Justify Later": Council officers indicated that specific impacts on the National Landscape would only be assessed later during a future planning application phase. Legally, under both Section 85 of the CRoW Act and National Planning Policy Framework (NPPF) guidelines, the duty to demonstrate exceptional circumstances and consider environmental impacts must be met before allocating the site in the Local Plan.
- The requirement of the Act to " Conserve and enhance" underlines the importance of "avoiding harm" to the Statutory purposes of the protected site. The introduction of 85+ houses onto this site would involve "concreting over" this most valuable area would most certainly cause severe harm, and hence be in contravention of the requirements of the Act.
- The Act also requires the Authority to explore positive actions in their decision making process, It would appear that the major stakeholder, Chichester Harbour Conservancy was not consulted regarding the decision making process and this must be seen as a failure by HBC to comply with the requirements of the Act.

As a direct result of all of the above the Failure to comply with the requirements of the Countryside and Rights of Way Act 2000 (CRoW) as amended by the Levelling-up and Regeneration Act (LURA) December 2023 must render the inclusion of site EM08a to be LEGALLY NON-COMPLIANT & UNSOUND

D. The inclusion of Policy 30 which attempts to circumnavigate the duty to comply with Statutes and National Planning Policy.

Under Section 189 of the NPPF National Landscape sites have the protection with *"Great weight being given to conserving and enhancing landscape and Natural beauty..... which have the highest status of protection in relation to these issues"*

Section 190 also states that, regarding developments, *"....permission should be refused for major developments other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest"*. It has already been stated in Section B above that HBC have failed to provide any evidence or justification relating to exceptional circumstances or that it is in the public interest and the inclusion of this site must be considered both legally NON-COMPLIANT and UNSOUND,

It appears that HBC have attempted to circumnavigate the above requirements by the inclusion of a new Policy 30 (superseding Policy 29) which was included in the June 2026 edition of the Plan. This states that *"Major development will not be permitted in the Chichester National Harbour National Landscapes* ***other than where allocated within this document*** *.....etc "*

This can not be legally correct in that if such a Policy were to be implemented on face value then it would mean that any council could ignore the requirements of the NPPF and all Statues and **include any site they chose** without any justification. This is wrong on so many counts,

It would also open the **Floodgates** and enable Developers to successfully argue the case that any such protected land could be developed merely by the council including it their plan without any justification necessary. This would not just apply locally but would apply countrywide.

In view of the above it can be seen that the inclusion of Policy 30 is in direct conflict with Statutory requirements and National Planning Policy and its inclusion must be considered to be LEGALLY NON-COMPLIANT AND UNSOUND

Other relevant Items

There are many other items which will result in the Inclusion of EM08a being **UNSOUND** such as a)lack of existing services (school, doctors surgery etc) to adequately serve the existing population b) Flood risk particularly in the South East corner d) damaged to Wildlife, Flaura and Fauna, e) inadequate sewage system such that in heavy rain it cannot cope with the current level of housing resulting in substantial number of unacceptable discharges into Chichester harbour (serious health hazard) and many other items.

I understand that these should have been dealt with in the Regulation 18 consultation but the late inclusion of this site into the plan prevented meaningful research and representation into these matters and a further effect of **Item A. Failure by HBC to provide meaningful and transparent Consultation**

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.

You are welcome to attach additional pages to your response form.

SECTION 9 MODIFICATIONS

- DELETE ALLOCATION 3 - EM08a "THE HORSEFIELD" FROM THE PLAN ON THE BASIS THAT IT IS BOTH LEGALLY NON COMPLIANT & UNSOUND
- DELETE POLICY 30 ON THE BASIS THAT THE INCLUSION IS CONTRARY TO NATIONAL POLICY, LEGALLY NON COMPLIANT & UNSOUND
- REINSTATE POLICY 29.

