Outlook

Added 18.9.26 NOTE ONLY - REVIEW FROM REP - Ref: 306380742

Regulation 19 Local Plan Consultation - Representation Response

From Save The Horsefield Group [redacted]
Date Wed 2026-09-09 12:09
To Planning Policy and Urban Design <planning.design@havant.gov.uk>

1 attachment (8 MB)
HBC Regulation 19 Consultation Response - Save the Horsefield - Final - 9Sep26.pdf;

CAUTION: This email came from outside of the council - only open links and attachments that you're expecting.

Planning Service
policy.design@havant.gov.uk

Re: Regulation 19 Local Plan Consultation

Dear Sir/Madam,

Please find attached a PDF copy of a Representation Report in response to the Regulation 19 public consultation for the Local Plan, *Building a Better Future'.* The title of the report is 'Response to Havant Borough Council Regulation 19 Local Plan Consultation, Issue 1, 9 September 2026.'

We are submitting this on behalf of a group of concerned residents under the collective name of the Save The Horsefield Group. Contact details are in the report.

Our objections relate to the following sections of the Regulation 19 Local Plan:

- Policy 30: Nationally Protected Landscapes
  - We consider this section is not legally compliant and is unsound.
- Allocation 3: Land south of Havant Road (Horse's Field)
  - We consider this section is not legally compliant and is unsound.

For your convenience, we are also submitting two hard-copies of this report to the Reception at the Council's Public Service Plaza offices.

Save the Horsefield Group wishes to send nominees to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of Plan updates. As part of our participation, we request that one of our nominees be permitted to speak at the hearing.

If you have any questions about this submission then please contact us.

Your Sincerely,

John Kingdon, Andrew Caple, Anne de Poiter
(On behalf of the Save the Horsefield Group)

Response to Havant Borough Council Regulation 19 Local Plan Consultation

Issue: 1

Date: 9 September 2026

Status: Final

Prepared by: Save The Horsefield Group



1 Introduction 3
2 Executive Summary 4
3 Objections Related to Policy 30: Nationally Protected Landscapes 5
3.1 Objection 1: Policy 30 not compliant with the NPPF 5
4 Objections Related to Allocation 3 (Site EM08a) 9
4.1 Objection 2: Allocating EM08a not consistent with the NPPF 9
4.2 Objection 3: Not Justified 15
4.3 Objection 4: Failure of Legal Duty of Relevant Authority 19
4.4 Objection 5: Process Failings in respect to Allocation 3 22
4.5 Objection 6: Inadequate Sustainability Appraisal and Process 27
4.6 Objection 7: Inconsistent with other parts of the Local Plan 34
4.7 Objection 8: Impact on Ecology and Environment 36
5 Conclusion and Recommendation 39
6 Request to attend any following Local Plan Examination 39
7 Group Contact Details 39
8 Change History 40
9 Appendix A – References not in the Public Domain 41
9.1 Objection 1: Policy 30 not compliant with the NPPF 42
9.2 Objection 3: Local Plan not Justified 46
9.3 Objection 4: Failure of Legal Duty of Relevant Authority 47
9.4 Objection 5: Process Failings in respect to Allocation 3 51
9.5 Objection 6: Inadequate Sustainability Appraisal 59
9.6 Objection 8: Impact on Ecology and Environment 77

1 Introduction

The purpose of this document is to set out formal objections to Havant Borough Council's Regulation 19 Local Plan, *Building a Better Future*, as part of the statutory Regulation 19 consultation. It is written for consideration by Havant Borough Council and, if the issues raised are not addressed, for the Government Inspector who will examine the Plan.

This document has been put together by a group of concerned residents under the collective name of the Save the Horsefield Group. Contact details are at the end of this document.

The document is organised into eight individual but related objections. Each is written to be standalone, but together they present a coherent and evidence based case for essential modifications to the Plan. As an unavoidable consequence of this structure, there are some limited areas of duplication across objections.

These objections are:

- Objection 1: Policy 30: Not consistent with the NPPF
- Objection 2: Allocation 3: Not consistent with the NPPF
- Objection 3: Allocation 3: Not justified
- Objection 4: Allocation 3: Failure of Legal Duty of the Relevant Authority
- Objection 5: Allocation 3: Process failings in respect of Allocation 3
- Objection 6: Allocation 3: Inadequate Sustainability Analysis and Process
- Objection 7: Allocation 3: Inconsistent with other parts of the Local Plan
- Objection 8: Allocation 3: Impact on Ecology and Environment

The objections are against two specific Regulation 19 Local Plan sections, Allocation 3 and Policy 30, which we contend need to be amended for reasons set out in this report. Allocation 3 is listed as site EM08a in the Plan and known locally as the Horsefield.

The remainder of the Local Plan is deemed legally compliant and sound so suitable to be submitted for Local Plan Examination and we recommended that it be adopted once the requested amendments to Policy 30 and removal of Allocation 3 have been made.

Note that all objections within this document are made with reference to the National Planning Policy Framework (NPPF) published on 12 December 2024. The Local Plan is being prepared under the legacy plan-making system and is expected to be submitted for examination before the 31 December 2026 deadline. Plans submitted by that date are examined against the December 2024 NPPF, not the version issued in August 2026. All references to the NPPF below therefore relate to the December 2024 Framework.

2 Executive Summary

Serious concerns have been raised about Havant Borough Council's Regulation 19 Local Plan, particularly the proposal to allocate Site EM08a, referenced as Allocation 3, for 85 houses. This site sits entirely within the Chichester Harbour National Landscape, one of the most protected and sensitive areas in the region.

Alongside this allocation, the Council has weakened its Nationally Protected Landscapes policy, the Local Plan policy designed to safeguard National Landscapes from the wording in the Regulation 18 Local Plan. The new wording, now numbered Policy 30, appears to create a loophole allowing major development inside protected areas simply because the Council has chosen to allocate the site. This undermines the protections set out in the National Planning Policy Framework (NPPF).

Residents and organisations such as Chichester Harbour Conservancy have raised strong objections, pointing to failures in national policy compliance, legal duties, environmental protection, procedural failings and fairness in how the site was added to the Plan. Together, these issues suggest that Allocation 3 should never have been included and the Plan's approach to protected landscapes needs urgent correction.

National planning policy has been weakened. The Council has changed Policy 30 so major development in the National Landscape could be allowed simply because it is allocated in the Plan. This removes the strict national tests that normally protect places like Chichester Harbour National Landscape.

Allocation 3 should not be in the Plan. Development in Allocation 3 would cause unmitigable harm and would fail the requirements of NPPF paragraphs 187–189. There is also no evidence that it would pass the exceptional circumstances test of NPPF paragraph 190 at the application stage.

Legal duties have not been met. Councils must actively protect National Landscapes. There is no evidence this duty was considered, for example, Chichester Harbour Conservancy was not consulted, it was simply notified when it was too late to comment at the plan making stage.

The process was flawed. The site was shown as "discounted" in public documents while officers were preparing it for allocation. Neighbours were not notified, and key organisations and the Council's own members only learned of the proposal days before publication. The Sustainability Appraisal followed the decision that was meant to be informed by it.

Environmental and wildlife impacts are severe. The site lies next to land used by internationally protected Brent Geese and Curlew. Long-term data shows heavy use, yet no proper assessment of displacement or harm has been carried out.

The Plan contradicts itself. The Council's own strategy says greenfield development should avoid harming National Landscapes. Allocation 3 does not meet this requirement.

The evidence shows that Allocation 3 is not justified, not legally compliant and not environmentally sound. We contend it should be removed from the Local Plan, and that Policy 30 should be restored to its Regulation 18 Local Plan wording to match national policy and properly protect the Chichester Harbour National Landscape.

3 Objections Related to Policy 30: Nationally Protected Landscapes

This section is for objections and recommended corrective actions related to Policy 30: Nationally Protected Landscapes.

3.1 Objection 1: Policy 30 not compliant with the NPPF

Executive Summary

There is a clear and substantive conflict between the National Planning Policy Framework (NPPF, December 2024) and the wording introduced by Havant Borough Council (HBC) in the Regulation 19 version of Policy 30: Nationally Protected Landscapes. By inserting the phrase *"where allocated within this Local Plan or"*, the Council has created a locally invented exemption that allows major development within a National Landscape to proceed without demonstrating exceptional circumstances or public interest at both the plan-making and decision taking stages. This wording bypasses the mandatory national tests placing Policy 30 in direct and explicit contravention of the NPPF.

Basis for this objection

Paragraph 187 of the NPPF [1] states that policies should contribute to and enhance the natural and local environment and sets out six criteria against which policies and decisions should accord. Paragraph 188 deals with plan making noting that plans should *'allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach …. and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries'.* This need to plan strategically and consider at a 'landscape scale' is one of the reasons National Landscapes are afforded the highest level of protection (paragraph 189) and **great weight** must be given to conserving and enhancing landscape and scenic beauty, and the scale and extent of development should be limited.

Paragraph 190 of the NPPF addresses how decision taking within Nationally Protected Landscapes should be managed, noting that major development, at the application stage, should be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest.

These paragraphs are important to the formulation of Policy 30, the policy for Nationally Protected Landscapes within the emerging Local Plan.

The policy within the Havant Borough Council's Regulation 18 draft Local Plan [2] reflected this position, stating that "major development within the Chichester Harbour National Landscape would be refused … other than in exceptional circumstances." This policy wording was supported by many residents during the Regulation 18 consultation.

However, in the Regulation 19 Local Plan [3], the wording of this policy (now numbered Policy 30) has been revised to "*Major development will not be permitted within the 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"** does not appear in NPPF Paragraphs 187-190.

Justification for Objection

By amending the Nationally Protected Landscapes policy from the Regulation 18 draft to the new wording — *"Major development will not be permitted within the 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" (amendment underlined)*, the Council has effectively removed the requirement to apply the exceptional-circumstances and public-interest tests to any major development within the National Landscape already allocated in the Plan.

The Council's EIR response [4] confirms that this clause was introduced as a consequence of the inclusion of Allocation 3, creating a deliberate carve-out that exempts the site from the NPPF paragraph 190 tests. No satisfactory explanation has been provided for this amendment other than its practical effect: ensuring that Allocation 3 would never need to demonstrate exceptional circumstances or public interest, despite lying wholly within the National Landscape. In Council's written answers [4], they state that NPPF paragraph 190 criterion (c) "can only be assessed at an application stage", yet Policy 30 as drafted exempts allocated sites from the exceptional-circumstances and public interest tests at the application stage. A strategy with that structure is not an appropriate strategy for major development in a National Landscape.

This revised Policy 30 wording is not compliant with the NPPF Paragraph 188, which states that *"allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries".* The proposed allocations within the emerging Local Plan which fall within the National Landscape cannot be presumed to be on land which has least environmental and amenity value. Indeed, it is evident from the Council's own evidence set out within their Sustainability Appraisal that proposed Allocation 3 (SHELAA ref: EM08a) [5] in fact will have a negative impact.

It is therefore illogical for a policy, which seeks to restrict development in Nationally Protected Landscapes, to incorporate an exception to this policy restraint which is not included within the NPPF. This is further emphasised at NPPF Paragraph 190 which states that '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. National policy sets a set of circumstances in which major development may proceed, and decision-makers cannot create additional exceptions through local policy. By inserting an allocation-based exemption, Policy 30 departs from national policy by effectively lowering the protection afforded to the Chichester Harbour National Landscape by national policy.

In addition, Paragraph 11(b)(i) and footnote 7 of the NPPF make clear that strategic policies (for example the allocation of large-scale development) should provide for

objectively assessed needs for housing unless the application of policies within the Framework, such as paragraphs 187-190, provide a strong reason for restricting development. The Council's own evidence in respect of proposed Allocation 3 is clear that there will be a negative impact on the National Landscape and as such this directs the Council to restrict development. Therefore, the wording of Policy 30 is **unsound under the tests of consistency and justification** because the NPPF does not allow a Local Plan allocation to circumvent the exceptional-circumstances and public interest tests.

Planning Practice Guidance [6] is clear that policies within a Local Plan should be consistent with national policy. The Council cannot rewrite national planning policy through local drafting. If it could, it would set a national precedent directly contrary to Government Policy, which gives National Landscapes the highest level of protection, and contrary to the statutory duty in section 85 of the Countryside and Rights of Way Act 2000, as amended by section 245 of the Levelling-up and Regeneration Act 2023 [7], requiring authorities to further the purposes of National Landscapes.

Paragraph 190 is only engaged at application stage, however, as mentioned above, paragraph 188 requires allocations to be on land with least environmental or amenity value; and paragraph 189 advises that the scale and extent of development should be limited. Therefore, Allocation 3 does not meet paragraphs 188 and 189 and in turn cannot be concluded to satisfy paragraph 187. Leading from this, the allocation should not be included as an 'exclusion' within Policy 30 to avoid engagement of paragraph 190.

The National Landscapes Association [8] further advises that whilst Paragraph 190 specifically refers to planning applications, it has also been considered relevant by Local Plan Inspectors to allocations within Local Plans. They refer to legal advice to the South Downs National Park Authority by Landmark Chambers which concluded that "*it would arguably amount to an error of law to fail to consider paragraph 190 at the site allocations stage of plan making...The consequence of so doing would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF*." It is considered illogical for the Council to include Allocation 3, a major development in the Chichester Harbour National Landscape by the mechanism of a non-compliant and unsound Policy 30, without assessing against the principles of paragraph 190 at the allocation stage.

In summary, the wording of Policy 30 is fundamentally flawed. It departs from established NPPF wording and conflicts with the strengthened statutory duty under the CRoW Act. As it is inconsistent with national policy and contrary to a legal requirement, **the Plan is both not legally compliant and unsound, failing in particular the soundness test of consistency with national policy.**

Modification Sought

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.

Save the Horsefield Group requests to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of this allocation and policy wording change.

References

[1] National Planning Policy Framework, 12 December 2024

[2] Draft *Building a Better Future* Plan, Regulation 18, May 2025, Policy 29: Designated Landscapes

[3] Pre-Submission *Building a Better Future* Plan, Regulation 19, July 2026, Policy 30: Nationally Protected Landscapes

[4] E-mail - David Hayward to John Kingdon, 14 August 2026 – see Appendix A

[5] Havant Borough Council SHELAA, June 2026, site EM08a

[6] Planning Practise Guidance – Government Website

[7] Countryside and Rights of Way Act 2000, section 85, as amended by section 245 of the Levelling-up and Regeneration Act 2023

[8] National Landscapes Association Briefing Paper May 2026 - Planning for Housing in National Landscapes (AONB) in England

4 Objections Related to Allocation 3 (Site EM08a)

This section is for objections and recommended corrective actions related to the development site Allocation 3 (EM08a).

4.1 Objection 2: Allocating EM08a not consistent with the NPPF

Executive Summary

The allocation of Site EM08a is fundamentally inconsistent with national planning policy and therefore unsound, as the Council has allocated major development wholly within the Chichester Harbour National Landscape despite its own evidence repeatedly finding the site unsuitable and acknowledging that “the site lies within the Chichester Harbour AONB” and that “it is not possible to mitigate for the loss of ‘openness’” (SA Report, Appendix D & E). The NPPF requires allocations to be on land of least environmental value and demands great weight be given to conserving landscape and scenic beauty, yet Allocation 3 would cause unmitigable harm and fails paragraphs 187–189. The Council’s late reversal of its SHELAA conclusions, reliance on a developer submission, and insertion of wording in Policy 30 that exempts allocated sites from the exceptional circumstances test circumvents paragraph 190 entirely. Combined with inadequate sustainability appraisal, unassessed wastewater constraints, and ineffective housing delivery, the allocation is neither positively prepared nor justified, and Policy 30 is non-compliant with the NPPF, rendering the Local Plan unsound.

Basis for this Objection

Paragraphs 187–190 of the NPPF [1] advise that plans should allocate land with the least environmental or amenity value and give National Landscapes the highest level of protection: **great weight** must be given to conserving and enhancing landscape and scenic beauty, and major development should be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest.

The site, currently designated as EM08a, has been put forward by the owner for development during previous Local Plan consultation rounds. The site has always been discounted by the Council as it is wholly within the Chichester Harbour National Landscape with the Council acknowledging the negative impact of development on this site to the protected landscape. During the Regulation 18 Local Plan exhibitions Council Officers assured residents that EM08a (locally known as the Horsefield) would not be allocated for development as it is in the National Landscape. A fact that remains unchanged.

However, in the Regulation 19 Pre-submission Local Plan [2], site EM08a has been included as Allocation 3, for the development of 85 dwellings. The decision to include this site was made late in the plan preparation stage after the conclusion of the Regulation 18 process and without clear justification within the Sustainability Appraisal or consultation.

Justification for Objection – Landscape Value

Paragraph 187 - 189 of the NPPF states that policies should contribute to and enhance the natural and local environment and sets out six criteria against which policies and decisions should accord inter alia:

a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

In this case, the National Landscape is afforded the highest protection and as such as per paragraph 188 plans should *'allocate land with the* ***least environmental or amenity value****, where consistent with other policies in this Framework; take a strategic approach ….and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries'.* By its very nature, National Landscape is of the highest environmental and amenity value. The Council has failed to prepare and publish a Landscape Sensitivity Study to assess the landscape sensitivity to change and magnitude of change, in accordance with GLVIA3 Guidelines for Landscape and Visual Impact Assessment, Third Edition, (red book edition) [3].

Paragraph 189 of the NPPF requires **great weight** to be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which hold the highest level of protection. A major development of 85 dwellings cannot, by its very nature, conserve or enhance the National Landscape; mitigation can only seek to reduce, not remove, the harm. Moreover, given the gradient and open character of the site, the Council cannot guarantee that the scale of development will be limited; sensitively located or designed to avoid or minimise adverse impacts and reliance on the application assessment stage is a flawed approach to protection of a National Landscape.

The fundamental failure by the Council to prepare and publish a Landscape Sensitivity Study undermines the statutory purpose of the National Landscapes designation whose distinctive character and natural beauty are so outstanding that it is the nation's interest to safeguard them.

Whilst the designation itself does not preclude development, the starting point for allocation must be justified having regard to the highest level of protection afforded to the landscape. If an allocation cannot be justified (as in this case) then an application will fail to comply with the decision-making principles established at Paragraph 190 of the NPPF which states that major development is permissible only in exceptional circumstances and where the public interest tests are met.

Although paragraph 190 of the NPPF refers to planning applications, it can be argued that it is logical and indeed sensible to consider the principles when proposing a major development allocation in a National Landscape. The consequences of not doing so would be to risk allocating land for major development that would be undeliverable because it was incapable of meeting the major development test in the NPPF when considered at application. By the Council allocating a major development in the Chichester Harbour National Landscape without more than a superficial consideration of the impact on the landscape and relying almost entirely on the developer's submission, demonstrates that the Plan is not in compliance with paragraphs 187 to 189 of the NPPF and is therefore unsound.

Justification for Objection – Site suitability

Until the June SHELAA, June 2026, [4] the Council appeared to recognise the **great weight** to be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which hold the highest level of protection. The SHLAA 2011 and the SHELAA documents until June 2026 concluded that site EM08a was unsuitable due to the harm that would be caused to the National Landscape with the Council repeatedly discounting the site. This only changed following the developer's submission in late 2025. Nothing has changed regarding the landscape quality or importance of the site, only the developer's submission, which the Council almost totally relied on with Policy 30 and Allocation 3.

We contend that the inclusion of Allocation 3 is not consistent with National Planning Policy as the major development would not conserve or enhance the national landscape but would instead cause unmitigable harm. Allocating land for 85 dwellings would indicate that "great weight" has not been applied to the protection of the Chichester Harbour National Landscape by the Council. Bypassing their own evidence base and suitability assessments conducted over many years simply to introduce Allocation 3 **invalidates the justification for the allocation and is unsound.**

Justification for Objection - Non-Compliance with the NPPF

NPPF paragraph 11b in respect of plan-making states:

"strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas6, unless:

i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area[7]; or*

ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 confirms that National Landscapes are a protected area for the purposes of this statement.

