Added 18.9.26
NOTE ONLY - FULL REVIEW FROM REP
Ref: 306374466

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.

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	
First Name	
Last Name	
Address Line 1	
Address Line 2	

Postcode	
Telephone Number	
Email Address	

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

Job Title	
Organisation	

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	Miss
First Name	Jessica
Last Name	O'Neil
Job Title	Planner

Organisation	Heatons
[redacted]	

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)	Tarmac Trading Limited

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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	44
Allocation Number	
Paragraph Number	4.4.36
Page Number	

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.

Please see attached letter

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.

Please see attached letter

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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.

To discuss policy 44 and the flexibility of alternative/temporary uses on marine-employment sites



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.

Heatons
Planning Environment Design

Our Ref: TAR-356-M
Your Ref: Regulation 19 Consultation
Date: 9th September 2026

Sent by email only to: policy.design@havant.gov.uk

To whom it may concern,

RE: RESPONSE TO PUBLICATION BUILDING A BETTER FUTURE DRAFT PLAN REGULATION 19 CONSULTATION ON BEHALF OF TARMAC TRADING LTD

This letter of representation has been prepared in response to the Havant Borough Council 'Publication Building a Better Future Plan Consultation', on behalf of Tarmac Trading Ltd ('Tarmac').

Tarmac is one of the UK's leading sustainable building materials companies with innovative products, solutions and services that not only deliver the infrastructure needed to grow the UK economy but also enable a more sustainable built environment for the country's long-term future.

Tarmac's Land Interest

Within the jurisdiction of Havant Borough Council, Tarmac has land interests at Bedhampton Wharf. This is a safeguarded aggregates wharf under Policy 16 of the adopted Hampshire Minerals and Waste Local Plan 2026.

The Wharf is located in Bedhampton Quay to the south of the A27 and has been used since the 1970s for the importation, processing and onward distribution of marine aggregate. Due to the silted navigation channel in Langstone Harbour preventing viable marine-landing operations, the wharf is currently inactive.

The wharf is accessed via Harts Farm Way which borders the Site to the north. Figure 1 best shows the land under Tarmac's freehold ownership and the layout of the Site.



Figure 1 – Tarmac Freehold Ownership shown in yellow.

Draft Policy 44 (Protecting Employment Uses)

Draft Policy 44 relates to the protection of existing employment areas. The wording of the policy is as follows:

<u>Existing Employment Areas</u>
The existing employment areas (as defined on the Policies Map) will be protected for existing and new office, industrial, storage and distribution employment uses.

Proposals for the replacement or redevelopment of existing buildings and/or intensification of land for employment uses within existing employment areas will be supported.

Development proposals that would result in the loss of established employment areas (either in full or part) will be resisted.

Within the existing employment areas, proposals that would result in the loss of employment floorspace to other uses will be permitted where:

- *a) It can be demonstrated that either:*
  - *i. No reasonable offer for employment purposes has been received for sale or rent, following an active and realistic marketing exercise; or*
  - *ii. It is not financially viable to redevelop or refurbish the site for employment purposes; and*

b) *The proposed use do not undermine the function and operation of the existing employment area.*

Outside of existing employment areas
Development proposals that would result in the loss of employment outside of the existing employment areas but within the defined settlement boundary will be permitted if they are in accordance with criterion a).

Marine employment sites
Criteria a) and b) will apply to sites currently or last used for marine employment related purposes irrespective of their location.

The supporting text for Policy 44 at Paragraph 4.4.36 states that "*Marine related businesses and employment is of importance to the Borough's economy and are vulnerable to redevelopment for alternative uses. There is a concern that once lost, they cannot be replaced given their waterfront location(s). As such, the Council will expect redevelopment proposals on marine employment sites will only be acceptable where it can be demonstrated that the site is no longer viable or capable of being made viable for marine related purposes. The site will be required to be marketed in an appropriate manner, to include relevant websites and publications which are specific to that industry*"

Tarmac's Comments

Whilst Tarmac is supportive of the objective to protect and safeguard sites used for marine employment purposes, the policy in its current form does not provide sufficient flexibility for alternate or even temporary uses at sites that are currently unviable for marine employment purposes. It is possible to allow for alternative uses that can still retain long-term potential for use for marine employment.

