REPRESENTATION OBJECTING TO APPLICATION APP/26/00324

To:	The Chair and Members of the Planning Committee, Havant Borough Council
Copy:	The Case Officer; the Head of Planning
Application:	APP/26/00324
Site:	Land to the east of Denvilles, Havant, known as Southleigh
Proposal:	Outline planning permission (all matters reserved except means of vehicular access to the public highway and associated highway improvements) for demolition of existing buildings and erection of up to 1,800 dwellings (C3), a Local Centre, a Primary School (F1(a)), early years provision, open space, drainage and utilities infrastructure and associated works. EIA development accompanied by an Environmental Statement.
Objector:	[redacted]
Date:	25/07/2026

A. Introduction and summary

1. I object to this application. I am a resident of [redacted] which forms part of the local highway corridor onto which the traffic generated by this development would be discharged. This representation is confined to material planning considerations and addresses matters of law as well as planning judgment. I ask that it be placed before Members in full, and that the application be determined by Committee and not under delegated powers.

2. In summary, permission should be refused, or determination deferred, for the following reasons, each developed below:

   a. **The development plan.** The site is not allocated in the adopted development plan and lies in the countryside beyond the urban area boundary. The emerging plan that would allocate it is at Regulation 19 stage only, with consultation opened on 20 July 2026 and objections neither received in full nor examined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determination in accordance with the adopted plan unless material considerations indicate otherwise, and NPPF paragraph 50 prematurity applies squarely to a proposal of this scale at this moment.

   b. **Access and highways.** Access is the only matter before the Council for approval, and it must therefore be determined now, on complete and reliable evidence. The scheme omits the A27 junction and link road on which the Council's own commissioned evidence concluded the development depends, and rests instead on assumptions — including visibility splays apparently reliant on speed limit reductions for which no Traffic Regulation Order exists — that cannot lawfully or safely be carried at this stage.

   c. **Foul drainage and the Habitats Regulations.** The receiving sewerage catchment discharges, via storm overflows with a documented multi-year record of prolonged spills, into Langstone Harbour, part of the Chichester and Langstone Harbours SPA and Ramsar site. Absent demonstrated headroom in the network and treatment capacity, the Council cannot make the findings required by regulation 63 of the

Conservation of Habitats and Species Regulations 2017 and cannot lawfully grant permission.

d. **Surface water and flood risk.** The site drains towards Emsworth, which has an acknowledged existing surface water flooding problem. The drainage strategy must be shown to be deliverable — not merely conceptually compliant — before outline permission is granted.

e. **Further grounds** concerning the adequacy of the Environmental Statement, coalescence and landscape, heritage, and the securing of social infrastructure.

B. The legal framework within which the Committee must act

3. Members will be advised on the law by their officers, but I respectfully draw attention to five points that frame everything that follows.

4. **First**, s.38(6) PCPA 2004: the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan for this Borough comprises the **Core Strategy (2011)** and the **Allocations Plan (2014)**. Southleigh is allocated in neither. The Local Plan 2036, which proposed the allocation, was **withdrawn in 2021** following the Inspector's concerns and is of no effect. The starting point is therefore that this is a departure application for major development in the countryside.

5. **Second**, NPPF (December 2024) paragraphs 49 and 50. Paragraph 49 permits weight to be given to emerging plan policies according to (a) stage of preparation, (b) the extent of unresolved objections, and (c) consistency with the Framework. The Building a Better Future Plan has only just been published for Regulation 19 consultation, commencing **20 July 2026**. The consultation is open as I write; the objections are by definition unresolved because they have not all yet been received; the plan has not been submitted, let alone examined. Only limited weight can rationally attach. Paragraph 50 provides that refusal on prematurity grounds may be justified where the development is so substantial, or its cumulative effect so significant, that granting permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan. An application for up to 1,800 dwellings — the substantial majority of the Borough's flagship strategic allocation — determined while the Regulation 19 consultation on that very allocation is open, is as close to the paradigm paragraph 50 case as one is likely to encounter. If the application is approved now, the examination of the Southleigh allocation becomes a formality and public participation in it a nullity.