In preparing the Local Plan, the Council has failed to undertake this initial assessment as per paragraph 11(b)(ii) which one would have expected to see within the published evidence bases. The absence of a Landscape Sensitivity Study undermines the council's position to put forward an allocation within the Landscape. The Council has therefore prioritised the need to meet a housing land supply position, at all costs, rather than assessing the intrinsic quality of their landscape. In this regard, the proposed allocation of Allocation 3 (EM08a) is not justified and inconsistent with the NPPF.

Justification for Objection - Reliance on flawed Policy 30 wording

Policy 30: Protected Landscape of the Local Plan states that *"Major development will not be permitted within Chichester Harbour National Landscape, other than **where allocated within this Local Plan or*** (our underlining) *where it can be demonstrated that there are exceptional circumstances and the development is in the public interest."* This wording implies that the NPPF's exceptional circumstances test does not apply to sites already allocated in the Local Plan.

The proposed allocations within the emerging local plan which fall within the National Landscape cannot be presumed to be on land which has least environmental and amenity value (as per paragraph 188). Indeed, it is evident from the Council's own evidence set out within their Sustainability Appraisal that proposed Allocation 3 (SHELAA ref: EM08a) in fact will have a negative impact.

It is, therefore, illogical for a policy, which seeks to restrict development from Nationally Protected Landscapes, to incorporate an exception to this policy restraint which is not included within the NPPF. This is further emphasised at NPPF Paragraph 190.

The additional words underlined above have the effect of circumventing national planning policy regarding Protected Landscapes. This flawed wording has enabled the inclusion of Allocation 3 (EM08a). **Policy 30 is non-compliant with the NPPF and unsound** and therefore cannot be used to enable the allocation of site EM08a for major development.

Justification for Objection - Inability to mitigate impacts to the National Landscape

As accepted by the Council, Allocation 3 (EM08a) is wholly within the Chichester Harbour National Landscape. Major development on the site will cause disturbance and harm to land to the south and west of the site, which are important for protected bird species and are SINCs with adjacent SPAs and SACs, which the Council's own evidence base gives no basis for concluding can be adequately mitigated or compensated. The Council's Sustainability Appraisal scores the site Negative on the Sense of Place objective, recording that "the site lies within the Chichester Harbour

AONB. The erosion of rural character, through the loss of open farmland will be felt locally" (SA Report, Appendix D, SA8); and Appendix E concedes that "*it is not possible to mitigate for the loss of 'openness*". **Therefore, allocation of this site runs counter to the policies of the NPPF** that great weight attaches to conserving and enhancing landscape and scenic beauty in a National Landscape.

Justification for Objection - Ineffective Housing Delivery and Constraints

The Council argue that housing must be built on site EM08a due to the shortfall against the housing target in the Borough. The SHELAA phasing baseline data reveals that the Council does not anticipate the majority of the site (55 of the 85 houses to be delivered until beyond 10 years from plan adoption).

- Years 6 to 10: 30 dwellings
- Years 11 plus: 55 dwellings

Therefore, inclusion of Allocation 3 in the Local Plan is ineffective in resolving the housing target housing compared to, say, agreeing housing target sharing with neighbouring Boroughs or increasing density on other allocated sites.

In addition, development in Emsworth drains to Thornham Wastewater Treatment Works, discharging to Chichester Harbour. The Council's own evidence (recorded in the HRA at 6.33) [6] is that new development proposing to connect to Thornham "should be considered on a case-by-case basis" having regard to location, size and property type. No such assessment exists for Allocation 3. Southern Water's detailed review of proposed allocations, made in response to the Regulation 18 consultation, could not and did not consider a site added some ten months after that consultation closed. There is, therefore, no waste-water capacity evidence specific to this allocation at all. The absence of an assessment of the site allocation by Southern Water significantly undermines the credibility of the Council's evidence base regarding whether the site is developable and deliverable.

Therefore, Allocation 3 is unsound as the evidence is not Positively Prepared and Effective.

Overall Conclusion

Allocation 3 (EM08a) is not legally compliant and is unsound as it relies on a non-compliant Policy 30, the wording of which attempts to circumvent the requirement for exceptional circumstances and public interest tests to be carried out. This constrained site is not effective as it cannot deliver housing within 5 years and therefore the allocation is unsound. The SA identifies negative impact on National Landscape; the HRA identifies individual and cumulative impact on SAC/SPA.

Modification Requested

We request the removal of Allocation 3 from the Local Plan.

Save the Horsefield Group requests to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of this allocation and policy wording change.

References

[1] National Planning Policy Framework, 12 December 2024

[2] Pre-Submission *Building a Better Future* Plan, Regulation 19, July 2026, Policy 30: Nationally Protected Landscapes

[3] GLVIA3 Guidelines for Landscape and Visual Impact Assessment, Third Edition, (red book edition).

[4] SHELAA June 2026

[5] Sustainability Appraisal Report (evidence base RA02)

[6] Building a Better Future Local Plan Habitats Regulations Assessment, July 2026 (evidence base RA03) - HBC Local Plan website evidence base

4.2 Objection 3: Not Justified

Executive Summary

The objection argues that Allocation 3 is not an appropriate or justified component of the Plan because it conflicts with Policy 1(f), entails acknowledged unmitigable harm to a National Landscape, lacks the necessary site-specific landscape evidence, was introduced without proper consideration of reasonable alternatives, makes only a limited and delayed contribution to housing supply and was introduced despite previously being discounted, without a clear explanation. Consequently, we contend that Allocation 3 is not justified and the Plan **fails the NPPF paragraph 36(b) soundness test**.

Basis of Objection

The Plan, in so far as it includes Allocation 3, fails the definition of justification as per NPPF para 36 (b) soundness test [1]; the allocation contradicts the Plan's own strategy (Policy 1(f)); reasonable alternatives were never assessed after the February 2026 SHELAA discounted the site; and the evidence base amounts to the promoter's own submission verified by a two-line email, with the Sustainability Appraisal published the day before Full Council on 15 July 2026.

Justification of Objection – Inconsistent with Council's development strategy

The Council's development strategy, Policy 1 (Development Strategy) [2], commits at criterion (f), under the heading "Protecting our most special environments", to: "Development only where it has no unacceptable impacts on international, national or local ecological designations, or National Landscape designations". The chosen strategy option in the Sustainability Appraisal (Strategy Option 2) [3] is in the same terms. Allocation 3 will not enhance the National Landscape but is a proposed major development within it.

Justification of Objection – Inconsistent with Sustainability Appraisal

The Council's own Sustainability Appraisal records that Allocation 3 has a negative effect on the landscape objective (SA8, Appendix D) [4] and concedes in Appendix E that "It is not possible to mitigate for the loss of 'openness'". On the Council's own appraisal, the allocation causes a permanent, unmitigable harm to a National Landscape.

Nowhere in the Plan or its evidence base is a reasoned conclusion recorded that this impact is acceptable. Asked directly where that conclusion is recorded (Council's written answers,14 August 2026, Q4 [5] the Council could point only to information submitted by the site promoter, "verified and agreed by the Council's Landscape Officer". An allocation whose harm the Council's own appraisal describes as impossible to mitigate cannot rationally be found to have "no unacceptable impacts" on a National Landscape designation, and no such finding exists.

The Council has not undertaken a landscape and visual sensitivity or capacity study as advised in the Planning Practice Guidance, Natural Environment [6], to assess the sensitivity of Allocation 3 and the scale of development that is being considered for Allocation 3. Allocation 3 has simply been the subject of an internal review by the Council's Landscape Officer resulting in a brief two-line email addressed to the

Principal Planning Officer. The National Landscapes Association: The Planning for Housing in National Landscapes in England Briefing Paper (May 2026) [7] states "that it is critical that these studies are completed prior to allocation, to inform the allocation process, not post allocation. These studies should:

a) Form part of the Local Plan's Evidence base;
b) Accord sites in National Landscapes the highest value in the assessment process to reflect their national designation status and the provisions of para 189 of the NPPF;
c) Be informed by the specific characteristics of the natural beauty of the area as described in the statutory Management Plan for the National Landscape;
d) Be used to assess whether the principle of development of the site is appropriate, in terms of impacts on the specific natural beauty of the National Landscape;
e) Be undertaken on a site-specific basis rather than as part of a broad-brush sensitivity assessment covering a wider area and assess the sensitivity of these sites to types and scales of development being considered;
f) Consider both the landscape and the visual sensitivity of the sites, again with reference to the Management Plan;
g) Be used to inform the amount, location and nature of development, and extent of site coverage, that may be appropriate - for clarity, this should then be incorporated into any policy allocating the site for development;
h) Identify any mitigation measures, such as landscape buffers and building height parameters, or any other site-specific issues, that might make development of the site acceptable in terms of impact on the specific natural beauty of the National Landscape; again, these should then be incorporated into any policy allocating the site for development; and
i) Ensure any mitigation measures themselves would not harm the specific natural beauty of the National Landscape, e.g. would not introduce uncharacteristic landscape features in the locality. Also, in recognising the holistic nature of natural beauty, it should be noted that mitigation measures will not always be sufficient to overcome harms to the National Landscape."

The Council has clearly failed to undertake a Landscape and Visual Sensitivity or Capacity Study as advised in National Planning Policy Guidance.

The Council's written answers [8] state that NPPF paragraph 190 criterion (c) "can only be assessed at an application stage" - yet Policy 30 as drafted exempts allocated sites from the exceptional-circumstances test at application stage. Each stage defers the paragraph 190 assessment to the other, with the result that, on the Council's own account, the test is never applied to this site at all. A strategy with that structure is not an appropriate strategy for major development in a National Landscape. Paragraph 190 is only engaged at application stage, however, as mentioned elsewhere in this report paragraph 188 requires allocations to be on land with least environmental or amenity value; and paragraph 189 advises that the scale and extent of development should be limited.

Therefore, Allocation 3 does not meet paragraphs 188 and 189 and in turn cannot be concluded to satisfy paragraph 187. Leading from this, the allocation should not be included as an 'exclusion' within Policy 30 to avoid engagement of paragraph 190.

The National Landscapes Association [7] further advises that whilst Paragraph 190 specifically refers to planning applications, it has also been considered relevant by Local Plan Inspectors to allocations within Local Plans. This references legal advice to the South Downs National Park Authority by Landmark Chambers which concluded that "*it would arguably amount to an error of law to fail to consider paragraph 190 at the site allocations stage of plan making...The consequence of so doing would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF."* It is considered illogical for the Council to include Allocation 3, a major development in the Chichester Harbour National Landscape by the mechanism of a non-compliant and unsound Policy 30, without applying the principles of paragraph 190 at the allocation stage.

Paragraph 189 of the NPPF gives **great weight** to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection; paragraph 190 requires refusal of major development other than in exceptional circumstances; and paragraph 11(b)(i) with footnote 7 directs Councils to meet their objectively assessed needs for housing unless policies in the Framework, such as paragraphs 187-189 relating to protected areas, provide a strong reason for restricting development. A strategy whose only National Landscape allocation carries a conceded unmitigable harm is not an appropriate strategy against that national policy background.

Internally, therefore, the Plan says one thing and does another: Policy 1(f) promises development only where there is no unacceptable impact on National Landscape designations, while Allocation 3 delivers a conceded unmitigable one. **This inconsistency means the strategy is not justified.**

Justification of Objection – Failure to meet Housing Delivery shortfall

The allocation makes no material difference to the housing position said to justify it. The Plan concedes a significant shortfall of dwellings over the plan period (paragraph 2.108) against the supply listed in the Plan. Allocation 3's 85 dwellings are roughly one per cent of supply and under two per cent of the unbuffered five-year requirement. The Sustainability Appraisal itself concedes (paragraphs 3.8–3.10) that no option meets need in full. Housing need at that scale of contribution cannot justify the Plan's only allocation carrying a conceded unmitigable harm to a National Landscape, when, on the Council's own phasing, the allocation would in any event deliver nothing in the first five years of the plan (SHELAA June 2026 (HS05) [9], Appendix 4: 30 dwellings in years 6-10, 55 in years 11 and beyond) and the discounted windfall allowance alone is a margin many times its size.

Regarding deliverability, on the Council's own evidence, the allocation is not deliverable within the first five years. The SHELAA (June 2026, HS05, Appendix 4) phases Allocation 3 at 30 dwellings in years 6-10 and 55 dwellings in years 11 and beyond: not one dwelling in years 0-5. On the SHELAA's own definitions (paragraphs 3.40-3.41, reflecting national policy), the site is at best “developable”, not “deliverable”, and can contribute nothing to the five-year housing land supply. An allocation defended by reference to acute housing need, which the Council's own evidence phases to deliver nothing for at least five years and most of its homes only after year eleven, cannot draw justification from that need.

The Plan claims (paragraph 2.108) that the Council has “left no stone unturned in identifying sites”, resting principally on the SHELAA. The SHELAA is the very document which discounted this site in February 2026 [10] and in previous iterations of the document. The Plan's own claimed evidential standard is contradicted by the treatment of this allocation.

We have also seen no evidence of alternatives sites assessment being carried as required by the NPPF.

For the reasons above, the Plan as it includes Allocation 3 is not an appropriate strategy, does not take reasonable alternatives into account, and is not based on proportionate evidence. It is therefore **not justified and fails the soundness test in NPPF paragraph 36.**

Modification sought

Delete Allocation 3 (Land south of Havant Road (Horse's Field)) and make consequential changes and deletion of the words “where allocated within this Local Plan or” from Policy 30 (sought separately).

Save the Horsefield Group requests to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council’s evidence and to assist the Inspector on matters of local knowledge and the chronology of this allocation.

References

[1] National Planning Policy Framework, December 2024

[2] HBC Local Plan Development Strategy

[3] HBC Local Plan Sustainability Appraisal Option 2

[4] HBC Local Plan Sustainability Appraisal Appendix D and E

[5] Email - David Hayward to John Kingdon, 14 August 2026 – see Appendix

[6] Planning Practise Guidance, Natural Environment, Paragraph: 037 Reference ID: 8-037-20190721 https://www.gov.uk/guidance/natural-environment

[7] National Landscapes Association Briefing Paper May 2026 - Planning for Housing in national Landscapes (AONB) in England

[8] Email - David Hayward to John Kingdon, 14 August 2026 – see Appendix

[9] HBC Local Plan SHELAA, June 2026

[10] HBC Local Plan SHELAA, February 2026

4.3 Objection 4: Failure of Legal Duty of Relevant Authority

Executive Summary

Section 85 of the Countryside and Rights of Way Act 2000, as amended, places an active legal duty on the Council to seek to further the purposes of the Chichester Harbour National Landscape. The Council has produced no evidence, despite information requests, of how that duty was discharged when Allocation 3 was added to the Plan, and Chichester Harbour Conservancy, the body responsible for the National Landscape, was not engaged until after the site was included. The Plan is therefore not legally compliant and is unsound.

Basis for Objection

The Regulation 19 Local Plan [1] includes a major development site allocation (Allocation 3, site EM08a) that is fully situated within the Chichester Harbour National Landscape. This site has been discounted in all previous Local Plan versions, including the Regulation 18 draft Local Plan in 2025 [2], due to being within the National Landscape. This decision to include this site within the Regulation 19 Local Plan was made late in the plan preparation stage in May 2026.

Justification for Objection

Allocation 3 (EM08a), a major development within the Chichester Harbour National Landscape, is contrary to Section 85 of the Countryside and Rights of Way Act 2000, as amended by section 245 of the Levelling-up and Regeneration Act 2023 [3]. That section places a legal duty on relevant authorities, including the Council, to “seek to further” the statutory purpose of conserving and enhancing the natural beauty of the National Landscape. The Council acknowledges this duty in Policy 30: Nationally Protected Landscapes, footnote 88 in the Regulation 19 Local Plan.

The Government guidance on Protected Landscapes duty, 16 December 2024 [4], details what relevant authorities should consider. Furthermore, relevant authorities are expected to be able to demonstrate that they have fulfilled the duty, and how compliance with the duty has been embedded in the plan-making and decision-making process, including the preparation of Development Plans and associated assessments and documents. The guidance makes clear that this is an active, not passive, duty: authorities must take appropriate, reasonable and proportionate steps to identify and pursue measures that further the statutory purposes; must, so far as reasonably practicable, avoid harm and contribute to conserving and enhancing the natural beauty, special qualities and key characteristics of Protected Landscapes; and, in both development plan-making and development management affecting a Protected Landscape, must actively seek to further its purposes.

The Council has not demonstrated how it discharged its statutory Protected Landscapes duty when deciding to include Allocation 3 (EM08a) in the Regulation 19 Local Plan at such a late stage. A major development of 85 dwellings within the Chichester Harbour National Landscape would cause significant, unmitigable harm and is fundamentally at odds with the primary statutory purpose of the designation. The Council is under a legal obligation to seek to further those purposes, yet no evidence has been provided, despite information requests, showing how this duty was considered or fulfilled in relation to this allocation.

An example of a failure in duty is not engaging with Chichester Harbour Conservancy, the body responsible for the National Landscape's Management Plan, during the site's selection process. The Conservancy only became aware of site EM08a allocation within their National Landscape on 15 June 2026 so had no opportunity to comment during the formative stage of the Regulation 19 Local Plan. It is our understanding that the Conservancy are to strongly object to the site allocation in their consultation response.

Note that the Council, acting through Officer delegation on 13 July 2026, decided not to adopt the Chichester Harbour National Landscape Management Plan 2025–2030 [5]. The Management Plan sets out development constraints within the National Landscape that mirror the protections in the NPPF. This delegated decision [6] was taken just two days before Full Council met on 15 July 2026 to approve the Local Plan for public consultation. During that meeting, Lead Councillors relied on the delegated decision to discount the relevance of the Management Plan [7], using it to undermine the deputation from the Director of Conservation at Chichester Harbour Conservancy, who opposed the inclusion of Allocation 3.

It is important to note that, although the Council had decided not to adopt the Chichester Harbour National Landscape Management Plan 2025–2030, the document continued to appear in the Local Plan Evidence Base throughout the Regulation 19 consultation. Its inclusion gave the public the misleading impression that the Council was still relying on, and adhering to, the policy principles set out in that Management Plan.

As compliance with the statutory duty has not been demonstrated in the process to allocate site EM08a for development then this a clear breach of the legal duty under the CRoW Act (as amended) and **makes the Local Plan not legally compliant and unsound.**

Modification sought

Delete Allocation 3 (Land south of Havant Road, site EM08a) from the Local Plan, with consequential changes.

Save the Horsefield Group requests to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of this allocation.

References

[1] Pre-Submission Building a Better Future Plan, Regulation 19, July 2026

[2] Draft Building a Better Future Plan, Regulation 18, May 2025

[3] Countryside and Rights of Way Act 2000, section 85, as amended by section 245 of the Levelling-up and Regeneration Act 2023

[4] Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes, 16 December 2024

[5] Chichester Harbour National Landscape Management Plan 2025-2030

[6] Delegated Officer Decision to not adopt the Chichester Harbour National Landscape Management Plan - see Appendix A

[7] Transcript of Councillor Harris's statement about the CHNL Management Plan, 15 July 2026, Full Council Meeting - see Appendix A

[8] EIR Response – Chichester Harbour Conservancy,

4.4 Objection 5: Process Failings in respect to Allocation 3

Executive Summary

Site EM08a entered the Plan without any formative Regulation 18 consultation: the published SHELAA (February 2026) told the public the site was discounted while officers worked to bring it forward; neighbouring properties were never notified, contrary to the Council's own Statement of Community Involvement; no site-specific consideration by Members took place before 23 June 2026 when the Cabinet papers were published, the Sustainability Appraisal was updated following the decision that was meant to be informed by it; and Chichester Harbour Conservancy first learned of the allocation on 15 June 2026. The inclusion of Allocation 3 is therefore not legally compliant (section 19(3) of the Planning and Compulsory Purchase Act 2004 and common-law fair consultation) and unsound.

