Building a Better Future Plan - Representation Form

Part A - Personal Details

Please indicate whether you are completing this form yourself or if you are an agent completing this on behalf of a client

I am completing this form myself

Part A - Personal Details (Completing form on own behalf)

Please provide the following personal details.
Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate.
The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process. More information on how we use your personal information can be found as part of the 'Planning Policy' privacy notice is available here.

Title	Mr
First Name	Andrew
Last Name	Hunnibal

[redacted]

Please provide the following details where applicable and/or relevant

[redacted]

Part A - Personal Details (Agent on client's behalf)

If an agent is appointed, please provide the following information:
Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate.
The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process. More information on how we use your personal information can be found as part of the 'Planning Policy' privacy notice is available here.

No Response

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

No Response

Part B - Your representation(s)

Which part of the Building a Better Future Plan does your representation relate to?
Please provide as much detail as possible.
If you wish to make a change to the Policies Map, please comment on the corresponding policy, and explain what change you would wish to make. If you would be helpful if you could show this in visual form
A full list of policies and allocations can be found in the contents page(s) of the Publication Plan - you can access this document here.

Policy Number	-
Allocation Number	2 (Land north of Long Copse Lane)
Paragraph Number	-
Page Number	-

Do you consider the Local Plan is ...
(Please select as appropriate)

	Yes	No
Legally compliant	X	
Sound		X

Please give details of why you consider the Building a Better Plan is not legally compliant or is unsound. Please be as precise as possible.
If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your comments.

The allocation is not justified, is not effective, and is not consistent with national policy, for this reason: the Council does not know what trees stand on this land. The Woodland Trust's Ancient Tree Inventory records eight veteran trees on and about the site — six pedunculate oaks of 3.76 to 4.17 metres measured girth standing on a single line along the Long Copse Lane frontage, a veteran aspen behind them, and at the Hollybank Lane junction a further oak of 4.65 metres recorded girth which, as I understand it, stands where the widening of the lane would run. Nothing on the Council's published list of evidence studies engages with any of them: there is no tree survey for this site, and its own site assessment records that the detailed work on the ecological and TPO woodland constraint has not been undertaken. Government standing advice gives a veteran tree a buffer of at least fifteen times its stem diameter — eighteen to twenty metres on the frontage oaks — within which development should not be approved. The widening of Long Copse Lane on which this allocation depends cannot be carried out otherwise than well inside those buffers.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above.
You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Allocation 2: Land north of Long Copse Lane should be deleted from the Plan in its entirety, together with the consequential amendments to Policy 6, the sources of housing supply table, the housing trajectory at Appendix 1 and the Policies Map. The safeguarding of the existing Gypsy and Traveller site at Long Copse Lane under Policy 43 is unaffected and should be retained.

Deletion makes the Plan sound because the defect lies in the allocation of this land and cannot be cured by wording. The Council does not know what trees stand on this site; its own site assessment says the detailed work has not been done; and a published national inventory records eight veteran trees on and about the site, at least one of them within the boundary and the largest of them at the junction the access works would reach, and nothing on its published list of evidence studies engages with any of them. A survey commissioned now would tell the examination what is there. It would not tell it what the Council knew when it chose this site over the alternatives, and that choice is what I object to. My objection is to the allocation of this land, not to the sufficiency of any survey that might follow it.

If you wish to upload any documents to support your representation, please do so below. Please note that there is a maximum file size of 50MB and you can upload a maximum of 10 files to include with your form.

- File: Representation-7-Veteran-Trees_1.docx - Download

Examination Hearing Session Invitation

If your representation / representations are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?
Please note that while this will provide an initial indication of your wish to participate in examination hearing session(s), you may be asked at a later point to confirm your request to participate.
No details on the examination hearing session(s) have yet been determined and will be made available upon the submission of the Building a Better Future Plan to the Planning Inspectorate.