We urge that the policy is amended to make provision for these circumstances so that temporary or alternative uses can provide interim income streams for landowners. This in term will provide investment for the long-term management, maintenance and viability of sites whilst also minimising negative perceptions of underutilised sites.

It is suggested that any temporary uses would still be required to demonstrate that they:

- Do not preclude the Site's use for marine employment purposes in future; and
- Secure long-term use of those sites; and
- Do not reduce the capacity of those sites for marine-employment purposes.

Policy SI15 of the adopted London Plan 2021 provides precedent for a similar approach, in this case, for the temporary use of safeguarded wharves.

Part E of Policy SI15 states that "*Safeguarded wharves should only be used for waterborne freight-handling use, including consolidation centres. The redevelopment of safeguarded wharves for other land uses should only be accepted if the wharf is no longer viable or capable of being made viable for waterborne freight-handling (see viability testing criteria). Temporary uses should only be allowed where they do not preclude the wharf being reused for waterborne freight-handling uses*."

Part G of Policy SI15 states that "*Development proposals on a safeguarded wharf that include the provision of a water freight use below or alongside another land use, must ensure that the water freight use is secured long-term, that the development is designed so that there are no conflicts of use and that the freight-handling capacity of the wharf is not reduced*".

The recent Royal Borough of Greenwich Regulation 19 Draft Local Plan Regulation 19 (July 2026) also proposes a similar approach. Whilst the Greenwich Draft Plan carries no statutory weight at this stage, it is a material illustration of how safeguarding objectives and flexible, temporary employment uses can be reconciled.

The proposed approach within Policy T5 of the Regulation 19 Draft Plan for Greenwich sets out the provision for more flexible uses of safeguarded wharves. Parts (b) and (c) of Policy T5 are of relevance to the proposed development, stated below (Heatons emphasis):

The impact and movement of goods and materials on the road network will be minimised by:

a. ensuring developments that generate high numbers of freight movements are located close to major transport routes;

b. the continued use of safeguarded wharves for river-based cargo handling, with alternative uses only being considered if the wharf is no longer viable or capable of being made viable for river-based cargo handling, or exceptionally, for a strategic proposal of essential benefit to London, which cannot be planned for and delivered on any other site in Greater London;

c. ensuring that temporary uses of wharves are only allowed where they do not preclude the wharves being used for freight in future, and any co-located uses on wharves ensure that freight use is secured long-term, freight capacity of the wharf is not reduced and there are no conflicts of use;

The draft policy enables the temporary uses of wharves only where they do not preclude the wharves being used for freight in future, secure long-term freight use and do not reduce the freight capacity of the wharf unless long term viability issues have been demonstrated. This does not conflict with the objectives of the adopted NPPF (2024) (Paragraph 223e) as it continues to enable the safeguarding of the wharf infrastructure

but aligns with objectives for supporting and enabling employment uses. It also aligns with Paragraph 125d which looks to promote and support the development of under-utilised land and buildings, and Paragraph 85 which states that planning policies should help create conditions in which businesses can invest, expand and adapt.

Tests of Soundness

To be found sound, draft Local Plans must be positively prepared, justified, effective and consistent with national policy.