Basis of Objection

There are several concerns regarding procedural failures in the decision-making process leading to the inclusion of Allocation 3 (EM08a) in the Regulation 19 Local Plan [1]. These concerns relate to the **lack of proper scrutiny, consideration at the Full Council meeting of 15 July 2026 and consultation with key stakeholders and the wider public.**

These concerns stem from the late introduction of Allocation 3 during the plan-preparation stage and the sequence of decisions through which the site was added, raising serious questions about the transparency of engagement and scrutiny.

The process by which EM08a entered the Plan is, therefore, itself a matter of legitimate concern.

Justification for Objection – Consultation with Members and Consideration at Full Council

Correspondence with the Council confirms that Allocation 3 was first made public on **23 June 2026** for the Cabinet meeting on **1 July 2026**. As of 4 September 2026, the Minutes of the 1 July meeting were still not published on the Council's website. Any interested party wishing to understand Members' views on the debate therefore had no access to this information.

The addition of Allocation 3 was not considered by Members at the Cabinet Liaison Panel meetings of **5 June** or **17 June 2026**. The minutes of the **5 June 2026** meeting [2] contain no reference to Allocation 3. The Council has further confirmed in writing that the draft minutes of the **17 June 2026** meeting likewise contain *"no reference to the Horses Field Site (or its SHELAA or Local Plan reference)"* [3].

The Council has also confirmed that Cabinet Liaison Panel meetings are not held in public. As a result, **no specific consideration of Allocation 3 by Members took place in public at any point before 23 June 2026**. Given the history and context of Allocation, Council Officers should have ensured that Members were given a full and adequate opportunity to scrutinise the suitability of the proposed allocation. This did not occur.

Havant Borough Council held a Full Council meeting on 15 July 2026 to approve the Regulation 19 Local Plan for public consultation. Prior to the meeting, concerned

constituents alerted councillors to potential issues of **legal compliance** relating to the wording of Policy 30 and the proposed allocation of EM08a, with the same reasoning set out in this report. These constituents had discovered the Regulation 19 Local Plan incidentally, before the public consultation, within the Cabinet papers.

A significant number of councillors were unaware of the late changes and agreed that the concerns warranted consideration. A motion was therefore tabled at the Full Council meeting [4] to return the Plan to Cabinet so that Policy 30 could be amended and EM08a removed. The arguments proved sufficiently persuasive that half of all councillors voted in favour; the motion was defeated only by the Mayor's casting vote.

This outcome followed strong assertions from a Lead Councillor that no modifications could be made because there was insufficient time to amend and re-approve the Plan before the 31 December 2026 submission deadline [5]. There was also a statement made that this was not the time to raise amendments but at the Inspector stage [6]. These arguments were unrelated to the merits of the proposed amendments. The Lead Councillor for the Local Plan further stated that no change would be made even if the matter were referred back to Cabinet as all the arguments had been heard already so "*nothing will change apart from us putting the whole local plan at peril"* [7]. At no point did a Council Solicitor intervene to correct any statements made.

These statements were misleading. Not meeting a deadline is not grounds for submitting a legally deficient plan. The decision to adopt the Regulation 19 Plan *as drafted* was therefore **schedule-driven rather than landscape-led**, **rendering the Plan unsound**.

The conduct of the meeting demonstrates that councillors were led to believe that the meeting was effectively a rubber-stamp exercise, with no realistic ability to amend the Plan due to schedule. Such an approach is only defensible if Members had already been given adequate opportunity during the plan-making stage to consider late changes, which they had not.

It is also incorrect to claim that officers would not make changes following a lawful motion from Full Council. Until submission, the Local Plan remains under the authority of elected Members, who retain the statutory power to require modifications.

Furthermore, it is a dereliction of responsibility to leave Members believing that issues of legal compliance, particularly those relating to National Landscape protections, should be left to the Government Inspector rather than addressed by elected Members during plan preparation. The Inspector examines the soundness of a plan the Council has already endorsed; he does not correct avoidable procedural or legal errors arising from insufficient Member oversight.

It is reasonable to conclude that these assertions materially influenced the vote and prevented councillors from exercising their proper decision-making role. Taken together, these procedural failures mean that the inclusion of Allocation 3 (EM08a) is **not legally compliant** with the Planning and Compulsory Purchase Act 2004 and the common-law requirements of **fair consultation** (R v Brent LBC ex p Gunning; R (Moseley) v Haringey LBC [2014] UKSC 56) [8]. This is particularly significant given that the inclusion of EM08a has generated substantial representations regarding soundness and non-compliance with national planning policy and legislation.

Justification for Objection – Regulation 19 Public Consultation

The Council did not adequately consult the public and interested parties regarding the inclusion of Allocation 3 (EM08a). The site was not allocated in the Regulation 18 version of the Local Plan put to public consultation from 6 May 2025 to 1 July 2025. When questioned during Regulation 18 consultation sessions members of the public were told by Council Officers that site EM08a would not be allocated for development as it was in the Chichester Harbour National Landscape.

The first and only opportunity to make representations on this allocation is the present Regulation 19 consultation, which is confined by statute to soundness and legal compliance. There has been no formative-stage consultation on the principle of the allocation at any point.

The Council's Statement of Community Involvement (SCI) (March 2025) Table 1 pages 5 and 6 [9] commits the Council to "notify neighbouring properties on proposed Local Plan sites". EM08a became a proposed Local Plan site in late May 2026. We understand that residents of neighbouring properties of Allocation 3 (EM08a), whose properties would be affected by the allocation did not receive such notification from the Council specifically at any point [10]. This serious omission was contrary to the Council's own Statement of Community Involvement (SCI) and denied residents the opportunity to make representations at the formative stage of the Local Plan, including matters that the Council should consider. We believe this is non-compliant with section 19(3) of the Planning and Compulsory Purchase Act 2004 [11], which requires the Council in preparing a local plan to comply with its Statement of Community Involvement.

Furthermore, the SCI describes the Council's own approach as "front loading", with "engagement on the local plan ongoing until Regulation 19" (para 3.5, Figure 3.2) and engagement "throughout the various stages" (2.3). For Allocation 3 (EM08a) engagement was not carried out with neighbouring properties, while the SHELAA published at that time - the SHELAA of February 2026 [12] - told the public the site was discounted, which served to direct the public and other interested parties away from any concern about it. This was a substantial unfairness to local residents and those who value the National Landscape, as it placed these individuals at a distinct disadvantage in this process. The Localism Act 2011 [13], which the Council cites in its SCI on page 1, emphasises the importance of community involvement in the planning system, and of enabling communities to make a significant contribution towards shaping the places where they live.

The SCI's Sustainability Appraisal process diagram (Figure 3.3 page 10) says the Council will "publish a revised Sustainability Report where proposed changes to the Development Plan Document have significant sustainability effects". Adding a National Landscape site into the Local Plan at a late stage, without notifying neighbouring properties, with the Council's own Sustainability Appraisal scoring it negative on landscape is a significant change, but no reasoned revised appraisal was published.

The EIR emails [14] show the Council was actively working to bring Allocation 3 (EM08a) forward from at least 12 February 2026 - while its published SHELAA (February 2026) told the public the site was "not suitable". Residents reading the Council's published evidence base had no reason to engage on this site; the revised

SHELAA was published on 23 June 2026, the same day as the Cabinet papers. The substantive landscape judgment on which the allocation rests is a two-line internal email of 27 February 2026 (“the northern parcel would be considered acceptable”) [14], relying on the promoter's own consultants' work as evidence. Nothing was tested in public at any formative stage.

Justification for Objection – Consultation with Key Stakeholders

The Chichester Harbour Conservancy is responsible for managing the Chichester Harbour National Landscape. We have been advised by the Conservancy [15] that the inclusion of Allocation 3 (EM08a) was only brought to the attention of its Officers on 15 June 2026, by Officers of Havant Borough Council. This late addition gave them no opportunity to comment on the Regulation 19 Local Plan. The Conservancy has confirmed in its response to our request under the Environmental Information Regulations that it “has not been engaged with the site selection process”, made no representations on the allocation, and had no correspondence with Natural England about it. The inclusion of Allocation 3 (EM08a) was an unexpected late addition, as in the mind of the Conservancy it had been very recently discounted in the SHELAA of February 2026, which described Allocation 3 (EM08a) as:

> “Not suitable: This is a greenfield site adjacent to the urban area and within Chichester Harbour National Landscape” (SHELAA, February 2026, pages 90 and 94).

The Conservancy has objected publicly. Its Director of Conservation, Dr Richard Austin, made a deputation to Full Council on 15 July 2026 [16] recording that the proposal “would constitute a major development inside the Chichester Harbour National Landscape, the largest development seen inside this Nationally Protected Landscape this century”, that the exceptional circumstances test “create[s] a high bar which require[s] that there is an overriding national need for the development which cannot be met in some other way”, and that the allocation “has been added into the Plan last minute and has therefore not been rigorously or properly assessed”.

Overall Conclusion

The public, particularly those directly affected, were not consulted on the inclusion of Allocation 3 (EM08a) during the plan-preparation phase of the Pre-Submission Local Plan. This omission is in direct contradiction to the Council’s own Statement of Community Involvement, which commits to early, meaningful engagement on emerging proposals. Of itself, this makes inclusion of Allocation 3 **unsound and not legally compliant.**

Councillors, who were responsible for approving the Regulation 19 Local Plan for public consultation, were not adequately informed about the inclusion of Allocation 3 (EM08a) during the plan-preparation phase. When most Councillors eventually became aware of the allocation, they were advised by the Cabinet Lead for the Local Plan that there was no remaining time to make any changes. This sequence of events has raised legitimate concerns about the adequacy and transparency of Councillor engagement and due process in the decision to include Allocation 3.

Additionally, Allocation 3 (EM08a) is not properly prepared or justified as the statutory organisation charged with managing the Chichester Harbour National Landscape was

not consulted on the inclusion of this site in the Local Plan at the formative stage and only notified, not consulted on 15 June 2026 We also say that the Council did not comply with the requirements of the CRoW Act [17] by not engaging with the Chichester Harbour National Landscape regarding this allocation until after Council Officers had put the site in the Plan.

The decision to include Allocation 3 (EM08a) in the Regulation 19 Local Plan is therefore unsound and not legally compliant.

Modification sought

Delete Allocation 3 (Land south of Havant Road, site EM08a) from the Local Plan.

Save the Horsefield Group requests to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of this allocation and policy wording change.

References

[1] Pre-Submission Building a Better Future Plan, Regulation 19, July 2026

[2] Minutes – Cabinet Liaison Panel, Friday 5th June – see Appendix

[3] Email - David Hayward to John Kingdon, 14 August 2026 – see Appendix

[4] Motion – to remove Allocation 3 and amend Policy 30, Full Council Meeting, 15 July 2026 – see Appendix

[5] Transcript – Councillor Harrison, Full Council Meeting, 15 July 2026 – see Appendix

[6] Transcript – Councillor Berwick, Full Council Meeting, 15 July 2026 – see Appendix

[7] Transcript – Councillor Hulls, Full Council Meeting, 15 July 2026 – see Appendix

[8] R v Brent LBC ex p Gunning; R (Moseley) v Haringey LBC [2014] UKSC 56

[9] Havant Borough Council Statement of Community Involvement, March 2025, Table 1 (pages 5–6), paragraphs 2.3 and 3.5, Figures 3.2 and 3.3

[10] Declaration - Statements from Residents about site notifications – see Appendix

[11] Planning and Compulsory Purchase Act 2004, section 19(3)

[12] Havant Borough SHELAA, February 2026 (Rev A), pages 90 and 94

[13] Localism Act 2011

[14] EIR Response – Havant Borough Council, 27 February 2026 – see Appendix

[15] EIR Response - Chichester Harbour Conservancy, 11 August 2026 – see Appendix

[16] Deputation of the Director of Conservation, Chichester Harbour Conservancy, to Full Council, 15 July 2026

[17] Countryside and Rights of Way Act 2000, section 85, as amended by section 245 of the Levelling-up and Regeneration Act 2023

4.5 Objection 6: Inadequate Sustainability Appraisal and Process

Executive Summary

Allocation 3 (EM08a) is the only site in the Plan allocated within a National Landscape. The Council's own Sustainability Appraisal (SA) scores it Negative on the landscape criteria that previously justified discounting it, yet it is now allocated with no site-specific reasons, no analysis of the great weight required by NPPF paragraphs 187–189 [16], and a Sustainability Appraisal signed off and published after the decisions it was supposed to inform. An allocation that contradicts the Plan's own evidence base is not justified and is unsound.

Basis of Objection

In the Regulation 19 Pre-Submission Local Plan consultation, the Sustainability Appraisal includes Site EM08a in Appendix D [3]. The Appraisal records a Negative effect against both criterion 8a ("protect and enhance valued landscape?") and criterion 8f ("be sensitive to the local environment and promote a sense of place?").

The commentary is explicit: "*The site lies within the Chichester Harbour AONB. The erosion of rural character, through the loss of open farmland will be felt locally."* [3]

That assessment has remained substantively unchanged across successive Local Plan consultations and has previously been relied upon to justify discounting EM08a from major development. Despite this, the Council has now included EM08a in the Regulation 19 Local Plan as Allocation 3 [1], even though its effect on 'protecting and enhancing valued landscape', a core requirement for National Landscapes, continues to be assessed as Negative.

The Council has not published a Landscape Sensitivity Study. This is a key document where an allocation within a National Landscape is proposed. The Appraisal records a Negative effect on landscape while confining that effect to the locality, yet no such study exists to support either conclusion. In answer to written questions 2 and 4 the Council identified none, relying instead on the promoter's own landscape analysis "verified and agreed by the Council's Landscape Officer" [10]. A Landscape Sensitivity Study should have been prepared in accordance with GLVIA, 3rd edition [18]. Its absence undermines the credibility of the allocation, which appears to rest on a brief comment from the Landscape Officer [14] rather than on the technical standards that guidance sets out.

In addition, criterion 1a ("protect designated sites and protected species from development related harm?") is scored "Uncertain or Unknown", and the commentary records that the site is "*adjacent to two SWBGS (Solent Waders and Brent Geese) Secondary Sites*" and that "*the exact effects remain uncertain until the details of any proposal become known at the planning application stage*" [3]. The Plan's own Habitats Regulations Assessment is not so equivocal. It identifies Land south of Havant Road (Horse's Field) as one of only four allocations in the Plan where direct or functional habitat loss to SPA/Ramsar supporting habitat can reasonably be predicted and records the potential for construction and operational phase impacts to the H22B and H23F Secondary Support Areas (Table 11, page 66) [19]. It is the only one of

those four allocations, and the only allocation in the Plan, that lies within a National Landscape [1]. Although such land lies outside the designated boundaries, the Assessment treats it as "analogous to the designated site", because its loss or disturbance would undermine the conservation objectives of the European site, and concludes that loss of supporting habitat at these allocations would be highly likely to undermine those objectives (paragraphs 6.6 to 6.9, page 66) [19]. The site also lies within the 5.6 kilometre zone in which the Assessment concludes that any net increase in residential development would give rise to a likely significant effect from recreational disturbance (paragraph 6.13, page 67) [19]. The Appraisal and the Assessment therefore reach materially different conclusions about the same site, and it is the Appraisal, not the Assessment, which the Council states determined which sites would be allocated [1].

Justification for Objection

The Appraisal states at paragraph 4.50 (page 42) that the site "was added" between Regulation 18 and Regulation 19 but gives no site-specific reasons for adding EM08a against its own negative landscape appraisal within the SHELAA [9]. No Landscape Sensitivity Study has been published to justify the inclusion of the site.

The Appraisal records that the principal harm cannot be mitigated. Appendix E, for EM08a, states that "*It is not possible to mitigate for the loss of 'openness' when development takes place*" [4]. That cannot be reconciled with paragraph 4.56, which states that no site is marked as strongly negative or the issue as insurmountable, that sites have on that basis still been put forward for allocation, and that the relevant policy will provide guidance as to the mitigation required to make the site acceptable [2]. No policy guidance can supply mitigation for an effect the Council's own appraisal states is incapable of mitigation.

The sequence in which the allocation was made, appraised and approved is set out below. Each entry is taken from the Council's own documents or from the Conservancy's response under the Environmental Information Regulations.

Date	Event	Source
2021	SHLAA records that development of the site would have an adverse impact on the landscape.	[6]
December 2024	Site discounted in the SHELAA.	[7]
29 October 2025	Council invites the site promoter to submit information addressing the reasons the site had been discounted.	[15]
21 November 2025	Promoter's planning consultant submits that information.	[15]

Date	Event	Source
12 and 27 February 2026	Landscape Officer comments - the only landscape input the Council has identified.	[14]
16 February 2026	Site again discounted in the SHELAA: “Not suitable: This is a greenfield site adjacent to the urban area and within Chichester Harbour National Landscape.”	[8]
April 2026	Draft Policy 31 circulated to Chichester Harbour Conservancy: major development not permitted other than in exceptional circumstances, with no exception for allocated sites.	[23]
27 April 2026	Conservancy’s substantive comments on the draft policy, concerning the omission of setting. No further exchange on the policy appears in the Council’s disclosure.	[24]
May 2026	Site added to the emerging Plan. The Council has not confirmed a date; it states only that the allocation was first made public on 23 June 2026.	[10]
15 June 2026	Council Officers inform Conservancy Officers of the inclusion of Allocation 3 - after the Conservancy’s wider comments on the Plan had been submitted.	[25]
23 June 2026	Revised SHELAA published with the discount designation of the site removed. Cabinet papers published the same day.	[10], [13]
1 July 2026	Cabinet approves the Plan for Full Council. No Sustainability Appraisal before it.	[13]
7 July 2026	Summons, agenda and report HBC/061/2026 published. The Appraisal is not an appendix and is not listed as a background paper.	[20]
8 July 2026, noon	Deadline for public questions to the Council meeting closes.	[20]
13 July 2026, 18:00	Officer circulates the SA: “Final tidy version for sign off, dated July 2026”.	[26]

Date	Event	Source
13 July 2026, 21:10	SA sign-off given.	[26]
14 July 2026	Appraisal published to the Council's Local Plan web pages.	[10], [27]
15 July 2026	Full Council. The Conservancy's deputation, prepared from the earlier February 2026 appraisal, tells Members the site is "not included in the Council's sustainability appraisal of sites". An amendment relating to Allocation 3 is defeated on the Mayor's casting vote.	[13], [25], [28]
20 August 2026	Letter to the Monitoring Officer raising sections 100B and 100D of the Local Government Act 1972. Acknowledged.	[21], [22]

The Appraisal on which the allocation depends was signed off 12 days after Cabinet resolved to approve the Plan, six days after the papers for the Council meeting were published, five days after the public could last ask a question about it and published one day before the vote. Asked when the Appraisal was provided to Members, the Council gave no date and referred instead to the officer scheme of delegation [10]; the sign-off under that scheme took place on the evening of 13 July 2026 [26]. An appraisal produced in that order cannot have informed the decisions it is said to have informed. The Plan itself describes the Appraisal as the assessment which determined which sites would be allocated, at paragraphs 2.106 and 3.7 [1]. Neither Members, nor the public, nor the body with statutory responsibility for the National Landscape had it when it mattered. At the meeting of 15 July 2026 an amendment relating to Allocation 3 was defeated only on the Mayor's casting vote [13].