Yes, I wish to participate in examination hearing session(s)

Examination Hearing Session Invitation (2)

You indicated that you wish to participate in the examination hearing session(s). Please outline why you consider this to be necessary.
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in examination hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Four matters go to soundness and are within the Council's knowledge and not within mine, and I ask to be heard on them. Which document in its evidence base describes the tree stock of this land, and what it shows. Which Tree Preservation Order, if any, is in force over each of the trees whose grid references I have given. How the widening of Long Copse Lane is to be reconciled with the buffer zones that Government standing advice gives around veteran trees on the frontage to be widened. And where that widening is to be taken at the junction with Hollybank Lane, from which side of the lane land would be required, and whether the veteran oak recorded there at SU 74624 07844 and the mature Scots pine beside it are to be retained or removed. The last two go to whether the allocation can be delivered as drafted.

Future Notification

Do you wish to be notified of any of the following milestones in the Building a Better Future Plan process? These milestones include: The Local Plan has been submitted for examination The publication on the Inspector's Report The adoption of the Local Plan If you indicate that you wish to be notified, the email address you provided in Part A of the f orm will be used by the Council to notify you of these milestones.
Yes, I wish to be notified

Representation 7 — the Ancient Tree Inventory records for this land, and what they show

Regulation 19 representation — Havant Borough Council, Building a Better Future Plan

Allocation 2: Land north of Long Copse Lane, Emsworth. Printed pages 95–97.

Declaration of interest. I should record two interests. I own land at [redacted] *which formed part of the previous allocation of this land and which I withdrew from that allocation; it lies outside both SHELAA parcels comprising Allocation 2 and no part of this representation concerns it. I am also the coordinator of the Save Long Copse Lane campaign group, which is submitting its own representation prepared with professional planning input; this representation is made in my own name and does not speak for the group.*

Why this is a further representation. I submitted six representations on this allocation on 4 September 2026. The evidence set out below was drawn to my attention on 5 September and verified by me on 7 September, after those representations had been made. I put it in a separate representation rather than seek to amend them.

Why the allocation is unsound

Eight veteran trees are recorded on and about this land, and nothing on the Council's published list of evidence studies engages with them

The Ancient Tree Inventory is the national inventory of ancient, veteran and notable trees, maintained by the Woodland Trust. Records are submitted by recorders and the Trust operates a verification process; each of the records below carries a verification date, which I have given. It is publicly accessible at `ati.woodlandtrust.org.uk`, and the ancient and veteran records are additionally published by the Trust as open data, which is the source I have used. It is not a complete survey, and I do not suggest that it is: it records what has been found, which is why its silence proves nothing and its entries are worth attending to.

On and about the northern side of Long Copse Lane it records the following seven. Six are oaks standing on the lane frontage itself; the seventh, an aspen, stands some fifty metres back from it. An eighth record, at the Hollybank Lane junction, raises a different point and is dealt with separately below. Every one is classified as a **veteran tree**; every one is recorded as living; and every one carries a **measured**, not an estimated, girth.

ATI ref	Species	Girth (m)	Grid reference	Surveyed	Verified
188414	Pedunculate oak	3.76	SU 74783 07878	4 Nov 2018	25 Jan 2019
188475	Pedunculate oak	3.86	SU 74806 07874	19 Aug 2019	19 Aug 2019
188489	Pedunculate oak	4.02	SU 74820 07880	15 Jul 2019	15 Jul 2019

188490	Pedunculate oak	4.17	SU 74841 07881	19 Aug 2019	19 Aug 2019
195308	Pedunculate oak	3.82	SU 74855 07883	14 Sep 2019	14 Sep 2019
195307	Pedunculate oak	3.82	SU 74863 07886	14 Sep 2019	14 Sep 2019
189394	Aspen	4.04	SU 74818 07934	27 Aug 2019	27 Aug 2019

Each entry may be inspected at `ati.woodlandtrust.org.uk/tree-search/tree?treeid=` followed by the reference. I understand the inventory also records notable trees in the same woodland. I do not rely on them, because the open dataset I have used carries only the ancient and veteran records and I have therefore not been able to give their references.

