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NOTE ONLY - FOR FULL REVIEW
DIRECT FROM REP
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Havant
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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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.

X 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	Professor
First Name	Jonathan
Last Name	Raper
[redacted]	



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

Job Title	Committee Member
Organisation	Hayling Island Residents Association

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	

Job Title	

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

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)	

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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	See attached pages
Allocation Number	See attached pages
Paragraph Number	See attached pages
Page Number	See attached pages

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

(Please select as appropriate)

With recommended changes:	Yes	No
Legally compliant	X	☐
Sound	X	☐

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.

See pages attached at the end

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.

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.

See pages attached at the end

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.

X 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.

Hayling Island Residents Association was a Rule 6 Party at the Rook Farm Public Inquiry and wishes to take part in the evidence discussions that the Inspector decided to schedule.



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.

X 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.

Havant Local Plan 2026 - Building A Better Future
Consultation response from Hayling Island Residents Association

Our response to the local plan is in three parts

1. Comments on the sustainability appraisal
2. Comments on the HRA
3. Comments on individual policies relating to soundness and legal compliance

We have used the following criteria for the evaluation as set out in the Guidance:
Soundness

- Positively prepared: meet the area's objectively assessed needs
- Justified: an appropriate strategy
- Effective: deliverable over the plan period
- Consistent with national policy: sustainable development

Legal compliance from analysis within:

- Sustainability Appraisal
- Habitats Regulation Assessment

There is much in the plan that we agree with… our reply is necessarily critical to draw the attention of the Inspectors to a few concerns.

1. **Sustainability Appraisal of the Regulation 19 Draft Local Plan**

https://www.havant.gov.uk/media/11127/download?inline

Testing the Findings of the sustainability appraisal of the topic policies

Objective 6: Effective Transport and Communications
Policy 5 – Green and Blue Infrastructure:

Plan not positively prepared: active travel is not attractive to residents when the cycling infrastructure has been found to be non-compliant in the LCWIP for the Langstone Bridge and Billy Trail. We would like to see the adoption of the Active Travel England target to get walking, wheeled and cycling to 55% of short stage journeys by 2035.

Findings of the sustainability appraisal of the site allocations

4.48 The sustainability appraisal assessment matrix in Appendix D shows that for the SA1 Biodiversity & natural environment theme, in answer to the question 'Would development here Protect/ Enhance ecological networks', the answer for Horse's field site is 'uncertain/unknown'. For the SA8 Sense of place theme, in answer to the question 'Would development here Protect/ Enhance valued landscape' the Horse's field site is scored negative.

Plan not justified: the Horse's field site should not therefore be in the allocation as the Council cannot rule out impacts on the National Landscape. Section 85 of the amended CROW Act 2000 says that the Council has a duty to 'seek to further the purpose of

conserving and enhancing the natural beauty of the National Landscape' and construction of dwellings clearly breaches thus duty.

Objective 4: Healthy and Safe Communities
4.69 The sustainability appraisal says that:
'potential site allocations used accessibility mapping to determine the SA score for each site, taking into account the proximity of town centres, bus routes and train stations'.

Plan not positively prepared: the Havant Cycling and Walking Infrastructure Plan (LCWIP) classifies significant parts of the Borough's cycle network as non-compliant with DfT 1/20 Cycle Infrastructure Design statement. The Infrastructure Delivery Plan should contain commitments to address these non-compliant routes for safety reasons.

4.71 The Strategic Flood Risk Assessment (SFRA) is out of date as the highest ever tide recorded occurred on 9th April 2024 causing great damage in coastal areas of Hayling Island, and yet this is not mentioned in the SFRA (which was prepared in February 2024) nor the Havant-specific report (prepared in June 2024).

Furthermore, the SFRA section 3.2.15 says:
'Land is not needed to store tidal flood water … these areas will be included within the Flood Zone 3a definition and no Flood Zone 3b (Functional Floodplain) associated with the sea will be defined.' This is in error and the two zones should have been separated in mapping. This would show that critical infrastructure, principally the A3023, crosses the Functional floodplain.

Plan not positively prepared: Functional Floodplain is defined in Flood risk and coastal change planning guidance as 'land where water from rivers or the sea has to flow or be stored in times of flood' and that will be flooded under 3.3% AEP (1 in 30 year) flood events (078 Reference ID: 7-078-20220825). There are several locations on Hayling Island on the A3023 where tidal flooding overtopped defences and was stored for hours to days in the actual flooding on 9th April 2024. The Functional Floodplain should be mapped and added to the policies map.

4.73 'The review of sites through the Strategic Flood Risk Assessment of Local Plan sites highlighted the significant flood risk to the access road to the island. The SFRA Sites Review considered it unlikely that these sites could pass the exception test'.

Plan not legally compliant: if the Sequential test has been conducted and it has found that all sequentially preferable sites are on the mainland, then the Plan must state that this is the legal basis for the decision not to make housing allocations on Hayling Island.