Positively prepared

As highlighted by the Draft Local Plan (4.416), there is limited land available for new significant economic growth, thus the Council must carefully and proactively manage its portfolio of employment sites. Indeed, the objective for Policy 44 (4.422) is to "*ensure that businesses within the Borough's existing employment areas can continue to grow and flourish. In practice, this means that there should be sufficient flexibility for intensification and redevelopment for businesses within these areas".*

Through the restrictions on marine-employment sites or sites last used for Marine Employment purposes, Policy 44 currently acts against its identified objective by restricting flexible use and temporary redevelopment of these sites. In doing so, it does not provide a suitable strategy to meet the identified need to:

- ensure that businesses within the Borough's existing employment areas can continue to grow and flourish
- provide sufficient flexibility for intensification and redevelopment for businesses within these areas

The policy as currently worded therefore does not meet the tests for being 'positively prepared'.

Justified

Whilst the Policy does take into account reasonable alternatives for redevelopment where a site is no longer considered viable, it does not account for reasonable alternatives for temporary redevelopment of sites used for marine-employment purposes.

The policy as worded is therefore not considered to sufficiently meet the tests for being 'justified'.

Consistent with National Policy

By applying the policy across all redevelopment proposals and not providing opportunity for temporary use of vacant or underutilised sites previously used for marine-related businesses or employment, the Policy is not consistent with the requirements set by

Paragraph 85 of the NPPF which states that planning policies should help create conditions in which businesses can invest, expand and adapt.

Neither does it align with the criteria set by Paragraph 86 of the framework which requires planning policies to "*be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances*"

The policy as worded is therefore not sufficiently consistent with national policy requirements.

Proposed Amendments

In order for Policy 44 to provide suitable flexibility for temporary redevelopment at Sites used or last used for marine-related employment purposes, the following amendments are proposed (**underlined**):

Existing Employment Areas

The existing employment areas (as defined on the Policies Map) will be protected for existing and new office, industrial, storage and distribution employment uses.

Proposals for the replacement or redevelopment of existing buildings and/or intensification of land for employment uses within existing employment areas will be supported.

Development proposals that would result in the loss of established employment areas (either in full or part) will be resisted.

Within the existing employment areas, proposals that would result in the loss of employment floorspace to other uses will be permitted where:

a) *It can be demonstrated that either:*
    i. *No reasonable offer for employment purposes has been received for sale or rent, following an active and realistic marketing exercise; or*
    ii. *It is not financially viable to redevelop or refurbish the site for employment purposes; and*
b) *The proposed use do not undermine the function and operation of the existing employment area.*

Outside of existing employment areas

Development proposals that would result in the loss of employment outside of the existing employment areas but within the defined settlement boundary will be permitted if they are in accordance with criterion a).

Marine employment sites

Criteria a) and b) will apply to sites currently or last used for marine employment related purposes irrespective of their location.

For temporary redevelopment proposals, the impact on marine-employment sites will be minimised by:

a) ***Alternative uses will only be considered if the Site is no longer viable or capable of being made viable for its purpose;***
b) ***Temporary uses are only allowed where they do not preclude the site being used for marine-related purposes in future, any collocated uses ensure that marine-use is secured long-term, capacity of the site is not reduced, and there are no conflicts of use.***

It is also proposed that the supporting text be amended as follows:

"*Marine related businesses and employment is of importance to the Borough's economy and are vulnerable to redevelopment for alternative uses. There is a concern that once lost, they cannot be replaced given their waterfront location(s). As such, the Council will expect* ***permanent*** *redevelopment proposals on marine employment sites will only be acceptable where it can be demonstrated that the site is no longer viable or capable of being made viable for marine related purposes. The site will be required to be marketed in an appropriate manner, to include relevant websites and publications which are specific to that industry*. **For temporary redevelopment proposals, alternative uses will be considered where the site is no is no longer viable or capable of being made viable for marine related purposes and where they do not preclude or prejudice the site from/against its marine-related purpose as specified by the policy.**

Final Remarks

I trust that the above comments are helpful in the preparation of the emerging Local Plan.

Should you have any queries or require further information, please do not hesitate to contact us.

Yours sincerely,

[redacted]

Jess O'Neil

Heaton Planning Limited