Veteran status is a matter of condition and not of size, and the inventory records the condition features as well as the girth. I set them out because a girth on its own would not establish the classification. Four of the six oaks in the table record holes or water pockets together with decaying wood in the crown or on the ground. Three of those four also record hollowing of the trunk or of branches, and one of the three records fungal activity as well; the fourth records instead a hollow trunk with an opening. A fifth records decaying wood in the crown. The sixth, 195308, records no condition features at all, and I do not suggest otherwise. These are the features by which veteran status is assessed, and they are on the public record for each of those trees at the address above.

Two further matters of record, which I give because they bear on the weight the figures will carry. The aspen is recorded as **multi-stemmed**, and as fragmented in form — which in an aspen is a mark of age. That is also how a girth of 4.04 metres comes to be recorded for a species that does not ordinarily reach it, the measurement not being that of a single stem. Nothing in my buffer calculations rests on the aspen, and I have excluded it from them. The six oaks in the table are each recorded as maidens, so the girths given for them are single-stem measurements.

The six oaks stand on a single line running east and west across eighty metres, their recorded northings varying by twelve metres. That is a boundary line of trees rather than a scatter of specimens.

I have examined the Council's published list of Local Plan evidence studies and strategies. No tree survey, arboricultural assessment or veteran tree survey appears on it. Its "Site Specific Information" section contains nothing for this allocation.

I anticipate the answer that the Council has a tree strategy, and I have read it. The list carries the *Havant Borough Tree and Woodland Strategy*, and alongside it the *Havant Borough Tree Management Principles*. Neither is a survey and neither is site-specific. The Strategy is a borough-wide policy and management document: it contains no schedule, map or survey of individual trees, and the words "Emsworth", "Long Copse" and "Hollybank" do not appear in it. The Management Principles document concerns the Council's own tree stock in its parks, open spaces and cemeteries.

The Strategy is nonetheless directly in point, because of what it says. It recognises veteran trees as a valuable and irreplaceable part of the landscape, and it records that the management of ancient and other veteran trees requires specialist input if avoidable loss is to be prevented. So the Council's own

strategy recognises what these trees are and what looking after them takes, and the evidence base contains nothing by which to give effect to that on this site. It also records that it is to be considered in the preparation of the new Local Plan for the Borough — which is a commitment to inform policy wording, not a substitute for knowing what stands on the land being allocated.

I ask the Council to identify the document in its evidence base in which the tree stock of this allocation is described, and to say what it shows; and to confirm whether the Ancient Tree Inventory was consulted at any point in the preparation of this Plan, and if it was, where that is recorded. If no such document exists and the inventory was not consulted, I ask the Council to say so.

The oak the Council refused consent to fell in August 2026, and what the inventory records of it

On 20 August 2026 the Council refused application APP/26/00406, which sought consent to fell one oak scheduled in the application as "T1 TPO 2054". **I should record at once that the application site is given on the register as Hollybank House, Hollybank Lane** — which I take to be the applicant's address, and the officer's report gives no other positional detail beyond a note that if the tree failed it would be likely to fall into the adjoining field rather than onto the highway. The tree is nonetheless on this land, on my reading, because Order 2054's two individually protected trees both stand on the Long Copse Lane frontage on the Council's own mapping, as set out below. Where the Council says otherwise it can say so, and that is one of the reasons the identification is put below as a question. Its tree officer recorded that the tree "is a liekly veteran status tree and displaying a number of important ecological features that would confirm that it is indeed potentially a veteran" [*sic*], and suggested "further inspection and investigation on this tree".

I am familiar with this land, living on Long Copse Lane. **The tree the subject of that application stands immediately on the west side of the drive to Old Dairy Farm.**

The Council's own published Tree Preservation Order mapping places the two trees individually protected under Order 2054 at points I read as approximately SU 74783 07876 and SU 74698 07878. **Both are mapped north of Long Copse Lane with their centres inside the allocation boundary** — though, as I said in my Representation 6, that mapping shows trees as symbols of standard radius rather than as surveyed canopies, so what it establishes is that they stand on the boundary with their mapped centres inside it. Inventory record **188414** — a veteran pedunculate oak of 3.76 metres measured girth — stands at SU 74783 07878, on that side of that drive, within about two metres of the first of those two points, and therefore its mapped position also falls inside the allocation boundary. The second of the two trees scheduled under that Order lies some eighty-five metres further west along the same frontage.