6. **Third**, the Conservation of Habitats and Species Regulations 2017, regulation 63. The Council is the competent authority. It may agree to this project only if, following appropriate assessment, it has ascertained that the project will not adversely affect the integrity of the European sites concerned, alone or in combination with other plans and projects. The standard, per the CJEU in Waddenzee (C-127/02) as consistently applied by the domestic courts, is that no reasonable scientific doubt remains. Doubt is resolved against the development, before permission — not managed afterwards by condition. Further, per People Over Wind (C-323/17), mitigation measures cannot be taken into account at the screening stage; and mitigation relied upon at appropriate assessment must be certain to be effective at the time of the assessment, not aspirational.

7. **Fourth**, the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Council must not grant permission unless the environmental information — including any further information it is empowered to require under **regulation 25** — enables it to reach a reasoned conclusion on the significant effects. An ES that rests on unevidenced behavioural assumptions in its transport and air quality chapters does not satisfy that requirement.

8. **Fifth**, because access is excluded from the reserved matters, the acceptability and safety of the access arrangements fall to be determined **now and finally**. They cannot be repaired at reserved matters stage. If the access case is not made out on the material before the Committee, the application must be refused; a Grampian condition cannot cure a defective access proposal where access is the very matter applied for.

C. Ground 1 — Access and highways

The abandoned strategic link

9. The Southleigh allocation was promoted throughout the plan-making history on the footing that it would be served by a new junction on the A27 with a link road into the local network. That was not a resident aspiration; it was the conclusion of the Council's own evidence. The **A27 Junction Feasibility Study (August 2018)**, commissioned to support the allocation, concluded that, subject to detailed traffic modelling, a new A27 junction incorporating a link to the surrounding local road network **would be required, because there is insufficient capacity in the existing local network to accommodate the additional traffic**. That conclusion has never been withdrawn, superseded or contradicted by any equivalent technical evidence.

10. The present application deletes the link road. The applicant's explanation, given publicly at the Development Consultation Forum on 27 January 2026, is in substance that national policy and funding priorities have shifted from highway capacity towards active travel and public transport. Members should note precisely what that argument is and is not. It is an argument about what central government is prepared to fund. It is **not** evidence that the capacity deficit identified in the Council's own study has ceased to exist. The need was established by traffic engineering; it cannot be extinguished by a change in funding climate. If the link is undeliverable, the correct planning conclusion is that the site cannot come forward at this scale — not that the site comes forward anyway and the consequences are absorbed by residential streets.

11. The consequence of deletion is that the traffic of a settlement of up to 1,800 dwellings, a three-form-entry primary school, early years provision and a local centre is discharged in its entirety onto Southleigh Road, Bartons Road, Horndean Road, Emsworth Common Road, Park Road and North Street. Havant Civic Society's estimate — expressly conservative — is at least **5,000 additional vehicle movements per day** across Southleigh Road, Bartons Road and Horndean Road. Horndean Road is a residential street. Southwards it feeds North Street, Emsworth, which is constrained by a low railway bridge and is incapable of improvement. Westwards, the Warblington level crossing is already closed to road traffic for a substantial proportion of each hour by reason of increased rail frequencies, and the position will deteriorate. There is no resilient route. The network the applicant proposes to load is a network with no spare capacity and no capacity to create any.