The Conservancy has confirmed that it was not engaged in the process which produced Allocation 3. Its officers made no responses, representations or comments to the Council in relation to Site EM08a; they had been under the impression the site had been discounted through the SHELAA of February 2026; and the Conservancy "has not been engaged with the site selection process" for the draft Plan [25]. Neither the site nor any of the Plan's allocations was discussed at any Conservancy meeting between 1 January 2024 and 3 August 2026 [25]. The Appraisal was therefore prepared, and the allocation made, without input from the body with statutory responsibility for the National Landscape in which the site lies.

The Appraisal also departs from the method it sets out for itself. Paragraph 4.47 records that the sites "considered developable in the SHLAA" were put through the sustainability appraisal process, screened with input from the Council's expert advisers in such matters as ecology, heritage, landscape, transport and environmental health [2]. The land availability assessment relied on for this Plan is the SHELAA, and on the

Council's own assessments, EM08a was not a developable site in it. The site was discounted as unsuitable in the three successive assessments, and the discounted designation was removed only on 23 June 2026, as set out in the chronology above [6] [7] [8] [9], the same day the Cabinet papers were published [9] [13]. Whichever assessment paragraph 4.47 refers to, EM08a did not satisfy it at any point before that date.

This shows that the decision to include Allocation 3 was not landscape led and was not supported by any Landscape Sensitivity Study to inform the Appraisal or the allocation. There was no fundamental change in the suitability of the site other than a submission from the developer. No independent study was commissioned to assess a site lying wholly within a protected National Landscape [10].

Allocation 3 (EM08a) is unsound. It was not properly prepared or justified, relying almost entirely on the developer's submission, and it was not subject to adequate scrutiny by Members [10], despite being a heavily constrained and protected site lying within the National Landscape. **The allocation is not justified and not effective, and is not consistent with national policy, contrary to paragraph 36(b), (c) and (d) of the NPPF.**

Modification sought

Delete Allocation 3 (Land south of Havant Road, site EM08a) from the Local Plan, with consequential changes.

Save the Horsefield Group requests to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of this allocation.

References

[1] Havant Borough Council, Pre-Submission "Building a Better Future" Plan (Regulation 19) — Allocation 3, Land south of Havant Road (EM08a), page 98; paragraphs 2.106 and 3.7; and the Policies Map accompanying the Plan

[2] Havant Borough Local Plan Sustainability Appraisal Report, Regulation 19, July 2026 — paragraph 4.18 (page 33); paragraphs 4.47 and 4.50 (page 42); and paragraph 4.56 (page 43)

[3] SA Report, Regulation 19, Appendix D (Full sustainability appraisal of sites) — EM08a: sheet "SA1 Biodiversity" (criterion 1a) and sheet "SA8 Sense of Place" (criteria 8a and 8f) and commentary

[4] SA Report, Regulation 19, Appendix E (Negative effects and mitigation) — EM08a, criteria 8a and 8f

[5] SA Report, Regulation 19, Appendix C (Full sustainability appraisal of topic policies) — Policy 30, Nationally Protected Landscapes, all eight sustainability objectives; SA3 Homes for All quoted

[6] Havant Borough SHLAA 2021, site assessment for land south of Havant Road, site 39

[7] Havant Borough SHELAA, December 2024

[8] Havant Borough SHELAA, February 2026 (Rev A, 16 February 2026), Appendix 5

[9] Havant Borough SHELAA, June 2026 (evidence document HS05), Appendices 4 and 5

[10] Havant Borough Council, written answers to Save the Horsefield, 14 August 2026, Questions 1, 2, 4, 5, 6 and 7 — given in the body of the email at [11], in response to questions sent by John Kingdon on 24 July 2026

[11] Email, David Hayward to John Kingdon, 14 August 2026, subject “RE: Local Plan Meeting - 23 July 2026”

[13] Cabinet papers published 23 June 2026; Cabinet, 1 July 2026

[14] Emails, Havant Borough Council Landscape Officer, 12 and 27 February 2026

[16] National Planning Policy Framework, 12 December 2024 — paragraph 32 (page 11), paragraph 36 (page 12), paragraphs 187–189 (page 54) and paragraph 190 (page 55)

[18] Landscape Institute and IEMA, Guidelines for Landscape and Visual Impact Assessment, 3rd edition, 2013 https://landscapeinstitute.org/policy-practice/technical/assessments-standards/glvia3-panel/

[19] Building a Better Future Local Plan Habitats Regulations Assessment, July 2026 — Table 10 (page 52); paragraphs 6.6 to 6.9 and Table 11 (page 67); paragraph 6.13 (page 68); and paragraphs 7.9 to 7.19 (pages 79 to 81)

[20] Report HBC/061/2026, “Publication Building a Better Future Plan”, Agenda Item 5, Council meeting of 15 July 2026: summons and agenda dated 7 July 2026; the corrigendum subsequently issued

[21] Letter, Anna Potter to Jo McIntosh, Monitoring Officer, Havant Borough Council, 20 August 2026, and the Council’s acknowledgement and case reference

[22] Local Government Act 1972, sections 100B and 100D https://www.legislation.gov.uk/ukpga/1972/70/section/100B; https://www.legislation.gov.uk/ukpga/1972/70/section/100D

[23] Havant Borough Council, draft Local Plan Policy 31 (Nationally Protected Landscapes), April 2026, as circulated to Chichester Harbour Conservancy with suggested changes marked, disclosed by the Council under the Environmental Information Regulations

[24] Email, Chichester Harbour Conservancy to Havant Borough Council, 27 April 2026, subject “RE: Copies of versions of the Harbour Management Plan”, disclosed by the Council under the Environmental Information Regulations

[25] Chichester Harbour Conservancy, response to request under the Environmental Information Regulations, reference EIR 03/08/2026, 12 August 2026, and its Appendix (notes of the deputation of Dr Richard Austin, Director of Conservation, read to Full Council on 15 July 2026)

[26] Email exchange between officers of Havant Borough Council, 13 July 2026, subject “SA for sign off”, disclosed by the Council under the Environmental Information Regulations

[27] Screenshot of the Council’s Local Plan web pages recording the upload date of the Sustainability Appraisal, taken 20 August 2026

[28] Email, Chichester Harbour Conservancy to Save the Horsefield, 24 August 2026, identifying the version of the Sustainability Appraisal available on the Council’s website in the week before the Council meeting of 15 July 2026

4.6 Objection 7: Inconsistent with other parts of the Local Plan

Executive Summary

Allocation 3 (EM08a) contradicts the Plan itself: the chosen strategy (Strategy Option 2) permits greenfield development only where it has no unacceptable impacts on National Landscape designations, and paragraph 4.296 states that development within protected landscapes will be avoided unless the NPPF criteria are met. Neither holds for EM08a. The allocation is internally inconsistent, not positively prepared, unjustified and unsound.

Basis of Objection

The Regulation 19 Pre-Submission Local Plan and supporting evidence base includes statements related to development impacts and restrictions:

- The Sustainability Appraisal selected Strategy Option 2 [1], under which greenfield development is permissible "*only where it has no unacceptable impacts on international, national or local environmental designations, or national landscape designations*" (SA Report, page 14).
- Paragraph 4.296 of the Heritage and Landscape section of the Regulation 19 Local Plan [2] states: "*The plan will seek to protect, conserve and enhance protected landscapes and the Borough's heritage assets and their setting, both through criteria-based policies and through its development allocation selections. …. Development within protected landscapes will be avoided unless such development would meet the specific criteria in the NPPF associated with protected landscapes"*

Justification for Objection

A major development of 85 dwellings on Allocation 3 (EM08a) would cause unacceptable landscape harm to the Chichester Harbour National Landscape, which will not be possible to mitigate. Because EM08a lies wholly within the National Landscape, its allocation is fundamentally incompatible with the stated aim of Strategy Option 2 to "have no unacceptable impacts." The inclusion of EM08a therefore conflicts directly with the Strategy's own criteria and cannot be considered a sound or policy-compliant allocation.

Secondly, the inclusion of Allocation 3 (EM08a) directly contradicts the Local Plan's own Heritage and Landscape statement, which states that *"development within protected landscapes will be avoided unless such development would meet the specific criteria in the NPPF associated with protected landscapes."* Those criteria are set out in paragraphs 187 to 189 of the NPPF [3] for major development within National Landscapes. No such tests have been undertaken for EM08a, despite the site lying wholly within the Chichester Harbour National Landscape. The allocation of EM08a therefore conflicts with the Heritage and Landscape statement and is not consistent with national policy requirements for protected landscapes.

Therefore, Allocation 3 (EM08a) **is not positively prepared, unjustified and unsound** as it is inconsistent with Strategy Option 2 in the Local Plan's Sustainability Appraisal and with Paragraph 4.296 of the Heritage and Landscape section.

Modification sought

Delete Allocation 3 (Land south of Havant Road, site EM08a) from the Local Plan.

Save the Horsefield Group requests to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of this allocation.

References

[1] Havant Borough Local Plan Sustainability Appraisal Report, Regulation 19, July 2026, page 14 (Strategy Option 2)

[2] Pre-Submission Building a Better Future Plan, Regulation 19, July 2026, paragraph 4.296

[3] National Planning Policy Framework, 12 December 2024

4.7 Objection 8: Impact on Ecology and Environment

Executive Summary

Allocation 3 (EM08a) lies immediately beside Functionally Linked Land, a Solent Waders Brent Goose Strategy site and the Brook Farm SINC, used by internationally protected Brent Geese (up to 900 birds, close to the threshold of national importance) and Curlew. The Council's own Habitats Regulations Assessment records that displacement from supporting habitat is highly likely to undermine the SPA's conservation objectives, yet no site-specific displacement assessment exists, and the developer's claim of minimal use is contradicted by long-run count data. The habitats evidence is not representative of the latest data which demonstrates significant use of the adjacent agricultural field by internationally protected species. Therefore, the decision to include Allocation 3 is not positively prepared, not justified and therefore is unsound.

Basis for Objection

Allocation 3 is adjacent to a site identified in the Solent Waders and Brent Goose Strategy (2024) (SWBGS 2024) [1] as being part of the network of areas that are regularly used by, and are of fundamental importance to, over-wintering waterfowl across the Solent. The Council's own Sustainability Appraisal records that the site is "adjacent to two Solent Waders Brent Goose Strategy Secondary Sites" (SA Report, Appendix D, SA1) [2], and its SHELAA (June 2026) [3], accepts that "*suitable mitigation for the impacts of development on the adjacent Solent Wader and Brent Goose Strategy site would be required*". It lies to the north of the Chichester and Langstone Harbours Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). The SPA and SSSI are designated for reasons including internationally important wintering populations of wildfowl and waders. The harbours are also Ramsar sites because of their importance as wetland habitat; they are also part of the Solent Maritime Special Area of Conservation (SAC). These designations mean that the harbours are referred to in summary as a European site.

The agricultural field adjacent to Allocation 3 is also included in the Brook Farm Site of Importance for Nature Conservation (SINC). This SINC is designated for the foraging habitat it provides for wintering Brent Geese, one of the species contributing to the international designations. As such it also forms part of the 'Functionally Linked Land' associated with the European site. This means that it is critical to the ecological or behavioural functions in a relevant season of a qualifying feature for which the site has been designated, in this case Brent Geese and Curlew.

Justification for Objection

Contrary to the developer's assertion that the adjacent agricultural field has minimal Brent Geese and Curlew usage, the Council's own Principal Ecologist has recorded significant numbers of Curlew and Brent Geese in recent years [4]. In October 2024, the same Officer advised that the site "is an important site for Curlew and also Brent Geese as it's part of the network of sites associated with Warblington Farm and birds use this site when Warblington Farm is too disturbed" [5]. Evidence most recently submitted to Hampshire and Isle of Wight Wildlife Trust demonstrated 900 Brent Geese using the agricultural field [6]. Development of 85 dwellings on Allocation 3

(EM08a) would introduce noise, light and recreational and domestic pet disturbance immediately adjacent to the functionally linked field on which these birds depend. According to the SWBGS (2024), "*Disturbance… has a serious negative effect on wading bird populations as the cost of energy expended by birds flying away from a source of disturbance may impact on their survival rates."* No detailed assessment of those displacement effects at this site has been published.

As noted above, volunteers have been counting and recording waterfowl using Warblington Farm fields for decades. Specifically, records have been kept since 2020/21 of Curlew and Brent Geese using SWBG field H22B (the adjacent agricultural field) and photographing and filming when possible. In the 2020/21 season this field regularly supported Brent Geese from 15 December 2020 until 22 February 2021, with the largest flock being 260. In 2022/23 the maximum flock recorded was 830 on 13 November 2022 (photos and video available). In 2024/25, 900 were recorded on 1 and 3 February, and a similar number on 6 February (photos and video available of that flock) [7].

A flock of 900 Brent Geese is very close to the figure of 960 that is the 2024-5 Nationally Important threshold for this species [8]. To record that number in one field is very significant.

The Council's Habitats Regulations Assessment (HRA) is a supporting document to the Local Plan [9]. Allocation 3 is listed as a site with the potential to result in direct or functional habitat loss to Special Protection Areas (SPA)/Ramsar supporting habitat. The HRA adds at paragraph 6.9 that "impacts to supporting habitat could result in the displacement of qualifying species and therefore highly likely to undermine the conservation objectives of (SPAs)." No evidence exists that compensatory land that would be required to mitigate any disturbance could be found.

A major development on Allocation 3 is likely to have a significant damaging effect on legally protected bird species. As such, the Local Plan's habitats evidence for Allocation 3 is accordingly not proportionate to a site in this location, **is not justified and therefore is unsound.**

Modification sought

Delete Allocation 3 (Land south of Havant Road, site EM08a) from the Local Plan.

Save the Horsefield Group requests to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of this allocation.

References

[1] Solent Waders and Brent Goose Strategy, 2024 https://solentwbgs.wordpress.com/

[2] Havant Borough Local Plan Sustainability Appraisal Report, Regulation 19, July 2026, Appendix D (criterion SA1) Havant BC Website Local Plan

[3] Havant Borough SHELAA, June 2026 (evidence document HS05), site EM08a Havant BC Website Local Plan

[4] Email - Council's Principal Ecologist regarding Brent Geese and Curlew sightings – see Appendix

[5] Email - Council's Principal Ecologist regarding impact on Brent Geese and Curlew due to loss of habitat – see Appendix

[6] Report - Brent Geese and Curlew Count in H22B - 2020 to 2025 – see Appendix

[7] Video example of estimated 900 Brent Geese in H22B (https://drive.google.com/file/d/11pOUKBeO49GdG5ZkOqCp5CXawuklb01o/view?usp=sharing)

[8] Report – Species Threshold Levels for Brent Geese issued by British Trust for Ornithology (https://www.bto.org/get-involved/volunteer/projects/wetland-bird-survey/data/species-threshold-levels) – see Appendix

[9] Habitats Regulations Assessment, Building a Better Future Local Plan, July 2026, paragraph 6.9 Havant BC Website Local Plan Website Evidence RA03

5 Conclusion and Recommendation

The evidence shows that Allocation 3 (EM08a) is not justified, not legally compliant and unsound. We strongly urge it should be removed from the Local Plan, and that Policy 30 should be restored to match national planning policy and properly protect the Chichester Harbour National Landscape.

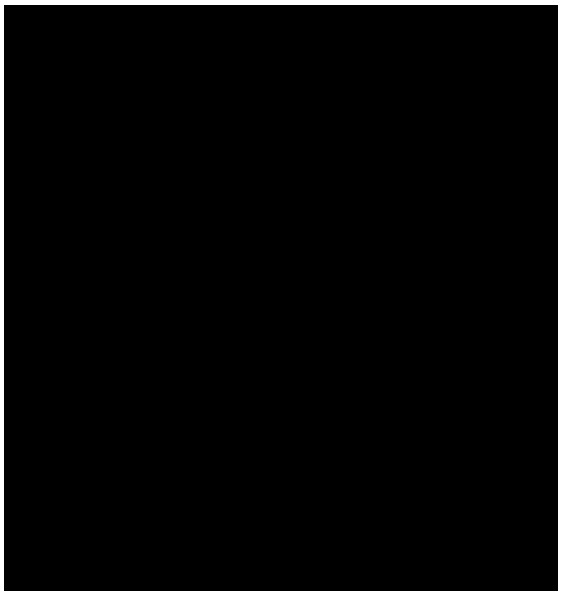
The remainder of the Local Plan is deemed legally compliant and sound so fit to be submitted for Local Plan Examination and we recommended that it be adopted once the requested modifications to Policy 30 and removal of Allocation 3 have been made.

6 Request to attend any following Local Plan Examination

Save the Horsefield Group wish to send nominees to participate at the examination hearing sessions in respect of this representation, in order to respond to the Council's evidence and to assist the Inspector on matters of local knowledge and the chronology of these Plan updates. As part of our participation, we request that one of our nominees be permitted to speak at the hearing.

7 Group Contact Details

For communication relating to this report, and for attendance at any future Government Examination, the principal contacts for the Save the Horsefield Group are:



8 Change History

Date	Issue	Change Description
28-Aug-26	-	Draft document template circulated for comments
7-Sep-26	-	For group review after content added from working groups
8-Sep-26	-	Proposed document sent for final review
9-Sep-26	1	Released after updates from final review

9 Appendix A – References not in the Public Domain

This appendix includes text from documents which are used as references in the main report but not available from easily accessible public sources.

9.1 Objection 1: Policy 30 not compliant with the NPPF

1. **Objection1: Ref: [4]**
   E-mail – Havant Borough Council, written answers to Save the Horsefield, 14 August 2026, given in the body of the email in response to questions sent by John Kingdon on 24 July 2026

Outlook

RE: Local Plan Meeting - 23 July 2026

[redacted]

Date Fri 14/08/2026 03:25 PM

[redacted]

2 attachments (122 KB)
Cabinet Liaison Panel 26 0605.pdf; 2026.07.23. Horsefield - Meeting Note (HBC).docx;

Good afternoon John

Thank you for sending through the draft notes. Apologies for the delay in getting back to you – I'm presuming you got the out of office and obviously also wanted to ensure that everyone who was at the meeting had the chance to review the notes.

Attached are the notes with a few suggested tweaks and also answers to the questions which were flagged up.

Please also find below answers to the questions which you asked and the attached minutes for question 7.

I'm aware from our Information Governance officer that an information request has been submitted asking for the same information as the questions below. We've answered the questions as a business as usual enquiry but would have provided the same answers if responding as an information request.

I hope this is helpful for you. If you have any follow-up queries, please do let us know. I'd suggest a 'reply-to-all' due to leave commitments between us over the summer period.

I'm glad you found the discussion we had a few weeks ago useful and hopefully helped in understanding the background to the difficult decisions the Council has taken in preparing the Local Plan. We do certainly understand and appreciate the value which you and your group place on the site and the National Landscape as a whole.

All the best

[redacted]

Strategic Planning Manager [redacted]
Planning Services, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX

In August 2025, the council moved to a new case management system, across Planning Development, Licensing and Environmental Health. This change involved moving 25 years' worth of data from multiple systems into one new system and learning how to use the new system. Officers have worked hard to resume normal working but a small backlog remains and our response times may be longer than usual.

Thank you for your understanding and patience.







More details at www.havant.gov.uk/nitrogen



Your privacy matters. Go to www.havant.gov.uk/privacy-policy

Information in this message is confidential and may be privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately.

[redacted]
Sent: 24 July 2026 17:58
[redacted]
Subject: Local Plan Meeting - 23 July 2026

CAUTION: This email came from outside of the council - only open links and attachments that you're expecting.

Dear [redacted]

Thank you for the useful meeting that Anna Porter and I attended with you and your colleagues yesterday.