I ask the Council to confirm whether the tree it refused consent to fell under APP/26/00406 is inventory record 188414. I believe it is, for the reason given above, but the Council's mapping does not label which of the two scheduled trees is T1 and the Council can settle it from the Order itself. I therefore put it as a question rather than assert it.

If it is that tree, the position is this. On 20 August 2026 the Council's officer put its status no higher than "likely" and "potentially" a veteran, and proposed further investigation to establish the point. The Woodland Trust's inventory had recorded it as a veteran since **25 January 2019**, more than seven years earlier, and throughout the preparation of this Plan. I make no criticism of the officer, who refused the application and directed how the tree should be managed. The criticism is of the evidence

base: a publicly available record of that tree's status had existed throughout, and nothing on the Council's list of evidence studies engages with it. I do not say the inventory determines veteran status — it is a record, not a determination — but it was there to be looked at.

If the answer is that it is the other of the two trees protected under that Order, the position is no better. The Council would then have refused consent in August 2026 to fell one likely veteran oak on this land, while inventory record 188414, some eighty-five metres away along the same frontage, stands recorded as a veteran of 3.76 metres measured girth — and neither tree is identified in any document on the Council's published list of evidence studies. I do not press the Council for a particular answer. I ask only that it give one.

So the Plan allocates land carrying trees which a national inventory records as veterans, and nothing on the Council's published list of evidence studies engages with them.

The six oaks stand on the northern side of Long Copse Lane along an eighty-metre run of the frontage between eastings 474783 and 474863, with the aspen set back some fifty metres to the north of them. I know this land, living on the lane, and the trees on that frontage lie within the allocation. Should the Council say otherwise of any individual tree, the point is unaffected: a red line on a map does not stop a root system or a canopy, and both extend from these trees into the site; paragraph 193(c) reaches the deterioration of irreplaceable habitat as well as its loss.

The protected woodland lies elsewhere: not one of these trees is within it

The Council's own published Tree Preservation Order mapping shows the woodland limb of Order 2054 — the part of that Order which protects trees as a woodland rather than as scheduled specimens — as a belt lying between eastings 474602 and 474791 and between northings 107894 and 108013.

Read against the grid references in the table above, **not one of those seven records falls within that mapped area.** All six oaks stand at northings 107874 to 107886, south of the belt's southern edge at 107894. One of them, 188414 at easting 474783, lies within the belt's easting range and so sits directly south of it, sixteen metres beyond its edge. The other five are further east than the belt extends at all, at eastings 474806 to 474863. The aspen lies within the belt's northing band but some twenty-seven metres beyond its eastern end.

One of the seven, oak 188414, has protection of a different kind: the Council's mapping places one of the two trees individually scheduled under the same Order within two metres of that record. Such protection as reaches it therefore reaches it as a specimen, not as part of a wood.

I do not say that no Order reaches this ground. In my Representation 6 I said that, on the Council's published mapping, protected trees or woodland under six Orders fall within the allocation boundary, and that remains my reading of those layers. **I should correct that figure.** A seventh Order, numbered **1532**, also has protected trees inside the allocation on that mapping; I omitted it from Representation 6 because the area it occupies within the boundary is very small. It protects three trees whose individual positions I have not been able to fix from published mapping. **I draw the consequence in the Council's favour:** I cannot exclude the possibility that those three are among the eastern oaks listed above, and if they are, the Council should say so and my question is answered to that extent. What I cannot establish from published mapping is which Order, if any, covers each individual tree listed here. I therefore put that question in a form the Council can answer precisely, and I give the references so that it can: **which**

Tree Preservation Order, if any, is in force over each of the trees at SU 74806 07874, SU 74820 07880, SU 74841 07881, SU 74855 07883, SU 74863 07886 and SU 74818 07934?

The Council can give one of two answers, and I say that both bear on soundness — which is why the matter is put as a question rather than asserted.