Objective 8: Sense of Place (Landscape, Townscape and Heritage)
4.94 The sustainability appraisal says:
'While it is acknowledged that if development is accepted, the loss of the feeling of openness in an area is unavoidable. However, mitigation in the form of sensitive layouts, separation distances, protection of existing planting and boundary screening can address some of the visual effects of a change from an undeveloped to a developed site.

Plan not justified: At the Horse's field, the National Landscape designation indicates that the sense of openness should be given 'great weight' under NPPF §189 and therefore this site should not be allocated.

Habitats Regulations Assessment

Findings in HRA Executive summary include:
'Eleven policies and 30 allocations within the Plan are considered to have the potential to result in a likely significant effect on a European site either alone or in-combination.

In §1.8 of the HRA it is stated that:
'where effects on ecological integrity are identified, plan makers must first consider alternative ways of achieving the plan's objectives that avoids significant effects entirely… If it is impossible to avoid or mitigate the adverse effect, the plan-makers must demonstrate…that there are Imperative Reasons of Overriding Public Interest (IROPI) to continue with the proposal and that compensatory measures are necessary. This is widely perceived as an undesirable position and should be avoided if at all possible.'

The HRA states that all harms can be mitigated and therefore IROPI are not required. However, this is not credible and ignores case law on HRA.

In Sweetman v An Bord Pleanála [2014] the opinion of the Advocate General stated:

> 'measures which involve the permanent destruction of a part of the habitat in relation to whose existence the site was designated are, in my view, destined by definition to be categorised as adverse. The conservation objectives of the site are, by virtue of that destruction, liable to be fundamentally—and irreversibly—compromised.'

This means that habitat destruction cannot be mitigated and the activity must be stopped to allow the site to recover.

This local plan acknowledges the impacts of recreational disturbance (policy 23), of nutrient neutrality (policy 24), on the SWBGS network (policy 26), of coastal squeeze (policy 29) from coastal defence work, and hence it must be acknowledged that there is an impact to SPA site integrity through habitat loss. As this damage cannot be mitigated as set out in Sweetman [2014], the conservation objectives of the European sites cannot be met.

Plan not legally compliant: In this situation, IROPI are required or reductions in the intensity of development is required, for example by removing certain allocations such as the Horse's Field.

Commentary on effects

6.32
PUSH Integrated Water Management Strategy (IWMS) 2018
'The growth areas in the Havant Council area are predicted to drain to the Budds Farm Havant WwTW…The catchment has nitrate problems and catchment level nitrate measures are required now.'

Plan not legally compliant: This is a severe constraint on development and has direct impacts on the SPAs through stormwater overflows and algal growth in the harbours leading to

habitat destruction. This means that infrastructure development is required before any housing allocations are built out. This suggests that allocations should be phased in line with capacity improvements at WWTW.

Natural England have advised that new developments need to be nutrient neutral, however, offsetting impacts is not acceptable if the site's integrity is destroyed, and impacts on saltmarsh and sea grass in the condition surveys of the Chichester Harbour SSSI show that habitat destruction is under way from nitrates.

Table 12 Summary of Screening of Potential Nutrient Enrichment Issues

CLH SPA: 'Evidence suggests net flow is from Chichester Harbour into Langstone Harbour (east to west), therefore limited potential for effects on Chichester Harbour elements of Chichester & Langstone Harbours SPA/Ramsar. '

Plan not legally compliant: Storm water overflows from Emsworth introduce nitrates into Chichester Harbour and this is destroying habitats such as sea grass and saltmarsh, which cannot be mitigated.

Evaluation of policies in the Plan

Policy 2: The Plan states
'There is a presumption against new development beyond the defined settlement boundaries.' The exceptions in the plan for development outside the settlement boundary are open-ended and render the presumption untenable. The omission of settlement boundaries for smaller rural settlements leave them unprotected in this plan.

Plan not justified: Parts of Hayling can be considered rural, and Fleet, Stoke, Northney and Tye have no settlement boundary to protect against inappropriate infill and extensions of these rural settlements. The Plan could be made sound by extending the settlement boundary in these areas.

Policy 21: The Plan states
'Development must protect, conserve, and enhance the Borough's internationally and nationally designated sites

It is welcome that a plan contains this commitment. However, the Plan also states:
'As set out in the NPPF, if significant harm cannot be avoided… then such harm should be prevented through mitigation.'
This reference to the NPPF para 33 is taken out of context. It refers to development as a whole and does not provide an avenue by which development of nationally and internationally protected sites can be entertained if forms of mitigation are proposed.

Plan not consistent with national policy on sustainable development: at the heart of sustainable development is the protection of the highest value habitat in the European sites and SSSIs. This habitat cannot be traded within the development process for mitigation offers when the habitat is destroyed as the Sweetman [2014] case has demonstrated in law. The Plan could be made sound by stating simply and clearly that no habitat may be destroyed by development and leave it to decision -making and the courts to permit the overturning of the protections that legislation and case law have defined.

