

**Land north of Long Copse Lane.  
Objection on behalf of the Sae Long Copse Lane Action Group  
To Planning Application APP/21/00893**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all proposals to comply with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the Havant Core Strategy (2011), the Havant Local Plan (Allocations) 2014 and the Emsworth Neighbourhood Plan (2021). For completeness the relevant Development Plan policies are set out in italics below. The Core Strategy and Allocations Local Plan will be replaced by the Havant Borough Local Plan 2037, which recently completed its Examination in Public. Whilst the emerging Local Plan is a material planning consideration there are unresolved objections to Policy H8 and as such in accordance with paragraph 48 b. of the NPPF only limited weight can be accorded to it.

The Action Group objects to the application for the following reasons:

- 1. The proposed development is in the countryside outside the defined Urban Area Boundary as defined on the Proposals Map and is therefore non-urban land. The proposals are not a small-scale householder development; does not meet an overriding public need; nor does it meet the policies for exceptional development in rural areas. The proposals are therefore contrary to Policy CS17 of the Havant Core Strategy (2011) and Policy AL2 of the Havant Local Plan (Allocations) 2014.**

**In addition, the development is contrary to the principles of sustainable development set out in the NPPF. The NPPF states that planning policies and decisions should play an active role in guiding development towards sustainable solutions but in doing so should take local circumstances into account to reflect the character, need and opportunities of each area. The land north of Long Copse Lane is rural in character, is not needed to maintain the Borough's supply of deliverable housing land and nor is not in a sustainable location.**

***Core Strategy Policy CS17 Concentration and Distribution of Development within the Urban Areas***

*Development will be permitted that makes the most effective use of land in the borough by granting planning permission that:*

- 1. Concentrates new housing, employment, retail, leisure and other development within the five urban areas of Havant, Leigh Park, Waterloo, Emsworth and Hayling Island, as shown on the Proposals Map.*
- 2. Prioritises development on previously developed land, including redundant, derelict or underused land and buildings within the urban area.*
- 3. Broadly distributes the new housing and employment development in the five areas of the borough as indicated on the Spatial Distribution Map (Key Diagram).*

*Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy.*

***Local Plan (Allocations) Policy AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements***

*The urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterloo are defined on the Policies Map.*

*The Borough's undeveloped gaps are those areas between the urban area boundaries of Waterloo, Leigh Park, Havant, Emsworth; together with the undeveloped gaps between them and neighbouring boundaries with Portsmouth, Winchester, East*

*Hampshire and Chichester.*

*Planning permissions will be granted for developments within the undeveloped gaps that help to define the separate identity of settlements and prevent their coalescence, and meets any of the following:*

- 1. Relates to small scale householder development.*
  - 2. Meets an overriding public need e.g. For community or recreation use, that cannot be accommodated elsewhere in the Borough.*
  - 3. Meets the policies for exceptional development in 'rural areas', set out in the NPPF.*
- Land outside the defined urban area on Hayling Island is 'non-urban' rather than undeveloped gap. Development of exceptional affordable housing in the non-urban areas of Hayling Island is not considered appropriate or necessary and is likely to be refused planning permission.*

- 2. The proposals would be likely to harm protected species of flora and fauna. Most particularly the proposals will have a harmful impact on internationally protected Bechstein bats as well as badgers, dormice, nesting birds and reptiles. The proposals fail to maintain the undeveloped gap between Emsworth and Westbourne as an important wildlife corridor. The proposals would fail to protect natural features of amenity importance including mature and veteran trees and hedgerows resulting in material harm to the rural character and appearance of the area.**

There are significant surface water drainage issues affecting Emsworth together with a history of flooding caused by run off and a high water table. The topography is such that there will inevitably be impacts on the existing surface water drainage regime. The River Ems in particular is highly sensitive to change with consequential serious impacts on surrounding ecologically sensitive areas such as the Southleigh Forest SINC and Chichester Harbour SSSI. Natural England in particular are concerned at the impact the development will have on the SSSI as a result of the discharge of additional nutrients - nitrogen and phosphates into the harbour.

The loss of mature trees will erode the character of nearby ancient woodland, formerly part of the Forest of Bere. The site has strong links to Southleigh Forest which is a SINC comprising important remnants of the ancient Forest of Bere landscape. Veteran trees on the site are clearly vestiges of this ancient woodland. Paragraph 175 c) of the NPPF states that *"development resulting in the loss of or deterioration in irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused..."* It is inevitable that veteran trees, particularly adjacent to Long Copse Lane and on the corner of Long Copse Lane and Hollybank Lane will be lost as a result of the proposed development.

The site comprises open grazing land surrounded by mature trees and hedgerows. Being in the countryside outside of the existing settlement it has an attractive rural character. It forms part of Southleigh Forest noted in the LPA's Landscape Character Assessment Sensitivity Report 2007 as extending northwards out from the Borough boundary, with a strong relationship with the wider countryside linking to the South Downs. The Landscape Strategy in the Report is to *conserve* and *enhance* the local character. As part of the evidence base for the emerging plan in 2015 the Council commissioned a Landscape Sensitivity and Capacity Study from Kirkham Landscape Planning Ltd. In respect of area LCA 21.3, of which the Site forms a part, the study identified key landscape planning factors noting that although the land parcel is not within the AONB it is

however within the undeveloped gap separating Westbourne and New Brighton. It concluded that it had a high sensitivity to change and recommended that **‘no part of land parcel LCA 21.3 is taken forward for potential growth’**. As such the proposal are contrary to Policies CS11 and DM8 of the Havant Core Strategy (2011)