As promised, I attach some notes of our meeting which I would be grateful if you could review in case we have not understood any point. You will see a couple of highlighted points upon which I would appreciate your clarification.

As we only had an hour with you and your colleagues but only because of your understandable time pressures, we were not able to cover all the points we wanted to. As you know, we will be making a submission to the Planning Inspector and wish to do so from as informed position as possible. We would therefore be very grateful if you or one of your colleagues could consider the questions below and let me have a response.

1. What was the actual date that EM08a was first included in the Local Plan?

The Cabinet papers for the Publication Building a Better Future Plan were published on 23rd June 2026 – this was the point where the proposed allocation was first made public.

2. In terms of landscape, what changed between the SHLAA 2021 finding of unsuitability and inclusion of Site EM08a in the Local Plan in May 2026.

As explained during the meeting, in November 2025, further information was provided by the site promoter in respect of landscape and visual impacts. This included a landscape analysis of the site explaining the site's quality and its contribution towards the wider National Landscape. It has been demonstrated that, subject to appropriate mitigation, a development of 85 dwellings could be accommodated on this site satisfactorily, without causing harm to

the wider National Landscape area and the qualities which form the basis for its national designation.

As set out during the meeting, the site which has been previously discounted was a larger area (including further parcels to the south, allocation EM08). The site current allocated for development (EM08a) is a much smaller proportion of the previously discounted site. Development on the discounted, southern parcels would not be considered acceptable, in terms of landscape and visuals impacts.

3. We note that paragraph 4.18 of the Sustainability Appraisal records that exception criteria for Policy 30 were considered and not taken forward because it would reduce the policy's effectiveness. Please can you clarify what is meant by this statement, in the context of the words" where allocated in this Local Plan or" in the published Local Plan.

Exception criteria for development are widely used in planning policy, these can include a wide ranging measures to allow a particular type of development in order to meet a specific need in an area where a general development would not otherwise be considered acceptable. An example of such criterion could be a small scale affordable housing development in rural areas to boost economy and vitality of rural communities and to provide housing for local people, while maintaining a restriction for any other generic development. Another example could be the lack of a requirement for a flood risk sequential test for a development located in an area at risk of flooding, where there is a housing allocation in a local plan. The lack of requirement for a sequential test does not mean that development does not have to provide appropriate flooding mitigation in line with the relevant flooding policies and the NPPF. It means that the principle of development in the flood zone has been accepted, and, subject to the provision of an appropriate mitigation, the flooding designation in itself would not be a reason to refuse an application for planning permission.

Turning to the EM08a allocation, in this case, it has been satisfactorily demonstrated by the site promoter that the smaller parcel could accommodate development without causing harm to the landscape. However, proposed development will still be expected to be designed in a way that achieves this. If development proposal does not meet the landscape policy requirements (or any other policy requirement, ie. in terms of ecology, highways, residential amenity, etc.) it will be refused at an application stage.

The earlier version of the draft Local Plan did not include this clause because there was no need for it, since the earlier version of the Plan did not include any allocations within the National Park for the reasons set out in the answer to the question above.

4. Regarding the chosen strategy, Option 2 permits development only where there are no acceptable impacts on national landscape designations. Where is the conclusion recorded that the impact of EM08a is unacceptable?

As explained above, further information submitted by the site promoter, and verified and agreed by the Council's Landscape Officer, demonstrates that, in principle, a development of 85 dwellings on this site could be accommodated within the site without causing unacceptable harm to the National Landscape. The allocation does not mean that any housing development for this number of dwellings will be accepted at an application stage. The proposed development will still be required to meet the relevant planning policy and the NPPF criteria to gain planning permission.

5. The Sustainability Appraisal was published to the Local Plan web pages on the Council's website on 14 July 2026. When was it provided to Members?

Under the scheme of delegation, which sits alongside the Council's Constitution on our website (https://www.havant.gov.uk/our-organisation/constitution), the preparation of evidence base and statutory assessments to support the Local Plan is a matter which is delegated to officers (see 5.8.1 d, h and m)

6. Claire Griffith's letter to me of 16 July 2026 refers to analysis in the Sustainability Appraisal of whether the allocation addresses the three tests of paragraph 190 of the NPPF. Please can you assist us by indicating where in the Sustainability Appraisal that analysis can be found?

The Sustainability Appraisal assessed the allocation against the relevant criteria established through the baselining process. This is included in Appendix C (Full Sustainability Appraisal of topic policies) and Appendix D (Full sustainability appraisal of sites) published on the Council's website alongside the Sustainability Appraisal:

SA Report - Reg 19 BBFP 2026 - Appendix C Topic Policies.xlsx
SA Report - Reg 19 BBFP 2026 - Appendix D Sites.xlsx

The relevance of para. 190 of the NPPF to the site allocation has been discussed in some depth at the meeting. Officers' position remains unchanged in regards to the relevance of para. 190 to the housing allocation. To reiterate, at this stage, it is only possible to assess the potential development against criterion a) (exceptional circumstances, housing need, etc.) and b) (the ability of the Council to identify sufficient land for housing within its own boundary (but outside the National Landscape) and the boundaries of other neighbouring Councils through the duty to cooperate engagement). Criterion c) relates to a detailed design of development on this site and any measures required to mitigate the specific impacts caused by the development. This can only be assessed at an application stage when details of the proposed development are submitted. At this stage, there is no requirement to submit this level of detail. However, in principle, it is accepted that it would be possible to provide an appropriate form of development on this site that would meet the requirement of this criterion, namely the requirement for development to "moderate" its impacts "on the environment, the landscape and recreational opportunities".

7. The Minutes of the Cabinet Liaison Meetings that you said had considered site EM08a on 5 and 18 June 2026.

Whilst we would not usually provide such minutes as part of a Business as Usual request, we note that you have also submitted an information request for them and it is unlikely that an exemption would apply. As such, the 5th June minutes are attached. The Draft Minutes of 17th June meeting are not attached as they have not yet been agreed (this takes place at the next meeting of the panel, and this has not yet taken place). However we can confirm that there is no reference to the Horses Field Site (or its SHELLA or Local Plan reference).

If it is helpful – the membership and Terms of Reference of the panel were confirmed by the Cabinet on 3rd June (item 8). The detail of this is available on our website at https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=128&MId=13484&Ver=4

In conclusion, Anna and I would like to thank you and your colleagues for the courtesy and time that you gave us to discuss the Local Plan. It was much appreciated.

Best regards,

John Kingdon
On behalf of the Save the Horsefield - Protect the Chichester Harbour National Landscape

9.2 Objection 3: Local Plan not Justified

1. **Objection 3: Ref. [8]**
   E-mail – Havant Borough Council, written answers to Save the Horsefield, 14 August 2026, given in the body of the email in response to questions sent by John Kingdon on 24 July 2026

   See Appendix A 9.1.1

2. **Objection 3: Ref. [6] NPPG Paragraph:037 Reference ID:8-037-20190721**

   https://www.gov.uk/guidance/natural-environment

   How can the character of landscapes be assessed?

   Where appropriate, landscape character assessments can be prepared to complement Natural England's National Character Area profiles. Natural England provides guidance on undertaking these assessments.

   To help assess the type and scale of development that might be able to be accommodated without compromising landscape character, a Landscape Sensitivity and Capacity Assessment can also be completed.

   To demonstrate the likely effects of a proposed development on the landscape, a Landscape and Visual Impact Assessment (LVIA) can be used.

   For protected landscapes (National Parks, the Broads and National Landscapes) the relevant management plan will contain further information on the area's natural beauty, special qualities and key characteristics.

   Paragraph: 037 Reference ID: 8-037-20190721

   Revision date: 21 07 2019

9.3 Objection 4: Failure of Legal Duty of Relevant Authority

1. **Objection 4: Ref: [6]**
   Delegated Officer Decision not to adopt Chichester Harbour National Management Plan

Havant
BOROUGH COUNCIL

Record of Decision made by an Officer	
Report Title:	Chichester Harbour National Landscape Management Plan 2025-2030
Officer:	Strategic Planning Manager
Status:	Non-Exempt
Key Decision:	No
Reasons decision is key:	N/A
Appendices:	Management Plan - Chichester Harbour Conservancy

Officer Decision:

It is recommended that the Strategic Planning Manager:-

i) Does not adopt the currently published Chichester Harbour National Landscape Management Plan 2025-2030 until further discussions have taken place in order to update the management plan to ensure that it complies with the National Planning Policy Framework

Authority to make Decision:

In the General Scheme of Delegation dated March 2026 the Strategic Planning Manager is authorised to discharge all of the Council's functions relating to planning policy and urban design to include the provision of planning policy and urban design services including:

j) The adoption and publication of the Chichester Harbour Area of Outstanding Beauty/National Landscape Management.

Consultation:

N/A

Reasons for the Decision:

The Management Plan sets the overall direction of travel for the next 5 years with a set of agreed Policy Aims and an accompanying Delivery Plan. In 2023 all AONBs were rebranded as National Landscapes to better reflect their national importance.

Havant
BOROUGH COUNCIL

The management plan has been prepared by the Chichester Harbour Conservancy. Following their own governance, the conservancy has passed the management plan to the four local authorities covering the National Landscape Area (Havant Borough Council, Chichester District Council, West Sussex County Council and Hampshire County Council) to consider the content of the management plan and undertake their own governance required for the adoption of the management plan.

The Countryside and Rights of Way (CRoW) Act of 2000 requires local authorities to publish a joint statutory Management Plan for the National Landscape at five-year intervals. Each Plan fulfils the duty placed upon these local authorities under Part IV of the CRoW Act, providing a framework to drive forward integrated and co-ordinated action for the management of the nationally important protected landscape. The CRoW Act also places a duty on local authorities (as amended by the Levelling-up and Regeneration Act in 2023) when exercising or performing any function in relation to, or so as to affect, land in the National Landscape, to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape (Section 85).

The statutory duty needs to be considered in tandem with the National Planning Policy Framework (NPPF), in particular paragraphs 11 (footnote 7), 189 and 190. Paragraph 189 of the NPPF (2024) sets out that 'great weight' should be given to conserving and enhancing the landscape and scenic beauty in a National Landscape, whereas conservation and enhancement of wildlife and cultural heritage are important considerations.

The Management Plan for the specific National Landscape in this case the Chichester Harbour National Landscape is a statutory document, which has previously been adopted by Havant Borough Council and 'formulates the Council's policy for the management of the area and for the carrying out of their functions in relation to it'. It is the principal vehicle for ensuring that the statutory purposes of the National Landscape are met, and is a material consideration in the planning process.

The Council were consulted on a draft management plan and provided comments to Chichester Harbour Conservancy. However, following the consultation on the draft management plan a number of changes were made which Havant Borough Council were not consulted on. In particular, planning principles were added into the management plan which are not considered to be in line with the NPPF. Officers have initially discussed this matter with Conservancy Officers and are intending to prepare updates to the Management Plan to bring it into alignment with the NPPF.

Therefore the recommendation is to not adopt and publish the updated Chichester Harbour National Landscapes Management Plan until further discussions have taken place and satisfactory amendments are made to address the Council's concerns.

Options considered:

If we were to adopt the Chichester Harbour National Landscape Management Plan 2025-2030 then it would be in contradiction with the National Planning Policy Framework 2024. Adopting a Management Plan which clearly contradicts the NPPF would create confusion and uncertainty when determining planning applications.

Havant
BOROUGH COUNCIL

Therefore we wish to make amendments to ensure the management plans compliance with the NPPF because an up to date management plan is required under Section 85 of the CRoW Act 2000 (as amended in 2023).

Financial:
None. The management plan has been prepared by the Chichester Harbour Conservancy.

NON EXEMPT:

DECISION AUTHORISED BY:		
Officer:	[redacted] Strategic Planning Manager	Insert date
Consultee:	None	

2. **Objection 4: Ref. [7]**
   Transcript – Councillor Harris, Statement at Full Council Meeting, 15 July 2026

   Councillor Gillian Harris (Council Leader), in response to the representation from Richard Austin (Director of Conservation, Chichester Harbour Conservancy) at the 15 July Full Council meeting to object to the assignment of Allocation 3 for development in the Regulation 19 Local Plan:

   "*There is just one matter I just want to clarify in terms of Doctor Austin's mention of the Chichester Harbour Management Plan. It should be noted that at this current moment in time Havant Borough Council has not yet adopted that Management Plan I think due to issues around compliance with the NPPF and our officers are working very closely with the Conservancy to solve those issues so to enable us to adopt it*."

9.4 Objection 5: Process Failings in respect to Allocation 3

1. **Objection 5: [2]**
   Minutes – Cabinet Liaison Panel, Local Plan, Friday 5 June 2026

Cabinet Liason Panel - Local Plan – Friday 5th June

10:00am start – Tournerbury Room

Attendees:

Councillors	Officers	
Hulls (Chairman)	[redacted]	
Harrison		
Collings		
Tansom		

Item 1 - Apologies
Apologies received from Cllr Rason, Cllr Robinson, Cllr Horton, Cllr Berwick

Item 2 – Minutes and matters arising from the last meeting of the local plan panel 10th March 2026
There were no matters arising from the last meeting.

Item 3 – Introduction and terms of reference
• Confirmed went to Cabinet yesterday, • Emphasis given that discussions within the meeting should remain confidential.

Item 4 – Overview of Areas Updated from the Draft Local Plan Consultation
• Planning officers gave a verbal overview of 'Duty to cooperate related changes', new housing allocations, heritage, affordable housing and green blue infrastructure. Actions agreed: • **DH Circulate press release and cabinet report from EHDC regarding not submitting their local plan.** • **Complete list of heritage assets to be circulated – HBC GIS screen grab to be sent around.**

Item 5 – Agenda for the next meeting
In advance of the next meeting on the 17th, officers confirmed they are sending the publication version of the plan via email and at the next meeting members can pick up detailed questions from members prior to publishing reports for cabinet on the 22nd. Next meeting date: 17th June – 13:30-15:00

Item 6 - AOB
Confirmed next meeting will be agreed at the following meeting of the 17th June 2026 13:30 – 15:00

2. **Objection 5: Ref. [3]**
   Havant Borough Council, written answers to Save the Horsefield, 14 August 2026, given in the body of the email in response to questions sent by John Kingdon on 24 July 2026

   See Appendix A 9.1.1

3. **Objection 5: Ref. [4]**
   Motion – To remove Allocation 3 and amend Policy 30, Full Council Meeting, 15 July 2026

Amendments – CSO 21.10 – Full Council – Agenda Item 5 - Publication Building a Better Future Plan

Proposed by: Cllr Milne
Seconded by: Cllr Robert

CSO 21.10 – Full Council refers the Building a Better Future Plan back to Cabinet for urgent reconsideration and requests that Cabinet consider amendments to the Plan in relation to the following matters:

1. Policy 30: Nationally Protected Landscapes — remove the words "other than where allocated within this Local Plan", on the basis that they are not compliant with the NPPF.

2. Allocation 3: Land south of Havant Road (Horse's Field) — remove this site from the Local Plan, as it lies within the Chichester Harbour National Landscape and no exceptional circumstances have been provided to justify its inclusion.

Accordingly, the amendment to be voted on is as follows:

Full Council refers the Building a Better Future Plan back to Cabinet for urgent reconsideration.

Page 5

4. **Objection 5: Ref. [5]**
   Transcript – Councillor Harrison, Statement at Full Council Meeting, 15 July 2026

   Councillor Harrison (Member of Cabinet), in response to a motion for the Local Plan to be sent back to Cabinet for amendment of Policy 30 and removal of Allocation 3:

   "*But we are very aware of the situation and also how the officers are placed. They have told us of the deadline, the other fact is that this local plan is based on the existing NPPF. The NPPF was changed in December 2025 [sic].*

   If by any chance, we miss the deadline, we'd have to start all over again with a fundamentally different NPPF. And that's going to take a long time. You can forget having a local plan in place by vesting day of the new unitary authority."

5. **Objection 5: Ref. [6]**
   Transcript – Councillor Berwick, Statement at Full Council Meeting, 15 July 2026

   Councillor Berwick (Vice-Chair, Governance Committee), in response to a motion for the Local Plan to be sent back to Cabinet for amendment of Policy 30 and removal of Allocation 3:

   "*I think that a lot of these amendments have very strong weight behind them, but this isn't the point for them to be initiated. It's at the inspector stage when the consultation is out and you can put these objections towards the inspector and through planning where we can take each individual piece as a proper planning application that can analyse on its strengths and weaknesses and we can use material reasons to object to them if we need to and oppose them".*

6. **Objection 5: Ref. [7]**
   Transcript – Councillor Hulls, Statement at Full Council Meeting, 15 July 2026

   Councillor Hulls (Lead Councillor for the Local Plan), in response to a motion for the Local Plan to be sent back to Cabinet for amendment of Policy 30 and removal of Allocation 3:

   "*So, we've said arguments against all of these amendments and they all stand here as well, but the biggest one for me is: if we send this back to Cabinet, nothing new will happen. We've heard all the arguments already. We've discussed at length with officers the reasons behind these and they will not be able to offer up any more information than we already have.*

   And nothing will change apart from us putting the whole local plan at peril but it's not going to get to the 31st of December."

7. Objection 5: Ref. [10]

Statements – Residents adjoining EM08a re: notification of site inclusion

CERTIFICATE

Regarding Havant Borough Council Draft Plan 2026
"Building a Better Future" - Site EM08a (the Horsefield)
Failure by HBC to Notify Neighboring Properties

We, the undersigned, being residents of properties adjacent to the proposed site EM08a, confirm that none of the undersigned received any notification of the inclusion in the Local Plan Allocation 3 (EM08a) at any time.

[redacted]

Name..... Signed ..... Date: .....

[redacted]

Date: 01/09/26

Date: 31.8.26

Date: 31 Aug. 26

Date: 31/8/26

[redacted]

Date: 31/08/26

8. Objection 5: Ref. [14]

Email – Landscape Assessment by Havant Borough Council

From: Landscape
Sent: 27 February 2026 09:29
To: [redacted]
Subject: Re: Planning Policy Allocation: Land south of Havant Road, Emsworth

---

Hello [redacted]

I didn't realise you had moved over to policy, hope you are enjoying it.

In terms of land south of Havant Road and its potential impact on the character of the area here are my comments.

- Impact on the AONB must be mitigate through the use of landscape screening, landscape buffers, reduction of height and massing of buildings and appropriate colour pallet. Particularly from public view points (Chichester Harbour, Solent Way FP108/56/3, Nore Barn Woods, Havant Road).
- The northern parcel would be considered acceptable as this area is far away from character areas which require protection.
- Southern area would not be considered appropriate

Kind regards,

[redacted]
Chartered Landscape Architect | M: [redacted]
Civil Engineering and Landscape Team, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX

Havant BOROUGH COUNCIL

Your privacy matters. Go to www.havant.gov.uk/privacy-policy
Information in this message is confidential and may be privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately.

From: [redacted]@havant.gov.uk>
Sent: Thursday, February 12, 2026 10:09
To: [redacted]@havant.gov.uk>
Subject: Planning Policy Allocation: Land south of Havant Road, Emsworth

Hi [redacted]

I hope you're well.

I have recently moved from Development Management to Planning Policy team. One of my tasks is to look at site allocations for housing that have been discounted to see if any of them (in full or part) could be brought forward. One of such sites is the site below, land to the south of Havant Road in Emsworth. The site was discounted for a couple of reasons, one being the fact that it is located in a National Landscape, however, without any specific reasons. However, the NPPF is favourable of development in National Landscapes subject to certain criteria, which we believe are met here. Therefore, we're reviewing this site to determine whether any parts of the site could be developed for housing without causing unacceptable landscape and visual impact.