Visibility splays

12. Because access is applied for in full, every access and junction geometry must be demonstrated to be safe **on the evidence now before the Council**. I invite the Committee to require the highway authority to confirm, in writing and before determination, each of the following:

    a. That all visibility splays are designed to **measured 85th percentile wet-weather approach speeds surveyed on site**, in accordance with Manual for Streets/DMRB as applicable to each road's character, and not to the posted limit. On roads of this character, observed speeds materially exceed the limit; a splay dimensioned to the limit is dimensioned to the wrong parameter.

    b. That **no splay is dependent on a future reduction in speed limits**. The applicant's transport strategy refers to proposed speed reductions on Southleigh Road, Horndean Road and Eastleigh Road. No Traffic Regulation Order has been made or, to my knowledge, advertised. A TRO is a separate statutory process, subject to its own consultation and objection procedure, and its outcome cannot be presumed. An access whose safety case depends on an unmade TRO is an access whose safety case has not been made. If any splay drawing before the Council is predicated on reduced limits, the access must be refused or the application deferred until the TRO position is resolved.

    c. That the full extent of every splay lies **within adopted highway or land within the applicant's control**, with its permanent maintenance secured, and that no splay depends on third-party land.

    d. That achieving the splays does not require removal of **hedgerow, bank or trees** relied upon elsewhere in the application as retained green infrastructure, ecological mitigation or biodiversity net gain. Any such conflict must be identified and resolved on the face of the documents before determination.

    e. That junction visibility, forward visibility, and pedestrian/cycle intervisibility at crossings have been assessed for the **school peak**, which is a concentrated surge materially different in character from the network peak and frequently understated by standard modelling.

The Transport Assessment

13. I ask that the Committee direct that the Transport Assessment be subjected to genuinely independent scrutiny by Hampshire County Council and National Highways before the application returns for determination, addressing at minimum: (i) the selection of TRICS comparator sites and the derivation of trip rates; (ii) whether the claimed reduction in site-generated trips is evidenced or asserted; (iii) whether the cumulative baseline includes all committed and emerging development in Havant, Chichester and Portsmouth affecting the A27 corridor; and (iv) a sensitivity test on the consequences for the local network if the assumed modal shift is not achieved. A decision resting on an untested assessment of this importance would be vulnerable on ordinary public law grounds.

Parking

14. Layout is reserved, but the **parking standards assumed in the Transport Assessment are inputs to the trip generation and distribution now relied upon**, and are therefore properly before the Committee at this stage. Under-provision in a location where the alternatives to the

car are, on the applicant's own material, a two-hourly bus service and aspirational active travel routes, will produce overspill onto surrounding streets that cannot absorb it. I ask that minimum residential, visitor and cycle parking standards, together with dedicated parking and drop-off provision for the school, early years facility and local centre, be **fixed by condition at outline stage**, so that the parameters underpinning the traffic case bind what is subsequently built.

Public transport as mitigation

15. Bus service 27 operates along Southleigh Road at approximately two-hour frequency. If an enhanced service is advanced as mitigation, it must be secured through the s.106 agreement as a specified frequency, funded not for a pump-priming period but for a duration commensurate with the trip-reduction claims made in the Transport Assessment, with a fallback obligation if the service is withdrawn. An unsecured bus service carries no weight; the Committee should give it none.

D. Ground 2 — Foul drainage, Budds Farm and the Habitats Regulations

16. Foul flows from the development would drain to the **Budds Farm Wastewater Treatment Works** catchment. I put the point with precision, because it is stronger for being put accurately. Treated effluent from Budds Farm is discharged principally via the long sea outfall into the East Solent, and I do not contend that treated flows are the mischief. The mischief is the **storm overflow regime**: when the network and works are overwhelmed by flow, untreated discharges occur directly into **Langstone Harbour**, which is part of the Chichester and Langstone Harbours SPA and Ramsar site and an SSSI, and which lies within the Solent complex to which Natural England's nutrient neutrality advice applies. Natural England's condition assessments record extensive areas of the adjoining designated harbour habitats as **unfavourable-declining**.

17. The overflow record is not anecdotal. It includes: **57 spills totalling 617 hours** into Langstone Harbour from Budds Farm in 2019, per data supplied to the Environment Agency and reported to Parliament; untreated discharges into Langstone Harbour exceeding **350 hours in November 2022 alone**; and **181 hours of discharge across eight days** in late October and early November 2023, on Southern Water's own event duration monitoring. The Environment Agency has required Southern Water to construct an additional **4,152 m³ of storm storage** at Budds Farm — a c.60% uplift, to 11,120 m³ — with a compliance date of 31 March 2025. Members should appreciate what that requirement signifies: it was imposed to remediate the **existing** performance of the works against its **existing** load. It is not, and was never designed to be, headroom for 1,800 additional dwellings, a school and a local centre.

