

Anthony Portal



SOUTHLEIGH COTTAGE
EASTLEIGH ROAD
HAVANT
HAMPSHIRE
PO9 2NY

Ref: APP/15/01435
16th March 2016

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

Dear Sir,

Planning Application No APP/15/01435 - Development South of Barton's Road

I write regarding this application. It appears that there is a Section 106 agreement between the Trustees of the Southleigh Estate and Havant Borough Council, dated 7th October 1992 which classes the land on which this development is proposed as "restricted land". This agreement was entered into by Havant Borough Council at the time that the new development in North Denvilles comprising Forsythia Road and its neighbouring thoroughfares was developed. At a public meeting in Warblington School, which I attended, the Councillors speaking assured the public that this agreement would preclude further development in the Havant/Emsworth gap.

It is clear that the Council was then acting in accordance with the expressed wishes of the council tax payers of this borough, whom it is their duty, privilege and responsibility to represent. The minor variation to this agreement in 2012 to enable the crematorium to be built, North of the Barton's Road passed without remark, largely, I suspect, because the actual crematorium is built outside the boundary of Havant Borough Council. The council tax payers have a right to expect the Council to act in their interests and refuse to vary the agreement to lift the restriction on this new area.

So far as I am aware there has been no further amendment of the agreement and therefore any development on this restricted land would be contrary to the agreement. Were planning permission to be granted it seems likely that to do so would be ultra vires the powers of the Council without amendment of the agreement. It also seems that there would be reasonable grounds for seeking a judicial review were the agreement to be further amended without specific consultation of the public on this point. The consultations last autumn did not mention the Section 106 agreement.

I shall be pleased to hear from you with your opinion on my views and your reasoned response should you disagree with me on any material point.

Yours faithfully



Anthony Portal