The site promoter submitted the attached LVIA. The site consists of three distinctive parcels, northern, central and southern, as per below. We think that the northern parcel could be developed without

9. Objection 5: Ref. [15]

EIR Response – Chichester Harbour Conservancy, 11 August 2026

From: Chichester Harbour Conservancy

Ref: EIR 22/07/2026

[redacted]

CHICHESTER HARBOUR CONSERVANCY

Mr J. Kingdon.
[Delivered by email]

11th August 2026

Dear Mr Kingdon,

Request under Environmental Information Regulations (EIR) dated 22nd July 2026

Founded by the Chichester Harbour Conservancy Act of 1971, Chichester Harbour Conservancy is a unique organisation in that it is the only statutory Harbour Authority with responsibilities for the safety of navigation, leisure and recreation, the conservation of nature and natural beauty. Chichester Harbour Conservancy is also the appointed Delivery Partner for the Chichester Harbour National Landscape Joint Advisory Committee (JAC).

On 22nd July 2026, Chichester Harbour Conservancy received an EIR request from you, addressed to Mr Matt Briers CBE, the CEO, which he passed to me to respond. I have liaised with the Director of Conservation and the Planning Officer at Chichester Harbour Conservancy to provide the following information. For ease of use, I have extracted and numbered the questions from your correspondence, with our responses as bullet points.

1. **Which of the four constituent authorities have adopted the Management Plan 2025-2030, and on what dates?**

- The Chichester Harbour National Landscape Management Plan 2025-2030 (the "Management Plan") was adopted by Chichester District Council on 20th January 2026.
- It has not yet been adopted by Havant Borough Council, Hampshire County Council nor West Sussex County Council.

2. **When the final version was issued to the authorities for adoption, and whether the version adopted by Chichester District Council in January 2026 is the same version Havant Borough Council considered in July [2026].**

- The National Landscape Management Plan (2025-2030) was issued to the four local authorities on 3rd December 2025.
- The version adopted by Chichester District Council on 20th January 2026 is principally the same as the one considered by Havant Borough Council in July 2026, notwithstanding some minor factual and typographical corrections, with points of clarity. The Plan was last updated 8th April 2026. There were no changes of substance.

3. **Whether the Conservancy was consulted, or given notice, before the Havant Borough Council Officer's delegated decision of 13th July 2026.**

Chichester Harbour Conservancy
The Harbour Office, Itchenor, Chichester,
West Sussex PO20 7AW

[redacted]

www.conservancy.co.uk

- Chichester Harbour Conservancy has prepared each iteration of the Chichester Harbour Management Plan on behalf of the local authorities since the Countryside and Rights of Way of 2000 introduced this requirement. It is a joint Management Plan collectively owned by the four local authorities and adoption is managed through their own governance processes. After all four local authorities have adopted the Management Plan it will then be submitted to the Secretary of State.
- On 22nd April 2026, an Officer at Havant Borough Council notified Officers at Chichester Harbour Conservancy that their authority was not yet ready to adopt the Management Plan. For clarity, this was a notification, not a consultation. Therefore, yes, Chichester Harbour Conservancy was aware of the position of Havant Borough Council prior to 13th July 2026.

4. **What comments Havant Borough Council provided on the draft Management Plan, and when, and whether the Conservancy had received any indication before January 2026 that the Council regarded provisions of the Plan as inconsistent with the National Planning Policy Framework.**

- Havant Borough Council submitted a response to the consultation on the Management Plan, which is dated 23rd June 2025. I have included this response as an Appendix.
- At that time, there was no indication the draft Management Plan as of 23rd June 2025 was inconsistent with the National Planning Policy Framework.

5. **Which provisions the Council has identified as raising the difficulty [of alignment to the NPPF], if the Conservancy is able to say.**

- Havant Borough Council has not yet adopted the Chichester Harbour Management Plan 2025-2030.
- Discussions are ongoing between Officers from Chichester Harbour Conservancy and Havant Borough Council to try to alleviate concerns with the latest iteration of the Management Plan.
- Chichester District Council, West Sussex County Council and Hampshire County Council will be briefed on any forthcoming edits as agreed by Officers from Chichester Harbour Conservancy and Havant Borough Council.
- Since Havant Borough Council consider the Management Plan document to be in draft form, i.e. unfinished work, it is therefore is subject to Regulation 12(4)(d) of the EIR Regulations (material in the course of completion, unfinished documents or incomplete data). This means Chichester Harbour Conservancy is unable to elaborate on any provisions identified as raising the difficulty.

6. **Whether the Conservancy was consulted on the Regulation 19 wording of Policy 30, and if so when and in what form.**

- Discussions have taken place and are ongoing between Officers from Chichester Harbour Conservancy and Havant Borough with regards to the emerging Local Plan.
- Since Havant Borough Council consider the Local Plan document to be in draft form, i.e. unfinished work, it is therefore is subject to Regulation 12(4)(d) of the EIR Regulations (material in the course of completion, unfinished documents or incomplete data). This means Chichester Harbour Conservancy is unable to elaborate on such discussions.

Chichester Harbour Conservancy
The Harbour Office, Itchenor, Chichester,
West Sussex PO20 7AW
[redacted]
www.conservancy.co.uk

9.5 Objection 6: Inadequate Sustainability Appraisal

1. **Objective 6: Ref. [10]**
   Havant Borough Council, written answers to Save the Horsefield, 14 August 2026, Questions 1, 2, 4, 5, 6 and 7 — given in the body of the email at Ref [11], in response to questions sent by John Kingdon on 24 July 2026

[redacted]
Sent: 24 July 2026 17:58
[redacted]
Subject: Local Plan Meeting - 23 July 2026

CAUTION: This email came from outside of the council - only open links and attachments that you're expecting.

Dear [redacted]

Thank you for the useful meeting that [redacted] and I attended with you and your colleagues yesterday.

As promised, I attach some notes of our meeting which I would be grateful if you could review in case we have not understood any point. You will see a couple of highlighted points upon which I would appreciate your clarification.

As we only had an hour with you and your colleagues but only because of your understandable time pressures, we were not able to cover all the points we wanted to. As you know, we will be making a submission to the Planning Inspector and wish to do so from as informed position as possible. We would therefore be very grateful if you or one of your colleagues could consider the questions below and let me have a response.

1. What was the actual date that EM08a was first included in the Local Plan?

The Cabinet papers for the Publication Building a Better Future Plan were published on 23rd June 2026 – this was the point where the proposed allocation was first made public.

2. In terms of landscape, what changed between the SHLAA 2021 finding of unsuitability and inclusion of Site EM08a in the Local Plan in May 2026.

As explained during the meeting, in November 2025, further information was provided by the site promoter in respect of landscape and visual impacts. This included a landscape analysis of the site explaining the site's quality and its contribution towards the wider National Landscape. It has been demonstrated that, subject to appropriate mitigation, a development of 85 dwellings could be accommodated on this site satisfactorily, without causing harm to the wider National Landscape area and the qualities which form the basis for its national designation.

As set out during the meeting, the site which has been previously discounted was a larger area (including further parcels to the south, allocation EM08). The site current allocated for development (EM08a) is a much smaller proportion of the previously discounted site. Development on the discounted, southern parcels would not be considered acceptable, in terms of landscape and visuals impacts.

3. We note that paragraph 4.18 of the Sustainability Appraisal records that exception criteria for Policy 30 were considered and not taken forward because it would reduce the policy's effectiveness. Please can you clarify what is meant by this statement, in the context of the words" where allocated in this Local Plan or" in the published Local Plan.

Exception criteria for development are widely used in planning policy, these can include a wide ranging measures to allow a particular type of development in order to meet a specific need in an area where a general development would not otherwise be considered acceptable. An example of such criterion could be a small scale affordable housing development in rural areas to boost economy and vitality of rural communities and to provide housing for local people, while maintaining a restriction for any other generic development. Another example could be the lack of a requirement for a flood risk sequential test for a development located in an area at risk of flooding, where there is a housing allocation in a local plan. The lack of requirement for a sequential test does not mean that development does not have to provide appropriate flooding mitigation in line with the relevant flooding policies and the NPPF. It means that the principle of development in the flood zone has been accepted, and, subject to the provision of an appropriate mitigation, the flooding designation in itself would not be a reason to refuse an application for planning permission.

Turning to the EM08a allocation, in this case, it has been satisfactorily demonstrated by the site promoter that the smaller parcel could accommodate development without causing harm to the landscape. However, proposed development will still be expected to be designed in a way that achieves this. If development proposal does not meet the landscape policy requirements (or any other policy requirement, ie. in terms of ecology, highways, residential amenity, etc.) it will be refused at an application stage.

The earlier version of the draft Local Plan did not include this clause because there was no need for it, since the earlier version of the Plan did not include any allocations within the National Park for the reasons set out in the answer to the question above.

4. Regarding the chosen strategy, Option 2 permits development only where there are no acceptable impacts on national landscape designations. Where is the conclusion recorded that the impact of EM08a is unacceptable?

As explained above, further information submitted by the site promoter, and verified and agreed by the Council's Landscape Officer, demonstrates that, in principle, a development of 85 dwellings on this site could be accommodated within the site without causing unacceptable harm to the National Landscape. The allocation does not mean that any housing development for this number of dwellings will be accepted at an application stage. The proposed development will still be required to meet the relevant planning policy and the NPPF criteria to gain planning permission.

5. The Sustainability Appraisal was published to the Local Plan web pages on the Council's website on 14 July 2026. When was it provided to Members?
Under the scheme of delegation, which sits alongside the Council's Constitution on our website (https://www.havant.gov.uk/our-organisation/constitution), the preparation of evidence base and statutory assessments to support the Local Plan is a matter which is delegated to officers (see 5.8.1 d, h and m)
6. Claire Griffith's letter to me of 16 July 2026 refers to analysis in the Sustainability Appraisal of whether the allocation addresses the three tests of paragraph 190 of the NPPF. Please can you assist us by indicating where in the Sustainability Appraisal that analysis can be found?
The Sustainability Appraisal assessed the allocation against the relevant criteria established through the baselining process. This is included in Appendix C (Full Sustainability Appraisal of topic policies) and Appendix D (Full sustainability appraisal of sites) published on the Council's website alongside the Sustainability Appraisal:
SA Report - Reg 19 BBFP 2026 - Appendix C Topic Policies.xlsx
SA Report - Reg 19 BBFP 2026 - Appendix D Sites.xlsx

The relevance of para. 190 of the NPPF to the site allocation has been discussed in some depth at the meeting. Officers' position remains unchanged in regards to the relevance of para. 190 to the housing allocation. To reiterate, at this stage, it is only possible to assess the potential development against criterion a) (exceptional circumstances, housing need, etc.) and b) (the ability of the Council to identify sufficient land for housing within its own boundary (but outside the National Landscape) and the boundaries of other neighbouring Councils through the duty to cooperate engagement). Criterion c) relates to a detailed design of development on this site and any measures required to mitigate the specific impacts caused by the development. This can only be assessed at an application stage when details of the proposed development are submitted. At this stage, there is no requirement to submit this level of detail. However, in principle, it is accepted that it would be possible to provide an appropriate form of development on this site that would meet the requirement of this criterion, namely the requirement for development to "moderate" its impacts "on the environment, the landscape and recreational opportunities".
7. The Minutes of the Cabinet Liaison Meetings that you said had considered site EM08a on 5 and 18 June 2026.
Whilst we would not usually provide such minutes as part of a Business as Usual request, we note that you have also submitted an information request for them and it is unlikely that an exemption would apply. As such, the 5th June minutes are attached. The Draft Minutes of 17th June meeting are not attached as they have not yet been agreed (this takes place at the next meeting of the panel, and this has not yet taken place). However we can confirm that there is no reference to the Horses Field Site (or its SHELLA or Local Plan reference).
If it is helpful – the membership and Terms of Reference of the panel were confirmed by the Cabinet on 3rd June (item 8). The detail of this is available on our website at https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=128&MId=13484&Ver=4

In conclusion, [redacted]: I would like to thank you and your colleagues for the courtesy and time that you gave us to discuss the Local Plan. It was much appreciated.

Best regards,

John Kingdon
On behalf of the Save the Horsefield - Protect the Chichester Harbour National Landscape

2. Objection 6: Ref. [11]

Email, David Hayward to John Kingdon, 14 August 2026, subject "RE: Local Plan Meeting - 23 July 2026"

[redacted]

Sent: 14 August 2026 03:24 PM

[redacted]

Subject: RE: Local Plan Meeting - 23 July 2026

Good afternoon John

Thank you for sending through the draft notes. Apologies for the delay in getting back to you – I'm presuming you got the out of office and obviously also wanted to ensure that everyone who was at the meeting had the chance to review the notes.

Attached are the notes with a few suggested tweaks and also answers to the questions which were flagged up.

Please also find below answers to the questions which you asked and the attached minutes for question 7.

I'm aware from our Information Governance officer that an information request has been submitted asking for the same information as the questions below. We've answered the questions as a business as usual enquiry but would have provided the same answers if responding as an information request.

I hope this is helpful for you. If you have any follow-up queries, please do let us know. I'd suggest a 'reply-to-all' due to leave commitments between us over the summer period.

I'm glad you found the discussion we had a few weeks ago useful and hopefully helped in understanding the background to the difficult decisions the Council has taken in preparing the Local Plan. We do certainly understand and appreciate the value which you and your group place on the site and the National Landscape as a whole.

All the best

[redacted]

Strategic Planning Manager [redacted]
Planning Services, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX

In August 2025, the council moved to a new case management system, across Planning Development, Licensing and Environmental Health. This change involved moving 25 years' worth of data from multiple systems into one new system and learning how to use the new system. Officers have worked hard to resume normal working but a small backlog remains and our response times may be longer than usual.

Thank you for your understanding and patience.

Certified Carbon Literate
PLANNING AWARDS 2021 WINNER
CIEEM AWARDS 2021 WINNER

More details at www.havant.gov.uk/nitrogen

Havant BOROUGH COUNCIL

3. Objection 6: Ref. [14]

Emails, Havant Borough Council Landscape Officer, 12 and 27 February 2026

From: [redacted]
Sent: 12 February 2026 11:00
To: [redacted]
Subject: RE: Building a Better Future Plan - EM08 Land south of Havant Road

---

Hi [redacted]

I have no overriding objection to the allocation of the northernmost parcels – these are likely not very important ecologically. The southern parcels have enormous potential for strategic environmental mitigation – nutrients, birds, BNG and green infrastructure.

I would be very supportive of measures to provide large scale environmental mitigation here – this would allow the landowner to generate income plus provide valuable opportunities for nature recovery and green infrastructure.

If you have any queries, please don't hesitate to contact me.

Kind regards,

[redacted]

[redacted]

Principal Ecologist | E: [redacted]@havant.gov.uk M: [redacted]
Planning Services, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX

From: Landscape
Sent: 27 February 2026 09:29
To: [redacted]
Subject: Re: Planning Policy Allocation: Land south of Havant Road, Emsworth

---

Hello [redacted]

I didn't realise you had moved over to policy, hope you are enjoying it.

In terms of land south of Havant Road and its potential impact on the character of the area here are my comments.

- Impact on the AONB must be mitigate through the use of landscape screening, landscape buffers, reduction of height and massing of buildings and appropriate colour pallet. Particularly from public view points (Chichester Harbour, Solent Way FP108/56/3, Nore Barn Woods, Havant Road).
- The northern parcel would be considered acceptable as this area is far away from character areas which require protection.
- Southern area would not be considered appropriate

Kind regards,

[redacted]
Chartered Landscape Architect | M: [redacted]
Civil Engineering and Landscape Team, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX

Havant BOROUGH COUNCIL

4. **Objection 6: Ref. [21]**
   Letter, [redacted] Monitoring Officer, Havant Borough Council, 20 August 2026, and the Council' acknowledgement and case reference

Access to information - Council meeting of 15 July 2026, Agenda Item 5

[redacted]

[redacted]ursday, August 20th 2026, 3:34:29 PM BST

Letter to Monitoring Officer - 15 July 2... **18 KB**

Dear [redacted]

I am writing to you as Monitoring Officer about the papers available to members and to the public for Agenda Item 5 at the Council meeting of 15 July 2026, the Publication Building a Better Future Plan.

In short: the Sustainability Appraisal does not appear in the agenda pack, in the corrigendum, or in any supplement for that meeting, and it is not identified in the list of background papers to report HBC/061/2026. The Council has confirmed that it was published to the Local Plan web pages on 14 July 2026, the day before the vote, and six days after the deadline for public questions had closed. The Plan itself describes the Sustainability Appraisal as the assessment which determined which sites would be allocated.

My letter is attached. It sets out the sequence, the provisions I think are engaged - sections 100B and 100D of the Local Government Act 1972 - and seven specific points on which I would be grateful for confirmation.

I should say that this is not a complaint about any individual officer, and I am not asking for the vote to be revisited. I am asking whether the statutory access to information requirements were met, because the answer bears on the legal compliance of the Plan and will be relevant at examination. I have raised it now rather than after submission so that it can be addressed while that is still possible.

To the extent that any part of the letter requires the disclosure of recorded information, please treat it as a request under the Environmental Information Regulations 2004. I would otherwise be grateful for a substantive reply within 20 working days.

I am content for this correspondence to be published, and I intend to include it, with any response, in my representation on the Regulation 19 consultation.

Kind regards,

[redacted]
On behalf of the Save the Horsefield - Protect the Chichester Harbour National Landscape

Attachment: Letter to Monitoring Officer - 15 July 2026 agenda and Sustainability Appraisal

[redacted]

20 August 2026

[redacted]
Corporate Director, Legal & Governance (Monitoring Officer)
Havant Borough Council

Dear [redacted]

Access to information — Council meeting of 15 July 2026, Agenda Item 5 (Publication Building a Better Future Plan)

I am writing to you in your capacity as Monitoring Officer about the papers available to members and to the public for the Council meeting of 15 July 2026, at which the Council resolved to approve the Publication Building a Better Future Plan for submission to the Secretary of State.

I raise this now, rather than after the Plan is submitted, so that it can be addressed while it is still capable of being put right.

The sequence

- The summons and agenda for the meeting are dated 7 July 2026.
- Report HBC/061/2026, "Publication Building a Better Future Plan", appears at Agenda Item 5. It lists three appendices: Appendix A (the Plan), Appendix B (the Consultation Plan) and Appendix C (the Integrated Impact Assessment). The Sustainability Appraisal is not among them.
- The background papers are listed as the Local Development Scheme, the NPPF (2024), three earlier reports, the Officer Scheme of Delegation, and "Evidence base and statutory assessment reports informing the Building a Better Future Plan". A corrigendum was later issued which added the Cabinet meeting of 1 July 2026 to that list. The Sustainability Appraisal is not identified individually at any point.
- The agenda records that public questions and requests to address the Council had to be received by 12 noon four clear working days before the meeting — that is, by 12 noon on Wednesday 8 July 2026.
- The Council has since confirmed, in answer to questions from Mr John Kingdon, that "The Sustainability Appraisal was published to the Local Plan web pages on the Council's website on 14 July 2026".
- The Sustainability Appraisal does not appear in the agenda pack, in the corrigendum, or in any of the supplements circulated for the meeting.
- Report HBC/061/2026 records "Urgent Decision: No".

Why this matters

The Council's own documents describe the Sustainability Appraisal as the assessment which determined the allocations. Paragraph 2.106 of the Plan states that the development supply position "has been informed by the development strategy and the Sustainability Appraisal which determined which sites would be allocated in this Plan". Paragraph 3.7 states that the Sustainability Appraisal:

> *"...is a systematic and iterative assessment of the sites which eventually concludes whether the site would constitute sustainable development. This is then used to determine whether that site should be allocated in the Local Plan."*

On the Council's own account, therefore, this is not peripheral evidence. It is the assessment on which the choice of allocations rests, including Allocation 3 (Land south of Havant Road, the Horse's Field), which was the subject of an amendment at the meeting that was defeated only on the Mayor's casting vote.

