
Site Address: Proposed Havant Reservoir & Pipeline, Middle Park Way, Havant.

Proposal: Variation of S106 dated 15.10.2021 relating to Part 1 Definitions (page 10) Clause 1.2 Schedule 2 - paragraphs 2.5 - 2.8 (inclusive) in respect of the phasing of the pipeline development and the phase 1 shaft.

Application No: APP/24/00213

Expiry Date: 20 May 2024

Applicant: Portsmouth Water Ltd

Agent: Atkins Realis

Case Officer: Narinder Lakhan

Ward: St Faiths

HPS Recommendation: **APPROVE Deed of Variation.**

1 Site Description

- 1.1 The scheme includes the reservoir at Havant Thicket and the pipeline connecting to Bedhampton Springs which is wholly within the administrative boundary of Havant Borough Council. The pipeline corridor extends from the Portsmouth Water pumping station at Bedhampton, northwards through the Leigh Park estate, to the proposed control house within the reservoir site. The length of the pipeline is approximately 4.8km of which 210m is within the reservoir site and included in application APP/20/00990.
- 1.2 This Phase of the development was identified in the approved scheme as "*Section 1 - Bedhampton Pumping Station to Chadswell Meadow*", where the route starts from the southernmost point at the pumping station heading north west across the open grassland area surrounding the pumping station before crossing the railway line just south-west of Bedhampton Train Station. Once past the rail line, the route passes through a small area of buffer planting along the railway edge before meeting Chadswell Meadow.
- 1.3 Shaft 1 sits just south of Bedhampton Train Station and the application site is an area of hard standing that is currently used to store construction materials. The hard standing continues to the south and east of the site. The west of the site is filled with overgrown vegetation. A solar panel field is located to the south west.

2 Planning History

- 2.1 The application site has been subject to planning applications, the more significant/relevant applications are listed below:
- 2.2 **APP/20/0090** - Hybrid Application (part full and outline) – 1) Full Planning permission for development of a reservoir for raw water storage, a pumped storage reservoir, with the minimum required total storage capacity of 8,700 million litres (ML), to support the planned bulk supply transfer of at least 21ML/d in extreme (currently defined as 1:200 year) drought conditions; Construction of an earth embankment adjacent to Staunton Country Park; Construction of an overflow discharge/spillway at the south-western side of the reservoir and associated works; Construction of a new junction on the B2149 Manor Lodge Road and a new junction on Swanmore Road.

Provision of viewing areas on the southern embankment and western edge of the reservoir. 2) Outline permission for a control house partially incorporated within landscaped earth mounding adjacent to the south-west embankment; together with provision of other earth embankments. Construction of a visitor centre / cafe, with storage areas and welfare facilities to the northwest of the reservoir to be used for recreational and education purposes; Provision of picnic area(s) and children's play area(s). Access routes from both junctions to the visitor car park; visitor car park comprising 193 car parking spaces and between 70 and 75 overflow spaces plus spaces for staff, coach/minibus and disabled drivers sited to the north-west of the reservoir. Creation of a permanent wetland on the northern side of the reservoir and construction of bird watching hide/screen(s); Recreational facilities for public amenity. Provision of perimeter tracks and a network of bridleways, cycle paths and footpaths; Construction of a slipway on the western bank of the reservoir for operational use only and a small section of the proposed pipeline (210m). - Permission subject to conditions and a S106 legal agreement (15/10/21).

- 2.3 **APP/20/00991** - Outline application for (matters to be considered outlined in Table 2.2 in the submitted Development Specification) development of a new pipeline to transfer water from Bedhampton Springs to fill the reservoir in the winter and draw it off to treat and supply when needed in the summer comprising: Construction of an underground, bi-directional pipeline linking the reservoir with the existing pumping station at Bedhampton; Emergency drawdown discharge structure at Hermitage Stream; Upgrades to existing culverts; Washout and air valve chambers (typically below ground) - Permission subject to conditions and a S106 legal agreement (15/10/21).
- 2.4 **APP/24/00204** - Application for the approval of Reserved Matters in respect of Shaft 1 (the Phase 1 Scheme) pursuant to Condition 2 of the outline planning permission under planning reference APP/20/00991 dated 15th October 2021 for the Pipeline from Bedhampton Springs to Havant Thicket Reservoir (Approved).
- 2.5 Discharge of conditions Under Reference APP/20/00991 comprising the following:
- Condition 4 Phasing
 - Condition 5 Construction Environmental Management Plan
 - Condition 6 Construction Method Statement
 - Condition 7 Construction Traffic Management Plan
 - Condition 8 Traffic Management
 - Condition 10 Noise & Vibration
 - Condition 13 Archaeological Mitigation
 - Condition 14 Archaeological Written Scheme
 - Condition 12 Archaeological Management Plan.
 - Condition 16 Landscaping / Trees.
 - Condition 19 Flood Risk
 - Condition 20 On-site Emergency Flood Plan
 - Condition 21 Ecological Mitigation
 - Condition 22 Ecological Clerk of Works