If the answer is that no Order covers them, then the ground carrying the densest concentration of recorded veteran trees on this frontage carries no protection at all. Criterion (o) of the allocation requires the woodland and the protected and notable trees on site to be retained and integrated, but neither the Plan nor its evidence base identifies which trees those are, and the Key Features list describes the constraint by reference to Tree Preservation Orders. A criterion that requires the retention of trees the Council has not identified cannot be relied on to protect them.

If the answer is that an Order does cover them, the difficulty is a different one but no smaller. The Plan's Key Features list describes protected woodland on the northern, north-western and south-western boundaries of the site. It does not disclose protected trees of this number and calibre along the lane frontage. On that answer the protected tree resource within the allocation is materially greater than the Plan discloses, the developable area is correspondingly smaller, and the indicative yield of 325 dwellings rests on an area the Council has not established. Its own site assessment says as much: "The need for ecological mitigation and TPO woodland is likely to constrain the developable area, but detailed work has yet to be undertaken by the site promoter."

I do not know which answer the Council will give. I say only that the Plan proceeds as though the question did not arise.

The access this allocation depends on runs through the buffer zones of these trees

The Government's standing advice for planning decisions on ancient woodland, ancient trees and veteran trees states that the buffer zone around a veteran tree "should be at least 15 times larger than the diameter of the tree", or five metres from the edge of the canopy where that is larger, and that "You should not approve development proposals, including gardens, within a buffer zone."

Applying the first of those limbs to the measured girths on the inventory gives the following. Diameter is girth divided by π and the buffer radius is fifteen times that; the diameters are shown rounded to two decimal places, but the buffer radii are calculated from the unrounded figures.

ATI ref	Measured girth	Stem diameter	Buffer radius
188414	3.76 m	1.20 m	**18.0 m**
188475	3.86 m	1.23 m	**18.4 m**
188489	4.02 m	1.28 m	**19.2 m**
188490	4.17 m	1.33 m	**19.9 m**
195308	3.82 m	1.22 m	**18.2 m**
195307	3.82 m	1.22 m	**18.2 m**

The aspen is not in that table. It stands some fifty metres back from the lane and the works described below would not reach it, so I leave it out of this part of the case; and for the reason given earlier its recorded girth is a stem-group measurement, on which I place no reliance.

A word on the standard I have used, since two are in circulation. BS 5837:2012, which governs trees in relation to construction, gives a root protection area of twelve times the stem diameter capped at a radius of fifteen metres. The Government's standing advice on veteran trees gives the larger figure of fifteen times the diameter with no cap, and gives it specifically for ancient and veteran trees. I have used the standing advice because these are trees recorded as veterans and because it is the advice the Government directs decision-makers to. Nothing turns on the choice: the widening of a lane on which these trees stand is well inside a fifteen-metre radius as surely as it is inside an eighteen-metre one.

All six oaks stand on the lane frontage itself. A buffer of eighteen to twenty metres measured from a tree on that frontage extends across the full width of Long Copse Lane and well beyond it, whichever side of the boundary the tree is ultimately found to stand.

What is proposed for that frontage is the widening of the lane. The account of the works given to a Planning Inspector in June 2026, at paragraph 12 of appeal decision 6002048, is this, and I give the sentence in full because its closing words are as material as its opening ones:

> *"The land to the north of Long Copse Lane forms part of a masterplan area for residential development and it is understood that, as part of these masterplan proposals, Long Copse Lane will be widened to 5.7m, vegetation removed and a new footway laid, which the Council suggest would likely encourage higher vehicular speeds than those recorded. It is understood that the outline application for the residential development has been withdrawn and there is no certainty these improvement works will be implemented."*

As I said in my Representation 6, I do not know whether that description reached the Inspector from the Council or from the appellant, and I do not put it higher than the decision does. The Inspector's closing words are not an answer to my point; they are my point. The only account of the access to this land is an account of a scheme that has been withdrawn, and which the Inspector was told there is no certainty of implementing — and the Plan allocates the land for 325 dwellings on the strength of it.