Section 100D of the Local Government Act 1972 requires the proper officer to compile a list of the background papers for a report — the documents disclosing facts on which the report or an important part of it is based, and which have been relied on to a material extent in preparing it — and requires a copy of each listed document to be open to public inspection at the same time as the report. Section 100B requires the agenda and reports to be open to inspection at least five clear days before the meeting.

That produces a difficulty which I would be grateful if you would resolve. Either the Sustainability Appraisal was a background paper to report HBC/061/2026, in which case it was not open to inspection when the report was and was not individually listed; or it was not relied on to a material extent in preparing the report, in which case it is hard to reconcile the Council's position with paragraphs 2.106 and 3.7 of the Plan itself.

I would add that the Integrated Impact Assessment, which is also a statutory assessment, was appended to the report. So the omission is not explained by a general practice of leaving statutory assessments out of committee papers.

The public participation deadline

I asked to put a question to the meeting and was told that the deadline had passed. I accept that the deadline exists and that it was applied correctly to me. My difficulty is with the comparison. Residents were required to submit questions by 12 noon on 8 July. The statutory appraisal on which the allocations depend was not published until 14 July, six days later and the day before the vote. A resident could not have asked about it, because it did not exist in the public domain when the deadline fell.

A related discrepancy

Report HBC/061/2026 records "Key Decision: No". The Council's published issue page for this decision (Pre Submission Building a Better Future Plan, moderngov reference Ild=39690) records "Decision type: Key", with notice of the proposed decision first published on 3 July

2026 for a decision due on 15 July 2026. I would be grateful for an explanation of the discrepancy and of which classification the Council considers correct.

What I would ask

I would be grateful if you would confirm the following:

1. Whether the Sustainability Appraisal formed part of the background papers for report HBC/061/2026 and, if so, the date on which a copy was open to public inspection.
2. If it did not, whether the proper officer took the view that the Sustainability Appraisal had not been relied on to a material extent in preparing the report, and how that view sits with paragraphs 2.106 and 3.7 of the Plan.
3. Whether the Council considers that listing "evidence base and statutory assessment reports informing the Building a Better Future Plan" satisfies the requirement in section 100D(1) for a list of background papers.
4. The date on which the Sustainability Appraisal, and each of its appendices, was provided to members.
5. Whether the chairman certified any item or document for the meeting as urgent under section 100B(4)(b), and whether any special circumstances were recorded in the minutes.
6. The explanation for the difference in the key decision classification described above.
7. Whether the Council is satisfied that the requirements of sections 100B and 100D were met in relation to Agenda Item 5, and if not, what steps it proposes to take.

Status of this letter

This is not intended as a complaint about any individual officer, and I am not asking you to reopen the vote. I am asking whether the statutory access to information requirements were met, because the answer bears on the legal compliance of the Plan and will be relevant at examination.

To the extent that any part of this letter requires the disclosure of recorded information, please treat it as a request under the Environmental Information Regulations 2004. I would otherwise be grateful for a substantive reply within 20 working days.

I intend to include this correspondence, and any response, in the representation I make on the Regulation 19 consultation.

Yours sincerely

[redacted]
Save the Horsefield

[redacted]

Thank you for your request for information which has been received by Havant Borough Council.

Your request for information has been logged under reference 26-323 and will be dealt with under the Freedom of Information Act 2000 or Environmental Information Regulations 2004. As you have highlighted in your letter, some questions may be more appropriately dealt with as enquiries rather than requests for information and we will liaise with the relevant teams regarding this.

We will determine whether we hold the information you have requested and provide you with our response within 20 working days.

For more information on our approach to information requests and to view our Publication Scheme, please use the following link: http://www.havant.gov.uk/freedom-of-information or contact us on: inforequests@havant.gov.uk quoting the reference number above.

For information about how we process your personal data see our 'Information Governance' privacy notice: https://www.havant.gov.uk/service-privacy-notices.

Kind regards,

Information Governance

Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant PO9 2AX

Havant BOROUGH COUNCIL

Your privacy matters. Go to www.havant.gov.uk/privacy-policy

5. Objection 6: Ref. [23]

Havant Borough Council, draft Local Plan Policy 31 (Nationally Protected Landscapes), April 2026, as circulated to Chichester Harbour Conservancy with suggested changes marked disclosed by the Council under the Environmental Information Regulations.

HBC DRAFT LOCAL PLAN POLICY APRIL 2026 – SUGGESTED CHANGES:-

Policy 31: Nationally Protected Landscapes

Chichester Harbour National Landscape

Major development will not be permitted within Chichester Harbour National Landscape, other than in exceptional circumstances.

Planning permission for any other development will only be granted where it is demonstrated that the proposal:

a) Furthers the purpose[1] of designation by conserving and enhancing the natural beauty[2] and the special qualities of the National Landscape as defined in the Chichester Harbour National Landscape ~~AONB~~ Management Plan[3]; and

b) Meets the policy aims of the ~~up-to-date~~ Chichester Harbour National Landscape Management Plan; and

~~c) Provides mitigation for any detrimental effects caused by the proposal and, where appropriate, secures additional landscape enhancements; and~~

c) Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding and enjoyment of the area.

d) Where it is outside but within the setting of the National Landscape, is sensitively located and designed to avoid or minimise adverse impacts on natural beauty[4] (including views into and out of the National Landscape[5]).

---

[1] This reflects the implications of the new statutory duty to seek to further the purpose of protected landscape designation (i.e., in the case of national landscapes, to conserve and enhance the natural beauty of these areas). Similar wording is used in the National Landscape Association's guidance on the 'seek to further' duty (link).

[2] This reflects the statutory purpose of national landscape designation, which is to conserve and enhance the natural beauty of the area, as set out in Section 82 of the Countryside and Rights of Way Act 2000 (link).

[3] The 'special qualities of the Chichester Harbour National Landscape are listed in Section 1 of the Chichester Harbour National Landscape Management Plan 2025-2030 (link) The 'special qualities' of a national landscape are those aspects of the area's natural beauty which make the area distinctive and which are considered valuable, especially at a national scale. They are the key attributes on which the priorities for the area's conservation, enhancement and management should be based.

[4] This reflects the requirement, in paragraph 189 of the National Planning Policy Framework, that '*development within their setting should be sensitivity located and designed to avoid or minimise adverse impacts on the designated areas*'.

[5] This reflects the advice in Paragraph 042 of the National Planning Practice Guidance on how development within the setting of National Landscapes should be dealt with (link)

6. **Objection 6: Ref. [24]**
   Email, Chichester Harbour Conservancy to Havant Borough Council, 27 April 2026, subject "RE: Copies of versions of the Harbour Management Plan", disclosed by the Council under the Environmental Information Regulations.

From: [redacted]@conservancy.co.uk>
Sent: 27 April 2026 12:04
To: [redacted]@havant.gov.uk>; [redacted]@conservancy.co.uk>
Subject: RE: Copies of versions of the Harbour Management Plan

CAUTION: This email came from outside of the council - only open links and attachments that you're expecting.

Dear [redacted],

[redacted] has passed me your correspondence regarding the National Landscape Management Plan and specifically querying Planning Principle PP01 (Great Weight for a Nationally Important Landscape).

Your point about point number 5 of the Policy is accepted, I have to admit it does go further than the NPPF in suggesting that any additional housing within the setting of the National Landscape should be within settlement boundaries. Can I suggest that the words 'or its setting' are deleted, and that we add an additional sentence to the end of Planning Principle 01 (5).

From (p41):

5. *All new developments for a net increase in dwellings within the National Landscape or its setting are to be within existing settlement boundaries.*

To:

5. *All new developments for a net increase in dwellings within the National Landscape are to be within existing settlement boundaries. Those within its setting are to be sensitively located and designed to avoid adverse impacts.*

This would be consistent with paragraph 189 of the NPPF.

Your colleague [redacted] has kindly reached out to us for further comments on 4 policies from the draft Building a Better Future Plan, including draft Policy 31 on Nationally Protected Landscapes. I will respond separately directly to [redacted] on this, but the issue of setting remains absent from the Policy, despite it being within existing Core Strategy Policy CS12, within CDC's policy on the National Landscape from their recently adopted Local Plan (Policy NE14) and it being covered in paragraph 189 of the NPPF and paragraph 042 of the NPPG as below:-

NPPF – Chapter 15 Conserving and enhancing the natural environment

189. 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 in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

and the Broads[66]. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

NPPG – Landscape

How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?

Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.

Paragraph: 042 Reference ID: 8-042-20190721

Revision date: 21 07 2019

Setting refers to areas where new development might still have an impact on the natural beauty of the National Landscape, essentially, where it is visible from the National Landscape to a degree that impacts its natural beauty and the person's experience/impression of the National Landscape, or where views into the National Landscape from outside its boundary are impacted. Examples of areas within the Havant Borough where the setting of the National Landscape may be impacted include the

houses immediately north of Western Parade and along this stretch of the coast where the National Landscape boundary skirts around the built area, but where buildings close to the coastline are visible from a wide area and for long distances from within the National Landscape. Other examples include north Hayling, potentially as far inland as Northney village, given that there are open fields between the National Landscape boundary and the buildings here and therefore high intervisibility.

I have screen-shotted a map from the previous version of the AONB SPD (Design Guidelines For New Dwellings and Extensions 2010) which illustrates this point on the Havant Borough side with red stars marking areas outside the National Landscape boundary where new development may have an impact on the setting of the National Landscape:-



It is really important that setting is included in the new Policy on Nationally Protected Landscapes within the Building a Better Future Plan for the reasons explained, although as stated, we will be responding directly to [redacted] on this point. We note that reason 1 of HBC's recent refusal (APP/25/00937) for a permanent café within the car park off Havant Road just outside the National Landscape related to impact on the landscape and scenic beauty of the National Landscape - this is another example of a site very close to the boundary where there is potential impact on the setting of the National Landscape. The vast majority of the Borough would not fall within the setting of the National Landscape.

Thank you for raising the point about Planning Principle PP01 of the National Landscape Management Plan - hopefully the suggested tweak to point number 5 will enable you to adopt the Plan as soon as possible, but please do let [redacted] and me know if there are any further concerns or queries.

Regards,

[redacted]

[redacted]
Principal Planning Officer
Please note I work part time – Monday to Wednesday

CHICHESTER HARBOUR CONSERVANCY
The Harbour Office, Itchenor, Chichester, West Sussex, PO20 7AW
01243 512301 | info@conservancy.co.uk | www.conservancy.co.uk

Chichester Harbour National Landscape



7. **Objection 6: Ref. [25]**
Chichester Harbour Conservancy, response to request under the Environmental Information Regulations, reference EIR 03/08/2026, 12 August 2026, and its Appendix (notes of the deputation of Dr Richard Austin, Director of Conservation, read to Full Council on 15 July 2026)

From: Chichester Harbour Conservancy
Ref: EIR 03/08/2026
[redacted]

[redacted]

CHICHESTER HARBOUR CONSERVANCY

12th August 2026

Dear Ms Potter,

Request under Environmental Information Regulations (EIR) dated 3rd August 2026

Founded by the Chichester Harbour Conservancy Act of 1971, Chichester Harbour Conservancy is a unique organisation in that it is the only statutory Harbour Authority with responsibilities for the safety of navigation, leisure and recreation, the conservation of nature and natural beauty. Chichester Harbour Conservancy is also the appointed Delivery Partner for the Chichester Harbour National Landscape Joint Advisory Committee (JAC).

On 3rd August 2026, Chichester Harbour Conservancy received an EIR request from you. In formulating our response, I have liaised with Richard Austin, our Director of Conservation.

1. **All correspondence between the Conservancy and Havant Borough Council concerning Site EM08a, including emails, letters, meeting notes and file notes.**

- The Strategic Housing and Economic Land Availability Assessment of February 2026 referenced site EM08A, which is now referred to Allocation 3 in the emerging Local Plan, and colloquially known as 'the Horsefield'. The site was discounted at this stage for this reason.

  "Not suitable: This is a greenfield site adjacent to the urban area and within Chichester Harbour National Landscape." (SHELAA, Havant Borough Council, pages 90 and 94).

- Consequently, until recently, there was nothing for Officers of Chichester Harbour Conservancy and Officers of Havant Borough Council to discuss about EM08A.
- Since Allocation 3 was a late addition to the preparation of the emerging Local Plan there was no opportunity for Chichester Harbour Conservancy to comment.
- The inclusion of Allocation 3 was brought to the attention of Officers from Chichester Harbour Conservancy on 15th June 2026, by Officers of Havant Borough Council, after wider comments had already been submitted to Havant Borough Council.
- Any responses from the Officers at Chichester Harbour Conservancy to the Officers at Havant Borough Council are not publicly available because they are subject to Regulation 12(4)(d) of the EIR Regulations (material in the course of completion, unfinished documents or incomplete data). This means Chichester Harbour Conservancy is unable to elaborate on such discussions.

Chichester Harbour Conservancy
The Harbour Office, Itchenor, Chichester,
West Sussex PO20 7AW

[redacted]
www.conservancy.co.uk

- A deputation was made by Richard Austin to Full Council on 15th July 2026, which is available to view on the website for Havant Borough Council. I have also included his notes as an Appendix to this letter.

2. **All formal consultation responses, representations or comments submitted by the Conservancy to Havant Borough Council in relation to Site EM08a, or to the site selection process for the draft Local Plan more generally, together with any earlier drafts of those responses.**

- Officers at Chichester Harbour Conservancy did not make any responses, representations or comments to Officers at Havant Borough Council in relation to Site EM08a. Officers at Chichester Harbour Conservancy were under the impression the site has been discounted through the SHELAA of February 2026,
- Chichester Harbour Conservancy has not been engaged with the site selection process for the draft Local Plan.
- Furthermore, any draft responses by the Officers at Chichester Harbour Conservancy to the Officers at Havant Borough Council are not publicly available because they are subject to Regulation 12(4)(d) of the EIR Regulations (material in the course of completion, unfinished documents or incomplete data). This means Chichester Harbour Conservancy is unable to elaborate on such discussions.

3. **Any internal Conservancy assessment, officer note, briefing or advice concerning the potential impact of development at Site EM08a on the purpose of conserving and enhancing the natural beauty of the Chichester Harbour National Landscape.**

- Chichester Harbour Conservancy is preparing its formal response to the current consultation on the Havant Local Plan. This is a work-in-progress as of the date of this correspondence and will be discussed at the next meeting of the Conservancy's Planning Committee, on 7th September 2026. Members of the public may attend this meeting.
- The Landscape Character Assessment for Chichester Harbour Area of Outstanding Natural Beauty was last updated in 2019 and is available to download from the Conservancy's website. See H1 Havant to Chichester Coastal Plain.
- In May 2026, the National Landscape Association issued guidance for local authorities considering allocating greenfield sites in National Landscapes. This document details general advice for use at the plan-making stage. This guidance from the NLA is published on the website of Chichester Harbour Conservancy (link below).

https://www.conservancy.co.uk/about-chichester-harbour-conservancy/our-purpose/management-plan/

4. **Any advice given by the Conservancy to Havant Borough Council concerning the Council's duty under section 85 of the Countryside and Rights of Way Act 2000 (as amended by section 245 of the Levelling-up and Regeneration Act 2023) to seek to further that purpose, whether in relation to Site EM08a specifically or to the draft Local Plan generally.**

- The Director of Conservation briefed Officers from Havant Borough Council on various aspects of protected landscape management during a visit to Chichester Harbour on 8th

Chichester Harbour Conservancy
The Harbour Office, Itchenor, Chichester,
West Sussex PO20 7AW

[redacted]
www.conservancy.co.uk

September 2023, aboard our *Solar Heritage* catamaran. Although the LURA legislation had not yet changed, we were aware that it was imminent and therefore it was likely discussed as part of that briefing. As the exercise was a training session, minutes were not recorded.

- One would assume Local Planning Authorities are also made aware of legislative changes through official government channels that affect their work.
- The legislation came into effect from 26th December 2023. The standard template response that Officers from Chichester Harbour Conservancy use to respond to planning applications was immediately amended to reflect this change.
- In May 2025, the National Landscapes Association issued a Briefing Paper on Applying the CRoW Act Section 85 Duty to 'seek to further the purpose' in National Landscapes. This has been published on the website for Chichester Harbour (link below).
- The latest iteration of the Chichester Harbour Management Plan 2025-2030 also explains the change in legislation, notwithstanding that Havant Borough Council has not yet adopted this Plan.

https://www.conservancy.co.uk/about-chichester-harbour-conservancy/our-purpose/management-plan/

5. **Any minutes, reports or agenda papers of the Conservancy, or of any of its committees or advisory panels, in which Site EM08a or the Havant Borough Local Plan site allocations were discussed.**

- Neither site EM08a nor any of the Havant Borough Local Plan site allocations were discussed in any Conservancy meetings between 1st January 2024 and 3rd August 2026.

6. **Any correspondence between the Conservancy and Natural England concerning Site EM08a or the Havant Borough Local Plan.**

- No correspondence took place between the Conservancy and Natural England concerning site EM08A nor the Havant Borough Local Plan between 1st January 2024 and 3rd August 2026.

Should you have any further questions, please do not hesitate to contact Chichester Harbour Conservancy again.

Yours sincerely,

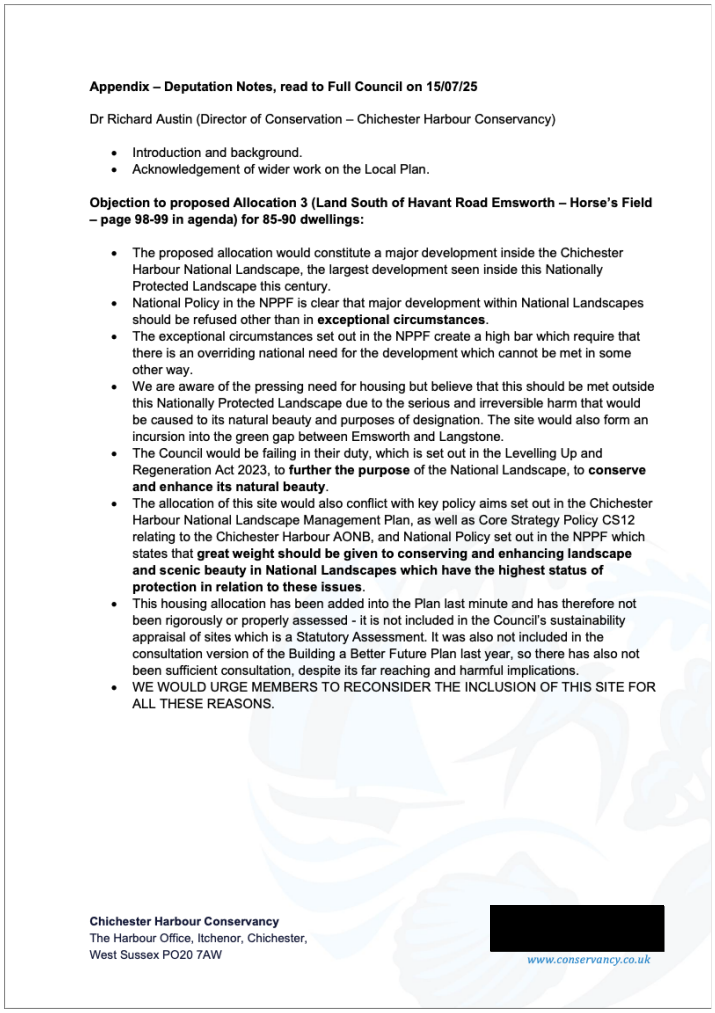
[redacted]

Business Support Officer

Chichester Harbour Conservancy
The Harbour Office, Itchenor, Chichester,
West Sussex PO20 7AW

[redacted]

www.conservancy.co.uk



Appendix – Deputation Notes, read to Full Council on 15/07/25

Dr Richard Austin (Director of Conservation – Chichester Harbour Conservancy)

- Introduction and background.
- Acknowledgement of wider work on the Local Plan.