3 **Proposal**

- 3.1 The approved Section 106 Legal Agreement under application APP/20/00991 includes commitments which will need to be discharged prior to commencement of development (excluding site enabling works).
- 3.2 The deed of variation will require that the development will not commence for Phase 1 until a Pre-Commencement Construction Traffic Management Plan has been submitted to and approved by the LPA and the County Council and to allow the development for Phase 1 to commence ahead of the highways agreement relating to the approved Southern Access Route.

4 Policy Considerations

National Planning Policy Framework (December 2023)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS 1	(Health and Wellbeing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS18	(Strategic Site Delivery)
CS19	(Effective Provision of Infrastructure)
CS2	(Employment)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL 2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)
AL 6	(Havant Thicket Reservoir Pipeline)
AL 7	(Hermitage Stream)
DM20	(Heritage Assets)
CP26	(Water Resources/Water Quality)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non-Statutory Consultations

The following Section sets out the consultees' most up to date responses to the application.

HCC Highways – No objection to the changes proposed to the Section 106 as set out in table 1 below

6 Community Involvement

The application is to vary a legal agreement to allow the development for Phase 1 to commence ahead of the highways agreement relating to the approved Southern Access Route, and is not subject to the usual publicity requirements.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of varying the S106 Agreement and its impact on highway safety at the site.

(i) Principle of Development

7.2 The changes and comments to the Section obligations are set out in the Table below

Clause/reference	Provision/Obligation	Change required
Schedule 2 Clauses 2.5 – 2.8 (Southern Site Access Works) Pages 30 & 31	2.5 To enter into the Highways Agreement(s) for the Southern Site Access Works prior to the Commencement of the Pipeline Development other than the Authorised Works 2.6 Not to Commence the Pipeline Development (other than the Authorised Works) until the Highways Agreement(s) for the Southern Site Access Works has been entered into 2.7 To complete the Southern Site Access Works to Certificate of Completion Standard prior to the Commencement of the Pipeline Development other than the Authorised Works 2.8 Not to Commence the Pipeline Development (other than the Authorised Works) until the Southern Site Access Works have been completed to Certificate of Completion Standard."	Change in timings, programme and location required in the Deed of Variation. The trigger be amended to be prior to commencement of the Pipeline Development save for the Authorised Works (being works carried out under permission APP/24/00204 for the construction of the Shaft 1 on the site). These changes are considered acceptable.
Schedule 2 Clause 4 (Pre-commencement Construction Traffic Management Plan) Page 32	4.1 Not to Initiate Development other than the Authorised Works until the Pre-Commencement Construction Traffic Management Plan has been submitted to the County Council and approved in writing by the County Council (such approval not to be unreasonably delayed or withheld). 4.2 Not to permit any Development Vehicle movements to or from the Land for the purpose of the Development (other than the Authorised Works) or to intensify the use of any existing access/egress points at	Change in timings, programme and location required in the Deed of Variation in relation to the Pipeline Development only. The trigger be split and amended to be prior to Initiation of the Pipeline Development save for the Authorised Works (being works carried out under permission

Clause/reference	Provision/Obligation	Change required
	the Land for the purpose of the Development (other than the Authorised Works) until the Pre-Commencement Construction Traffic Management Plan has been submitted to the County Council and approved in writing (such approval not to be unreasonably delayed or withheld) 4.3 To ensure that all Development Vehicle movements to or from the Land for the purpose of the Development (other than the Authorised Works) are in accordance with the measures and requirements of the approved Pre-Commencement Construction Traffic Management Plan 4.4 Not to permit any Development Vehicle movements on the Land (other than the Authorised Works) unless in accordance with the measures and requirements of the approved Pre-Commencement Construction Traffic Management Plan	APP/24/00204 for the construction of the shaft 1 on the site). The HCC as a consultee are content with the proposed changes.

8. **Conclusion**

- 8.1 In conclusion, details of the current obligations and the proposed changes have been set out above. It is considered that the changes to the timing of the submission of the CTMP and the southern access road to allow the construction of Shaft 1 as the first phase of the approved pipeline construction would not prejudice or undermine the overarching and other obligations secured. The Deed of Variation is therefore considered acceptable.

9 **RECOMMENDATION**

That the Head of Place be authorised to PERMIT a Deed of Variation for application APP/24/00204

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