A drawing of those works does exist, and it is not in this Plan's evidence base. Drawing ITB13525-GA-101 Rev B, *Site Access Arrangements, Sheet 2 of 3*, prepared by i-Transport for the promoter, was produced for the outline application that has since been withdrawn. It is marked "FOR INFORMATION" and issued "FOR FEASIBILITY CONSIDERATION AND PLANNING PURPOSES ONLY". It shows the carriageway widened to **5.5 metres**, not the 5.7 metres described to the Inspector — the two accounts of the same works do not agree. And on the question in this representation it is explicit. It carries the notes "BEND WIDENED TO ALLOW TWO-WAY MOVEMENT USING EXISTING VERGE. EXISTING VEGETATION/SCRUB TO BE CUT BACK TO ACHIEVE MINIMUM OF 25m FORWARD VISIBILITY (20mph)"; "EXISTING VEGETATION ALONG THIS SECTION OF WIDENING TO BE REMOVED AND LANDSCAPE TREATMENT TO BE RE-PROVIDED"; and — the note that matters most here — **"TREE RETENTION SUBJECT TO ARBORICULTURALIST"**.

That is the position at its highest for the Council, and it is still not good enough for an allocation. The one drawing of the access works I have been able to find expressly contemplates the removal of existing vegetation along the widening, and expressly leaves the retention of trees to an arboriculturist — and no arboricultural assessment appears anywhere on the Council's published list of evidence studies. It is one sheet of three, prepared at feasibility stage for a withdrawn application; it is not evidence to this Plan; and it describes a carriageway width that differs from the one described to the Inspector. If the Council relies on some other access arrangement, it can say what it is and what it would take.

My Representations 1 and 6 set out the conflict between the widening and criterion (k) of this allocation, which requires in mandatory terms that boundary vegetation along Long Copse Lane be retained and enhanced. I do not repeat that conflict here. When I made those representations I did not know what the inventory recorded.

The point that arises now is a different one. Widening a lane to 5.5 or 5.7 metres and laying a new footway along this frontage cannot be done otherwise than within the buffer zones set out above — not at their margins, but well inside them, since the trees stand on the frontage itself and the buffers are eighteen to twenty metres in radius. The standing advice is that development within a buffer zone should not be approved.

I ask the Council to state how the highway works required to serve this allocation are to be carried out consistently with that advice, and what assessment of the effect of those works on the trees on this frontage has been undertaken for plan-making purposes.

This is not a matter that can be left to a planning application. The widening is not an optional feature of the scheme; it is the access arrangement on which the deliverability of the allocation rests. If it cannot be carried out consistently with that advice and with paragraph 193(c) of the Framework, the allocation is not deliverable as drafted, and the Plan is not effective.

An eighth record, at the junction the access works would reach

There is a further veteran tree on the inventory which I did not include in the table above because it stands at the junction rather than on the frontage those six occupy, and raises a different point. It stands at the southern corner of the junction of Hollybank Lane with Long Copse Lane.

ATI ref	Species	Girth (m)	Grid reference	Surveyed	Verified
188409	Pedunculate oak	**4.65**	SU 74624 07844	19 Aug 2019	4 Mar 2022

One matter of precision, which I give against myself. The grid reference above is the inventory's own. I have separately fixed the position of the tree I have in mind at that corner, and I make it **SU 74624 07826** — the same easting to the metre, and eighteen metres south of the inventory's point. I take them to be the same tree, that difference being within the placement accuracy of a recorder's pin, and I say so rather than let the two figures be discovered as a discrepancy. Every distance given below is measured from the inventory's position, not mine.

It carries the largest recorded girth of the eight, at 4.65 metres. The inventory records against it the same kind of veteran features as against the frontage oaks — holes or water pockets, decaying wood in the crown and decaying wood on the ground — and I give them for the reason I gave earlier, that girth alone would not establish the classification. Its verification also stands apart: it was surveyed in August 2019 and verified in March 2022, an interval of two and a half years, where five of the six frontage records were verified on the day of survey.

I must qualify what I draw from that girth, and I do so before it is put to me. The inventory records this tree's form as multi-stemmed, where the six on the frontage are recorded as maidens. A girth recorded on a multi-stemmed tree is not the same measurement as a girth recorded on a single stem, so

I do not press a buffer figure obtained by treating the two alike, and I do not say that this tree is larger than the frontage oaks in the sense that a comparison of single stems would mean. What I do say is that the Government's standing advice gives an alternative limb — five metres beyond the edge of the canopy, where that is the greater — and that on a tree of this size and form, standing on the corner of a junction, either limb produces a buffer wider than that junction could be widened within. The Council has assessed neither, because it has assessed nothing here.