FAILURE TO COMPLY WITH THE ABOVE MODIFICATIONS COULD PLACE THE COMPLETE PLAN AT RISK OF BEING REJECTED IN ITS ENTIRITY BY THE INSPECTOR

6. Examination Hearing Session Invitation

11. 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)

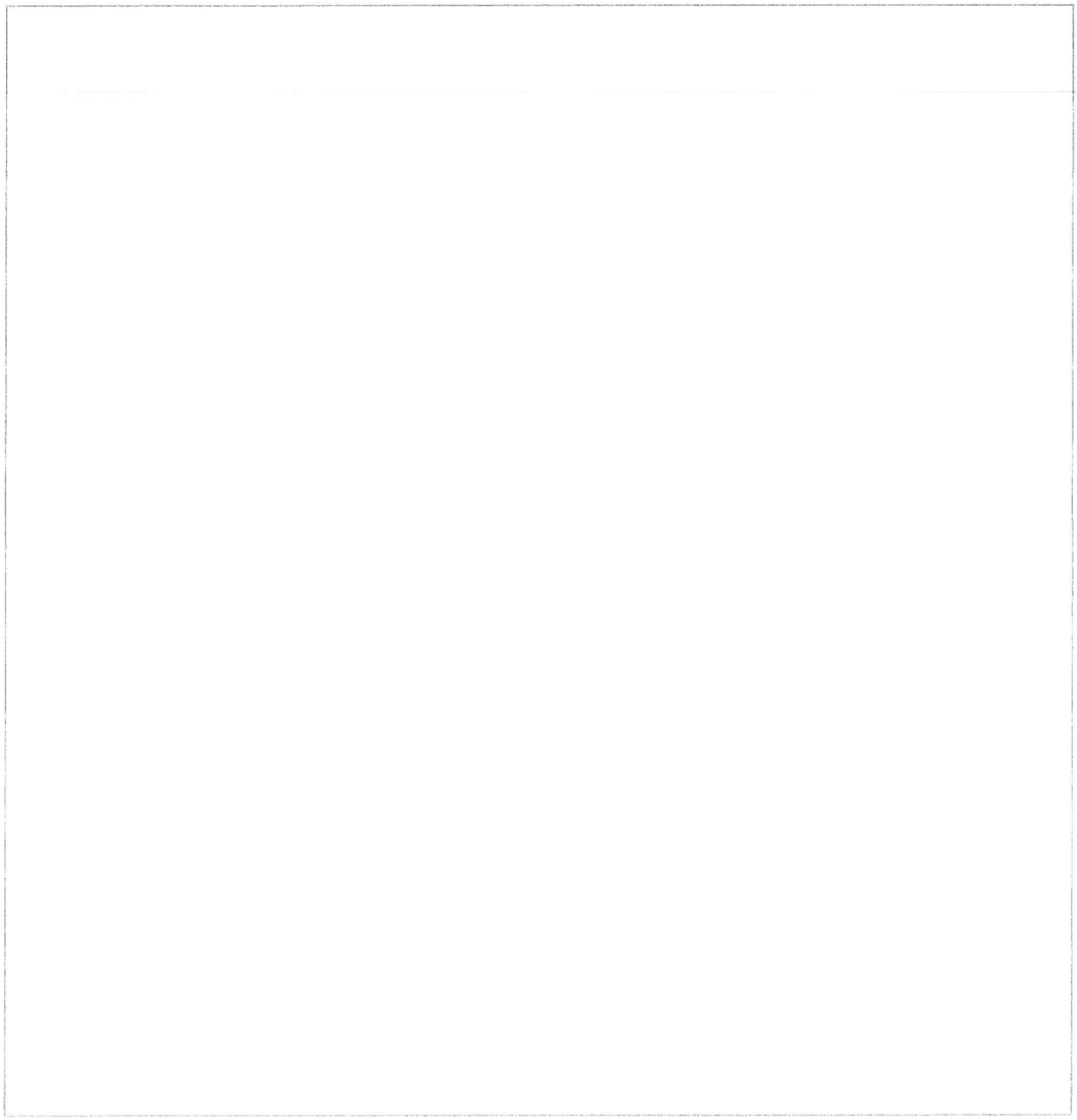
☐ No, I do not wish to participate in examination hearing session(s)

If you do not wish to participate in examination hearing session(s), please continue to page 13 of this form.

12. If 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.

TO REINFORCE THE POINTS MADE IN THE FOREGOING REPRESENTATION AND STRESS THE IMPORTANCE OF THE CHICHESTER HARBOUR NATIONAL LANDSCAPE TO LOCAL RESIDENTS & VISITORS.



8. Future Notification

13. 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

☐ No, I do not wish to be notified

Thank you for submitting your views to this important consultation.

Please use the pre-paid envelope provided with this survey to post your response back to Havant Borough Council by 9 September 2026.