Policy 22: The Plan states
‘'Development resulting in the loss or deterioration of the following irreplaceable habitats: will not be permitted unless in wholly exceptional circumstances'

Plan not consistent with national policy on sustainable development: The Plan introduces a local concept of Irreplaceable habitat and then opens an exception to development of it. This is a contradiction in terms The plan could be made sound by deleting the phrase ‘unless in wholly exceptional circumstances'.

Policy 23: The Plan states
'the presence of habitat identified in the SWBGS is a material consideration for the determination of any planning application’
The recent appeal decision for the development of 300 dwellings at Rook farm on Hayling Island allowed one of the SWBGS Core areas to be developed with mitigation provided by specific management of existing Core areas for birds. In other words, the Core areas on Hayling Island have just shrunk by nearly 12 ha and this precedent will presumably be followed further by future development.

Plan not consistent with national policy on sustainable development: a plan does not provide strong enough protection for the SWBGS areas, which are functionally part of the SPA. Limits should be placed on the use of existing SWBGS Core areas for mitigation to make the Plan sound.

Policy 27: The Plan states
‘'Planning permission will not be granted for a net increase in dwellings or residential institutions outside of the defined settlement boundary, even if the site itself is not at risk of flooding, given the risk to the access route to and from the island.'… 'Even if the site itself is in Flood Zone 1, or measures are proposed to address any on site risk, such development will not be supported in principle.'

The Council's implicit position is that there are no ‘sequentially preferable’ sites on Hayling Island by comparison with the mainland. However, the Inspector at the Rook Farm appeal rejected this argument pointing out that NPPF para 175 limits refusals on flood grounds to flood risk on the site itself.

Plan not legally compliant: it is possible to bring forward a development for a site in Flood Zone 1 on Hayling Island (i.e. not directly at risk of flooding) by demonstrating it is sequentially preferable to other sites at greater risk. The NPPF does not take account of islands where the access to Flood zone 1 sites is affected by flooding to the access. The plan should therefore impose infrastructure costs on developers wishing to develop on Hayling Island through S106 and Community Infrastructure Levy funding being put into a flood mitigation fund.

Policy 29: The Plan states
‘This policy identifies the Borough’s Coastal Change Management Areas (CCMAs)’
Development within the CCMAs must demonstrate that they would not affect the stability of the coast, impair sustainable adaptation, will be safe from erosion and will provide community benefits.

The Plan also states:
'In undeveloped areas of the coast… Development proposals will not be permitted, unless it can be demonstrated that the development specifically requires a coastal location' However, para 4.274 is such a wide exclusion that the 'undeveloped coast' definition is unenforceable.

Plan not justified: It must be clear how the 'undeveloped coast' and CCMAs have been defined. They do not mirror either HICMS, the SFRA or the FCERM areas. Primary CCMAs are designated due to high risk of flooding or erosion in future. The Secondary CCMA on the Eastoke Peninsula is designated because you have to pass through a Primary CCMA to get there. But arguably the whole of Hayling is a secondary CCMA as the southern bridge approach is in a Primary CCMA area and this inconsistency must be addressed by a clarification to make the plan sound.
There are also two locational anomalies to be corrected on the map
1. No CCMA around the Esso garage on the A3023 at Stokedespite the low sea defences
2. The exclusion of half of the Tournerbury Estate along an arbitrary E-W straight line when there is no change on the ground.

Policy 30: The Plan states
'Major development will not be permitted within Chichester Harbour National Landscape, other than where allocated within this Local Plan'

Plan not legally compliant: the addition of the 'where allocated' rider in this policy is incompatible with the duty imposed upon the council by section 85 of the CROW 2000 act (as amended). This duty says that the council must 'seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.' The suggestion in the policy wording that the proposal must demonstrate this duty is a misconception as the duty falls upon the council in both plan-making and decision-making. Therefore, this policy is not legally compliant and the allocation of the Horse's Field must be removed from the plan.

Policy 31: The Plan states
''The Council will refuse planning permission for proposals that threaten the retention of important trees, hedgerows, and woodland, unless the need for, and benefits of development in that location clearly outweigh the impact of the proposal and replacement trees or planting to mitigate the impact of any loss are provided.'

Plan not consistent with national policy on sustainable development: This policy allows the loss of trees to be offset by development benefits and mitigation. This allows developers to 'move' natural tree cover unless it is covered by a TPO. The Plan should instead require development around existing tree cover.

Policy 53: The Plan states:
''For any unallocated sites outside of the defined settlement boundaries in Policy 2 to be considered sustainable in respect of accessibility, the applicant will need to demonstrate that the intended occupiers and visitors have a choice of safe and convenient transport modes to key destinations, focussing on sustainable modes'

Plan not consistent with national policy on sustainable development: Evidence given to the Rook Farm appeal by Hampshire County Council revealed that the Langstone Bridge onto Hayling Island is in a critical state and requires urgent and complex repairs. It is extraordinary that this entire plan does not contain any reference to this piece of critical

infrastructure and its state. Above all else this is a constraint to development that should be recognised in the plan because of the reduction and capacity of the bridge during repairs or during any deterioration in the meantime.