It stands on the south side of Long Copse Lane, on the corner where Hollybank Lane meets it, and I say so plainly because it bears on what follows. The lane curves as it runs west, so at this junction it lies about thirty-five metres south of the line it takes past the trees described earlier.

Beside it stands a second tree of consequence, which appears on no record at all: a Scots pine of a size I would call magnificent. The species is *Pinus sylvestris*. It is not among the ancient and veteran records the Trust publishes as open data — there is no Scots pine anywhere in those records for Emsworth — and I have found no reference to it in any document of the Council's. I put it no higher than that: the published dataset carries only ancient and veteran trees, so its silence is not evidence that the tree is unrecorded elsewhere, and I do not rely on it as though it were. I make no claim about its status, because nobody has assessed it. That is the point. On this one corner stand a veteran oak on a national inventory that nothing on the Council's published list of evidence studies mentions, and beside it a fine mature pine that nobody has assessed at all.

I am familiar with this junction, and my understanding is that both trees stand where the widening of Long Copse Lane would run. I put that no higher, and I have set out above what the one drawing of these works I have found does and does not show. Nor do I overlook that these trees are on the southern side of the lane while the allocation lies to the north; junction works take land from both sides, and visibility at a junction is not achieved on one side only. **I ask the Council to state where the widening is to be taken at this junction, from which side of the lane land would be required, whether these two trees are to be retained or removed, and on what assessment.** If it cannot say, then the access arrangement on which this allocation depends has not been established even to the level of knowing which trees it would remove.

That question is different in kind from the others in this representation. The trees on the frontage raise the deterioration of irreplaceable habitat — works within their rooting areas. This one raises its loss.

I recognise that paragraph 193 is addressed to the determination of planning applications, and I do not ask the Inspector to apply it as though an application were before him. The point is one of deliverability. Paragraph 193(c) provides that development resulting in the loss or deterioration of irreplaceable habitats, "such as ancient woodland and ancient or veteran trees", should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. The trees on the frontage engage the deterioration limb; this one engages the limb of outright loss. **A plan should not rely, for the deliverability of an allocation, on an access arrangement which would fall to be refused on that basis when it is applied for.** A veteran oak of 4.65 metres girth is not replaceable by planting, and I have found no compensation strategy for it anywhere on the Council's published list of evidence studies.

I have found no Tree Preservation Order over it on the Council's published mapping, but I draw one matter to the Council's attention against myself. My Representation 6 records **TPO/1289/1986**, an individual Order made on 13 June 1986 over an oak south-east of Hollybank House. I have not been able

to establish from published mapping whether that Order covers this tree. If it does, the position is worse rather than better: the access works serving this allocation would then remove a veteran oak that the Council has protected by Order for forty years. I ask the Council to say. The nearest protected features I can find on the Council's mapping are the woodland limb of Order 2054, some fifty metres to the north, and a tree scheduled individually under the same Order some eighty metres away to the east-north-east. Those distances are measured from the inventory's position for this tree and from the bounding extent of that layer, and are therefore approximate. They are what the mapping shows; they are not a statement that nothing else protects this tree, which is the question I am asking.

Nor do I say that this tree stands within the allocation: it stands on the southern side of the lane, and the allocation lies to the north. **That does not answer the point.** The widening is required in order to serve development on this land, and a tree removed to build the access to an allocation is removed because of the allocation, wherever the boundary is drawn.

Why that bears on soundness

A note on which Framework. A new National Planning Policy Framework was published on 17 August 2026, after this Plan was published for consultation under Regulation 19 in July 2026. **My references to the Framework, both here and in my earlier representations on this allocation, are to the version published in December 2024, and every paragraph number is that version's numbering.** That is the edition which governs this examination, on two independent grounds. Annex A to the August 2026 Framework, at paragraph 8, provides that "Any other plans should be produced in accordance with the version of this Framework published in December 2024, unless any of the transitional arrangements in Annex 1 to that Framework apply"; this Plan is not one prepared under the new plan-making system to which that Framework is directed. And the Plan says so itself, at paragraph 1.7, which states that it will be examined under the 2024 Framework.