Objection to proposed Allocation 3 (Land South of Havant Road Emsworth – Horse's Field – page 98-99 in agenda) for 85-90 dwellings:

- The proposed allocation would constitute a major development inside the Chichester Harbour National Landscape, the largest development seen inside this Nationally Protected Landscape this century.
- National Policy in the NPPF is clear that major development within National Landscapes should be refused other than in **exceptional circumstances**.
- The exceptional circumstances set out in the NPPF create a high bar which require that there is an overriding national need for the development which cannot be met in some other way.
- We are aware of the pressing need for housing but believe that this should be met outside this Nationally Protected Landscape due to the serious and irreversible harm that would be caused to its natural beauty and purposes of designation. The site would also form an incursion into the green gap between Emsworth and Langstone.
- The Council would be failing in their duty, which is set out in the Levelling Up and Regeneration Act 2023, to **further the purpose** of the National Landscape, to **conserve and enhance its natural beauty**.
- The allocation of this site would also conflict with key policy aims set out in the Chichester Harbour National Landscape Management Plan, as well as Core Strategy Policy CS12 relating to the Chichester Harbour AONB, and National Policy set out in the NPPF which states that **great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues**.
- This housing allocation has been added into the Plan last minute and has therefore not been rigorously or properly assessed - it is not included in the Council's sustainability appraisal of sites which is a Statutory Assessment. It was also not included in the consultation version of the Building a Better Future Plan last year, so there has also not been sufficient consultation, despite its far reaching and harmful implications.
- WE WOULD URGE MEMBERS TO RECONSIDER THE INCLUSION OF THIS SITE FOR ALL THESE REASONS.

Chichester Harbour Conservancy
The Harbour Office, Itchenor, Chichester,
West Sussex PO20 7AW
[redacted]
www.conservancy.co.uk

8. Objection 6: Ref. [26]

Email exchange between officers of Havant Borough Council, 13 July 2026, subject "SA for sign off", disclosed by the Council under the Environmental Information Regulations

From: [redacted]
Sent: 13 July 2026 21:10
To: [redacted]
Subject: RE: SA for sign off

Hi [redacted]

Thanks for pulling this together today. Happy to sign off.

[redacted]

From: [redacted]@havant.gov.uk>
Sent: 13 July 2026 18:00
To: [redacted]@havant.gov.uk>
Subject: SA for sign off

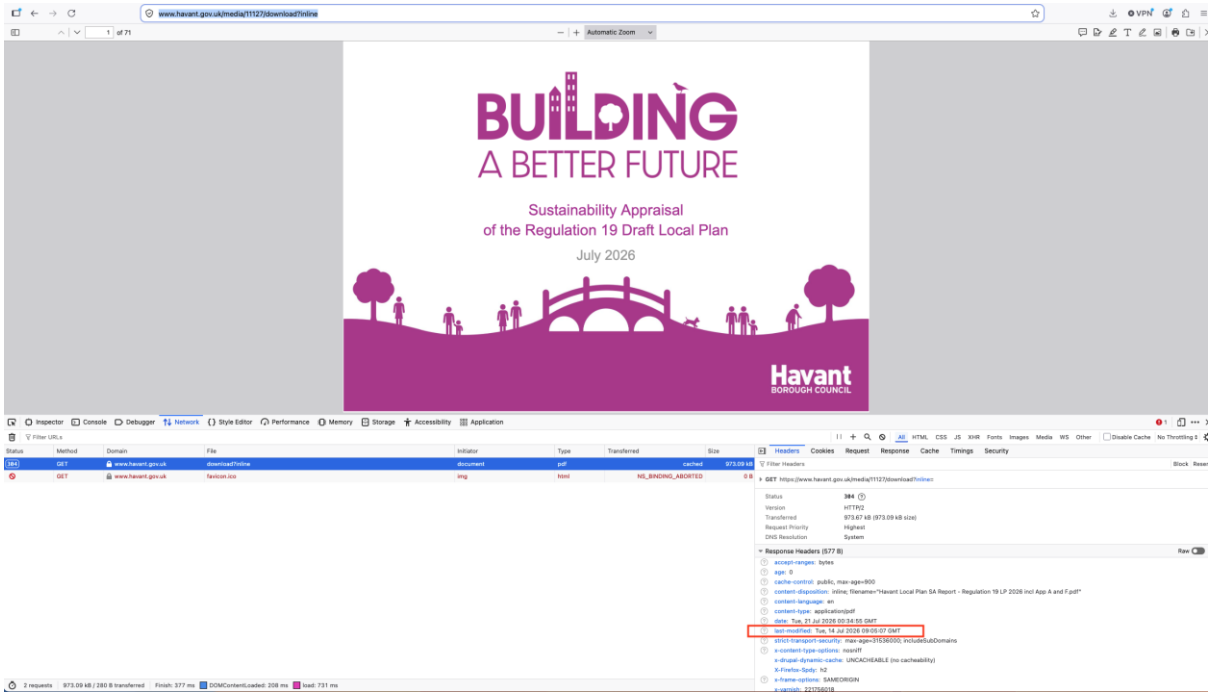
Hi,

ELR numbers now in SA. Final tidy version for sign off, dated July 2026 is here:
H:\Planning Policy\LOCAL PLAN - BBFP\Assessments and Statements\SA\Reg 19 Plan SA (Summer 2026)\SA Report - Reg19 BBFP 2026

[redacted]

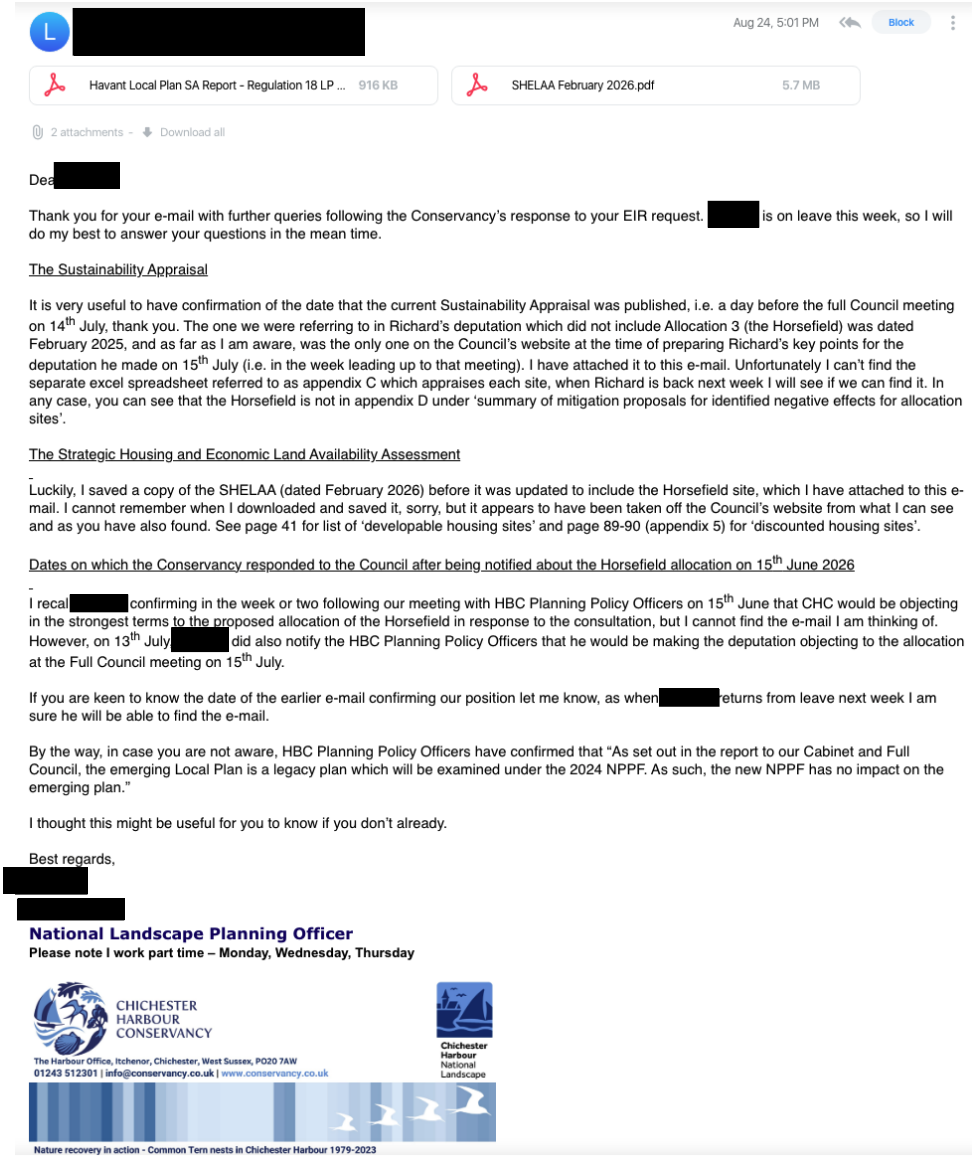
9. Objection 6: Ref. [27]

Screenshot of the Council's Local Plan web pages recording the upload date of the Sustainability Appraisal, taken 20 August 2026



10. Objection 6: Ref. [28]

Email - Chichester Harbour Conservancy to Save the Horsefield, 24 August 2026, identifying the version of the Sustainability Appraisal available on the Council's website in the week before the Council meeting of 15 July 2026.



[redacted] Aug 24, 5:01 PM Block

Havant Local Plan SA Report - Regulation 18 LP ... 916 KB

SHELAA February 2026.pdf 5.7 MB

2 attachments - Download all

Dea[redacted]

Thank you for your e-mail with further queries following the Conservancy's response to your EIR request. [redacted] is on leave this week, so I will do my best to answer your questions in the mean time.

The Sustainability Appraisal

It is very useful to have confirmation of the date that the current Sustainability Appraisal was published, i.e. a day before the full Council meeting on 14th July, thank you. The one we were referring to in Richard's deputation which did not include Allocation 3 (the Horsefield) was dated February 2025, and as far as I am aware, was the only one on the Council's website at the time of preparing Richard's key points for the deputation he made on 15th July (i.e. in the week leading up to that meeting). I have attached it to this e-mail. Unfortunately I can't find the separate excel spreadsheet referred to as appendix C which appraises each site, when Richard is back next week I will see if we can find it. In any case, you can see that the Horsefield is not in appendix D under 'summary of mitigation proposals for identified negative effects for allocation sites'.

The Strategic Housing and Economic Land Availability Assessment

Luckily, I saved a copy of the SHELAA (dated February 2026) before it was updated to include the Horsefield site, which I have attached to this e-mail. I cannot remember when I downloaded and saved it, sorry, but it appears to have been taken off the Council's website from what I can see and as you have also found. See page 41 for list of 'developable housing sites' and page 89-90 (appendix 5) for 'discounted housing sites'.

Dates on which the Conservancy responded to the Council after being notified about the Horsefield allocation on 15th June 2026

I recal[redacted] confirming in the week or two following our meeting with HBC Planning Policy Officers on 15th June that CHC would be objecting in the strongest terms to the proposed allocation of the Horsefield in response to the consultation, but I cannot find the e-mail I am thinking of. However, on 13th July [redacted] did also notify the HBC Planning Policy Officers that he would be making the deputation objecting to the allocation at the Full Council meeting on 15th July.

If you are keen to know the date of the earlier e-mail confirming our position let me know, as when [redacted] returns from leave next week I am sure he will be able to find the e-mail.

By the way, in case you are not aware, HBC Planning Policy Officers have confirmed that "As set out in the report to our Cabinet and Full Council, the emerging Local Plan is a legacy plan which will be examined under the 2024 NPPF. As such, the new NPPF has no impact on the emerging plan."

I thought this might be useful for you to know if you don't already.

Best regards,

[redacted]

[redacted]

National Landscape Planning Officer

Please note I work part time – Monday, Wednesday, Thursday

CHICHESTER HARBOUR CONSERVANCY

The Harbour Office, Itchenor, Chichester, West Sussex, PO20 7AW

01243 512301 | info@conservancy.co.uk | www.conservancy.co.uk

Chichester Harbour National Landscape

Nature recovery in action - Common Tern nests in Chichester Harbour 1979-2023

9.6 Objection 8: Impact on Ecology and Environment

1. **Objection 8: Ref. [4]**
   E-mail – HBC Ecology Officer re: Brent Geese and Curlew counts

From: @havant.gov.uk>
Sent: 26 November 2025 15:26
To: @havan t.gov.uk>
Subject: RE: Building a Be_er Future Plan - EM08 Land south of Havant Road
Sorry – nearly forgot about this one!
Curlew were recorded in the central field by me in the winter of 2023/24 (counts of 14 and 12) and there is a 2021 record of 26 Curlew
here. There are records of Brent Geese from this site in numbers from 100-300 birds between 2013/14 and 2017/18.
I would agree that the northern and southern fields are much less likely to support birds. The southern field is not adequate compensation
for the loss of that large central area.
The fields are also good for some scarcer arable plant species, some of which are notable.
If you have any queries, please don't hesitate to contact me.
Kind regards,
Principal Ecologist | E: @havant.gov.uk M:
Planning Services, Havant Borough Council, Public Service Plaza, Hava nt, PO9 2AX

2. **Objection 8: Ref. [5]**
   E-mail – HBC Ecology Officer re: impact on Brent Geese and Curlew due to loss of habitat

From: @havant.gov.uk>
Sent: Wednesday, October 9, 2024 9:53 AM
To: @havant.gov.uk>
Cc: @havant.gov.uk>
Subject: RE: EM08 South of Havant Road - replacement habitat required?
Hi
Yes, this is an important site for Curlew and also Brent Geese – it's part of the network of sites associated
with Warblington Farm and birds use this site when WF is too disturbed. Any loss of habitat would require
compensatory habitat and it's tricky to see where that would be.
If you have any queries, please don't hesitate to contact me.
Kind regards,
Principal Ecologist | E: @havant.gov.uk M:
Planning Services, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX
Advanced notice of leave: 28 October – 1 November 2024

3. Objection 8: Ref: [6]

Report – Brent Geese and Curlew Count, H22B, 2020-25

Count of Brent Geese and Curlew recorded in the field directly south of Site EM08a.

Site	Date	Time	Specie	Count	Notes
H22B	15/12/2020	14:30	DB	260	neighbour said they've been using this field for 7-10 days already
H22B	17/12/2020	14:35	DB	52	ebb tide but no mud available yet
H22B	17/12/2020	14:35	CU	23	flew out at 15:20
H22B	19/12/2020	10:00	DB	160	
H22B	17/12/2020	11:15	DB	184	
H22B	19/12/2020	10:30	DB	193	began arriving in small groups
H22B	20/12/2020	08:00	DB	100	grazing on waterlogged ground
H22B	20/12/2020	09:20	DB	150	
H22B	20/12/2020	14:20	DB	182	
H22B	20/12/2020	15:30	DB	170	
H22B	21/12/2020	10:00	DB	20	
H22B	21/12/2020	13:00	DB	80-100	
H22B	22/12/2020	15:00	DB	120	
H22B	23/12/2020	10:30	DB	150-200	substantial water run-off. Wheat has been eaten right down by the geese
H22B	23/12/2020	10:30	CU	25	
H22B	29/12/2020	10:00	CU	50	
H22B	03/01/2021	14:30	DB	260	
H22B	04/01/2021	09:00	DB	150	
H22B	04/01/2021	13:30	DB	214	
H22B	05/01/2021	10:45	DB	180	NW corner
H22B	06/01/2021	10:00	DB	120	
H22B	21/02/2021	16:45	DB	210	Minimum; possibly 30 more over ridge. Seen coming in at 16:20
H22B	22/02/2021	15:30	DB	130	
H22B	17/11/2022	14:55	DB	340	
H22B	18/11/2022	All day	DB	200?	
H22B	19/11/2022	All day	DB	250	
H22B	20/11/2022	10:40	DB	350	
H22B	21/11/2022	08:30 & 13	DB	200+	Whole flock took off, circled and landed
H22B	22/11/2022		DB	390	
H22B	22/11/2022	All day	DB	200+	
H22B	23/11/2022	08:00	DB	200+	
H22B	28/11/2022	16:00	DB	200-300	
H22B	29/11/2022	14:55	DB	200+	
H22B	30/11/2022	08:55	DB	200+	
H22B	30/11/2022	15:00	DB	830	left at 16:30
H22B	02/12/2022	15:35	DB	200+	
H22B	24/12/2022	11:30	DB	550	some had been seen back in this field on 23.12.2022
H22B	24/12/2022	11:30	CU	9	1 of the 9 roosted
H22B	24/12/2022	09:25	DB	200+	
H22B	25/12/2022	09:10	DB	100	
H22B	26/12/2022	10:30	DB	170	
H22B	26/12/2022	13:40	DB	430	
H22B	27/12/2022	09:40	DB	150	
H22B	29/12/2022	09:20 & 16	DB	100 &170	
H22B	31/12/2022	15:05	DB	180	
H22B	31/12/2022	15:20	DB	310	flock scattered not all visible at once, poor conditions for photos.
H22B	06/01/2023	10:07	DB	180	
H22B	07/01/2023	15:35	DB	80	
H22B	10/01/2023	15:45	DB	200-300	
H22B	10/01/2023	15:00	DB	390	all except edges well eaten
H22B	09/02/2023	15:50	DB	73	10 more flew in from SW at 16:15. None in H23
H22B	11/02/2023	11:15	DB	20	
H22B	12/02/2023	16:00	DB	250+	Whole flock took off, landed 20 mins later
H22B	17/02/2023	15:47	DB	380	approx number flew in.
H22B	24/02/2023	16:15	DB	330	flying in
H22B	11/03/2023	14:00	DB	90	flying in
H22B	11/03/2023	15:50	DB	95	flying in/out
H22B	12/03/2023	13:45	DB	180	
H22B	05/01/2025	15:00	DB	400	close to E boundary, some over a ridge. Misty and drizzly
H22B	07/01/2025	11:55	DB	210	
H22B	20/01/2025	14:55	DB	270	Out at 14.49, then in and out until at least 16:00. Max 300
H22B	23/01/2025	16:15	DB	380	coming in until 16:35
H22B	01/02/2025	16:30	DB	900	had been flying in and out all afternoon from c13:30
H22B	03/02/2025	15:15	DB	900	700 in, then groups of up to 50, until total approx 900. Disturbed out at 16:00, but most came back
H22B	04/02/2025	13:10	DB	700	Disturbed out by circling helicopter, but came back while it was still circling
H22B	06/02/2025		DB	850	
H22B	09/02/2025	13:30	DB	400	Disturbed and flying out
H22B	09/02/2025	16:20	DB	300	Flying in (I had been away since 13:30 sighting)
H22B	14/02/2025	16:00	DB	170	Flew out and back
H22B	22/02/2025	16:30	DB	700	Flew out, then back at 16:45
H22B	08/03/2025	16:40	DB	68	
H22B	09/03/2025	17:40	DB	190	seen flying in and settling

4. **Objection 8: Ref. [8]**
   Report – Brent Geese Species Threshold Levels

   Species Threshold Levels for Brent Geese issued by the British Trust for Ornithology

CBC CODE	ENGLISH NAME	International	GB	All-Ireland
DB	Brent Goose (Dark-bellied - bernicla)	2,100	960	
QS	Brent Goose (Svalbard Light-bellied)	130	38	
QN	Brent Goose (Light-bellied of Nearctic origin)	400	22	270