**Core Strategy Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough**

*Planning permission will be granted for development that:*

- 1. Ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community.*
- 2. Protects and where possible enhances the borough’s statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.*
- 3. Has particular regard to the following hierarchy of nature conservation designations within the borough (as identified on the Proposals Map):*
  - (i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International].*
  - (ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National].*
  - (iii) Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].*
- 4. Protects and where appropriate enhances the borough’s statutory and nonstatutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.*
- 5. Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation.*
- 6. Incorporates partnership working with conservation organisations to improve public understanding of biodiversity and to manage public access to designated sites, particularly on the coast, to reduce harm to nature conservation interests.*
- 7. Incorporates partnership working with landowners and developers to ensure land management practices restore, enhance and where appropriate create new valued landscapes, habitats and their soil structure, particularly the ancient woodland remnants of the Forest of Bere and coastal salt marsh.*
- 8. Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration.*
- 9. Maintains undeveloped gaps between the settlements of Emsworth/Havant; Havant/Waterlooville; Havant/Portsmouth; Emsworth/Westbourne and Leigh Park/Rowlands Castle as shown on the Proposals Map.*
- 10. Protects the best and most versatile agricultural land that has the greatest potential for local food security.*
- 11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.*

### **Core Strategy Policy DM8 Conservation, Protection and Enhancement of Existing Natural Features**

*Development will only be permitted where it protects and enhances local habitats and landscape distinctiveness and which addresses all of the relevant criteria as set out below:*

- 1. Protects natural features of nature conservation and/or amenity importance on the site, for example trees, woodlands, hedgerows, soils, streams, stream corridors, springs, ditches or ponds from damage, destruction and a deterioration in quality.*
- 2. Sympathetically incorporates existing features into the overall design of the scheme including measures taken to ensure their continued survival.*
- 3. Provides new landscape works that integrate successfully with the local environment and existing natural features, using local materials and plant species and making provision for future maintenance of new landscape works associated with new developments.*
- 4. Ensures sequences of greenspaces are maintained and protects the attractiveness and visual amenity of all green open spaces that contribute to the identity of the borough.*

- 3. The proposals are in an unsustainable location not well connected to local shops, schools or community infrastructure all of which are well over 400 metres from the site. The site is not within easy walking distance of any public transport route.**

**The application proposes substantial works to be upgrade Long Copse Lane which will result in the loss of a number of mature trees of significant amenity value. Such works no respond positively to the characteristic of the area and will cause material harm to its rural character.**

**Long Copse Lane is used extensively by walkers, cyclists and horse riders. At its western end it abuts the well-used bridleway through Hollybank Woods where the road narrows at a sharp bend leading into Hollybank Lane. The traffic generated by the proposed housing will inevitably lead to congestion and increased danger to other road users.**

**As such the proposal are contrary to Policy CS20 of the Havant Core Strategy (2011) and the principles set out in the NPPF.**

### **Core Strategy Policy CS20 Transport and Access Strategy**

*Development will be permitted that:*

- 1. Is consistent with and contributes to the implementation of the 'Reduce, Manage and Invest' strategy.*
- 2. Does not increase congestion and promotes better use of existing transport networks.*
- 3. Improves accessibility to goods, services and employment and promotes equality in the transport system.*
- 4. Provides transport management measures to ensure the safe and efficient operation of the strategic and local road network.*
- 5. Ensures that highway design responds positively to the characteristics of the area and delivers a high quality public realm for all users.*
- 6. Maintains or improves the range of transport modes accessible to the users of the development site with specific emphasis on public transport, especially high quality/frequency buses and includes walking and cycling where appropriate.*
- 7. Improves highway, cycling and pedestrian links between the western built up area of the borough (Waterlooville) and the eastern area of the borough (centred on Havant)*

*to create a strong east/west communication axis that passes through Dunsbury Hill Farm/Leigh Park.*

Turning to other material considerations and as stated above only limited weight can be attached to Policy H8 in the emerging Local Plan. Notwithstanding this the Policy notes a significant number of constraints to the development of the site all of which have to be overcome before any planning permission can be granted. The majority of these constraints are addressed in the existing Development Plan policies referred to above.

**4. The proposals fail to satisfy the following policy requirements:**

- a. Whilst a masterplan has been provided there is no certainty that the development can be delivered in a comprehensive manner. There are a number of different ownerships and not all landowners have committed to the development.**
- c. Whilst the means of access may, technically be acceptable to the Highway Authority it is by no means an appropriate solution that preserves the existing character of the Lane.**
- e. Given the international importance of the Bechstein bat population, the mitigation measure proposed are totally inadequate. The Bechstein bat is extremely rare and is highly sensitive to light and noise interference. Sensitive design and layout, narrow corridors and low-level lighting cannot possibly mitigate those impacts as they do not account for the human factor. (Individual lighting of houses and gardens, noise and general disturbance including predation by domestic pets associated with an urban environment**
- f. The construction of a housing estate on a greenfield site in open countryside does nothing to protect the landscape of the South Downs National Park or Chichester Harbour AONB. To the contrary the development causes material harm and as such should be refused in accordance with paragraph 172 of the NPPF.**
- i. The proposals fail to respond positively to the special qualities of the adjoining South Downs National Park, including consideration of the Dark Night Sky Reserve. The site currently emits no artificial light pollution. The lighting strategy proposed to cannot control the human factor in respect of individual lighting of properties.**
- k. For the reasons set out above the development fails to retain protected trees and hedgerows. It fails to provide an easy and convenient multi-user link connecting Havant BOAT 66a and Bridleway 66b to Emsworth to the south via Footpath 67.**

**5. In conclusion the proposed development is clearly contrary to the Development Plan policies referred to above and does not fully address the issues identified in the emerging Local Plan. The site is not needed to maintain the Borough's five-year supply of deliverable housing land. There are sequentially preferable sites which could be brought forward for development in order to meet the need to provide 10,433 net new dwellings during the Plan period to 2037.**