I make the point because the August 2026 Framework is restructured into policy codes rather than numbered paragraphs, so a reader coming to my paragraph references from that edition would not find them. **Nothing in my case turns on the edition:** the protection of irreplaceable habitats, including ancient and veteran trees, is carried forward. If the Inspector takes the view that the later Framework governs, I ask that my representations be read against its equivalent provisions, and I do not withdraw or qualify any of them.

Paragraph 193(c) of the Framework provides that development resulting in the loss or deterioration of irreplaceable habitats, "such as ancient woodland and ancient or veteran trees", should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Paragraph 187(b) provides that planning policies should contribute to and enhance the natural environment by recognising the wider benefits from natural capital and ecosystem services, including of trees and woodland. Paragraph 188 provides that plans should allocate land with the least environmental or amenity value, where consistent with other policies in the Framework. I do not read any of them as absolute, and the balance they call for is one the Council is entitled to strike — but it cannot be struck on evidence the Council does not have.

In my Representation 6 I accepted that a decision on an application to fell a tree is a development management judgement and not a plan-making one, and that tree constraints fall to be assessed when an application comes forward. I do not resile from that, and it remains true of the condition of any individual tree. What is not a development management matter is the access arrangement, because it is

a feature of the allocation itself and not of any later application; nor is the choice of this site, which was made before any of this was looked at. The Council has attributed an indicative yield of 325 dwellings to this land while its own February 2026 site assessment records that "The need for ecological mitigation and TPO woodland is likely to constrain the developable area, but detailed work has yet to be undertaken by the site promoter." It has done so without consulting, so far as its evidence base discloses, the national inventory of the very trees that constraint concerns. An allocation made on an unquantified constraint, where a published national record would have quantified part of it, is not based on proportionate evidence.

Relationship to my Representation 6. That representation rests the veteran-tree point on a single tree and on the Council officer's own carefully qualified words. The material above puts an independent, published, dated record behind that point, and adds seven further veteran trees to it. It is not a repetition of that representation and I do not repeat its landscape case here.

The modification I seek

Allocation 2: Land north of Long Copse Lane should be deleted from the Plan in its entirety, together with the consequential amendments to Policy 6, the sources of housing supply table, the housing trajectory at Appendix 1 and the Policies Map. The safeguarding of the existing Gypsy and Traveller site at Long Copse Lane under Policy 43 is unaffected and should be retained.

I put forward no revised wording for any policy or criterion, and none is sought. My objection is to the allocation of this land, not to the drafting of the criteria attached to it, and no revision of those criteria would meet it.

Why this needs to be tested at a hearing

This representation asks the Council a number of questions, and I do not repeat them all here. Four of them go to soundness, and all four are within the Council's knowledge and not within mine: which document in its evidence base describes the tree stock of this land, and what that document shows; which Tree Preservation Order, if any, is in force over each of the trees whose grid references I have given; how the widening of Long Copse Lane is to be reconciled with the buffer zones that standing advice gives around veteran trees on the frontage to be widened; and where that widening is to be taken at the junction with Hollybank Lane, and whether the veteran oak recorded there and the mature Scots pine beside it are to be retained or removed. The last two go to whether this allocation can be delivered at all. All four should be put to the Council directly and its answers tested, and I ask that they be answered in writing before the hearing sessions.

Representation form entries

Field	Entry
Respondent	Andrew Hunnibal — individual response
Contact	[redacted]
Policy Number	—
Allocation Number	2 (Land north of Long Copse Lane)
Paragraph Number	—
Page Number	Printed pp. 95–97 (PDF pp. 99–101)
Legally compliant?	Yes
Sound?	No
Test(s) of soundness	Justified; Effective; consistency with national policy
Change sought	Deletion of Allocation 2 in its entirety
Appear at hearings?	Yes
Date	8 September 2026