18. The anticipated officer response is familiar: sewerage capacity is a matter for the statutory undertaker; Southern Water is under a duty pursuant to s.94 of the Water Industry Act 1991; the developer enjoys a right of connection under s.106 of that Act; and any shortfall can be addressed by Grampian condition. **That reasoning is unavailable here**, for the reason set out at paragraph 6 above. Because the receiving water is a European site, the Council must first conclude an appropriate assessment ascertaining, beyond reasonable scientific doubt, that the additional flows will not adversely affect the integrity of the SPA/Ramsar site, alone or in combination — including in combination with the very storm overflow performance described above. A Grampian condition is a means of sequencing development; it is not a means of discharging the regulation 63 duty, which must be satisfied **at the date of decision**. Reliance on future, unfunded, unprogrammed or unconsented infrastructure fails the certainty

requirement in the case law. If the Council cannot presently ascertain no adverse effect on integrity, it is not merely entitled to refuse — it is **obliged** to.

19. The same discipline applies to **nutrient neutrality**. The development must be demonstrated nutrient neutral by a nutrient budget with mitigation that is real, additional, secured for the lifetime of the development, and effective with certainty at the time of the appropriate assessment. If the applicant proposes to rely on the strategic arrangements emerging under Part 3 of the Planning and Infrastructure Act 2025 (Environmental Delivery Plans and the Nature Restoration Fund), the Committee should be advised that no such plan yet covers this development; an intention to rely on a future EDP is precisely the sort of uncertain future mitigation that regulation 63 excludes.

20. I therefore ask the Committee to require, before determination: (i) a formal capacity statement from **Southern Water** addressing both network and treatment capacity, identifying required upgrades, their AMP funding status and programme; (ii) the **Environment Agency's** position on the discharge permit, current compliance and the capacity of the permit to accommodate the additional load; (iii) **Natural England's** advice on the appropriate assessment, specifically addressing storm overflow effects in combination; and (iv) publication of the Council's draft appropriate assessment for public comment before the application is reported. Should capacity not be confirmed and funded, that finding is additionally material to **deliverability**, and hence to the weight the scheme can bear in any housing land supply argument advanced in its favour.

E. Ground 3 — Surface water drainage and flood risk

21. The site lies upstream of Emsworth, which has an acknowledged surface water flooding problem of sufficient seriousness to have warranted a dedicated flood risk management strategy in the Council's own evidence base. Urbanising this catchment alters the rate, volume and timing of runoff permanently. The following must be established before, not after, outline permission:

    a. **Restriction of discharge to greenfield rates** for all events up to the 1% AEP event plus the appropriate climate change allowance for this river basin district, with attenuation demonstrably capable of being accommodated within the parameter plans — not merely asserted in a strategy document.

    b. **Winter groundwater monitoring across a full seasonal cycle.** Groundwater in this locality is seasonally high. Infiltration-based SuDS validated by summer testing fail in winter. If infiltration is not viable, the alternative discharge arrangement, and its consent, must be identified now.

    c. **Assessment against any groundwater Source Protection Zone** associated with the Havant and Bedhampton spring abstractions, with Portsmouth Water consulted and its response published. (I invite the Council to confirm the SPZ position on the record; if the site lies within a zone, this becomes a matter of the first importance.)

    d. **Strict separation of surface water from the foul network**, secured by condition, including protection against misconnection during a multi-year build programme and against groundwater infiltration into new sewers. The Committee should note the direct connection between this issue and Ground 2: surface water and infiltration entering the

combined network is a principal driver of the storm overflow discharges into Langstone Harbour. These are not two issues but one.

e. **No increase in off-site flood risk** to existing downstream properties in Emsworth, including under exceedance conditions beyond the design event, verified by the Lead Local Flood Authority.

f. **Maintenance in perpetuity** of all SuDS features by a named, funded body under a secured mechanism. An unadopted, unmaintained attenuation basin is, within a decade, no attenuation at all.

F. Ground 4 — Adequacy of the Environmental Statement

22. For the reasons given at paragraphs 7 and 13, the ES does not yet contain the information reasonably required for a reasoned conclusion on likely significant effects, in particular in its transport, air quality and water chapters, and in its treatment of cumulative effects along the A27 corridor. Detailed factual questions on the ES and Transport Assessment submitted by Havant Civic Society remain, to my knowledge, unanswered. I request that the Council exercise its **regulation 25** power to require further information and re-consult on the additional environmental information before determination. A decision taken on the present material would be exposed to challenge.

G. Ground 5 — Coalescence, landscape, heritage and agricultural land

23. This land constitutes the settlement gap between Warblington/Denvilles and Emsworth. Its development extinguishes the physical and perceived separation of two settlements permanently; Emsworth's identity as a distinct historic harbourside settlement is not a sentimental consideration but a component of the character and appearance of the area which the plan-led system exists to weigh **before** commitment, not after. The Committee should further require assessment of: (i) effects on the setting of the **Chichester Harbour National Landscape**, having regard to the strengthened duty under s.85 of the Countryside and Rights of Way Act 2000, as amended, to **seek to further** the statutory purposes of the designation; (ii) effects on the setting of the listed **Southleigh Park House** and its parkland, applying the s.66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 duty and the considerable importance and weight the courts require it to be given; and (iii) the loss of **best and most versatile agricultural land**, with the sequential preference for poorer land addressed on the evidence.

H. Ground 6 — Social infrastructure: offered, not secured

24. The description of development is drafted permissively. Healthcare is a possibility within a use-class list, not a commitment; there is no confirmation from NHS Hampshire and Isle of Wight ICB of GP or dental capacity; a three-form-entry primary school is proposed but the **secondary** yield of 1,800 dwellings is unaddressed. If, contrary to this representation, Members are minded to grant, the s.106 agreement must tie each element of community infrastructure to **occupation-linked triggers with an occupation cap** enforceable if the triggers are missed. Experience of strategic sites determined without such discipline is uniform: the houses arrive; the infrastructure does not.

I. Construction phase

25. Any permission must be subject to a pre-commencement **Construction Traffic Management Plan** which expressly excludes Horndean Road and North Street, Emsworth from HGV routing; fixes working hours; requires wheel-washing, dust suppression and a pre-commencement highway condition survey with a reinstatement obligation. Given the build programme will span many years, the CTMP should be subject to periodic review with community consultation.

J. Conclusion and relief sought

26. This application invites the Council to commit the Borough's largest greenfield site (a) before the plan that would allocate it has been examined, (b) without the strategic highway infrastructure the Council's own evidence found to be required, and (c) into a sewerage catchment whose storm overflows discharge, for hundreds of hours at a time, into a European protected site — on the strength of assessments that have not been independently tested and assessments under the Habitats Regulations that cannot presently be concluded.

27. I respectfully request that the Committee:

    a. **Refuse** the application; alternatively

    b. **Defer** determination pending (i) the conclusion of the Regulation 19 process and examination of the emerging Local Plan; (ii) further information under regulation 25 of the EIA Regulations; (iii) written confirmation of foul and surface water capacity from Southern Water, the Environment Agency and the Lead Local Flood Authority; (iv) Natural England's advice on, and publication of, the appropriate assessment; and (v) resolution of the TRO position on which the access design depends; and in any event

    c. Direct that the application be determined by **Committee**, that objectors be **re-consulted on any amended plans or further environmental information**, and that I be notified of the Committee date and afforded the opportunity to address Members under the Council's public speaking scheme.

Yours faithfully,

[redacted]