
Site Address: Havant Thicket Winter Storage Reservoir, Manor Lodge Road, Rowlands Castle.

Proposal: Application for approval of all Reserved Matters (siting, scale, external appearance and landscaping) relating to Phase 2 (Wetland) of the Thicket Reservoir development pursuant to condition 2 of the Hybrid permission planning reference APP/20/00990 dated 15th October 2021.

Application No: APP/24/00186

Expiry Date: 6 June 2024

Applicant: Portsmouth Water Ltd

Agent: Adams Hendry Consulting Ltd

Case Officer: Narinder Lakhan

Ward: Leigh Park Hermitage

Reason for Committee Consideration: Referral to Committee by the Executive Head of Place – Phase 2 of a Large-Scale Major Application

Density: N/A

HPS Recommendation: **APPROVE RESERVED MATTERS APPLICATION**

Executive Summary

This application has been submitted to Havant Borough Council (HBC) and East Hampshire District Council (EHDC) on behalf of Portsmouth Water and seeks approval for Reserved Matters relating to the Wetland Embankment (Phase 2) in connection with the Hybrid Planning Permission (reference APP/20/00990) for a reservoir and associated infrastructure (the “Approved Scheme”) on land at Havant Thicket, adjacent to Sir George Staunton Country Park and Middle Park Way, Havant.

The reservoir will be filled with surplus water drawn from the springs at the Bedhampton works and will provide water supplies to Portsmouth Water customers in the summer months as required. Complementary to its infrastructure function, the reservoir will provide a new recreational facility resource which the public can access. It will further opportunities to improve the wider footpath, cycleway, and bridleway networks in the area. The Approved Scheme will provide a new wetland habitat and associated area for nature conservation.

The proximity of the reservoir to the internationally important Langstone Harbour means that it can be used as a safe retreat for roosting birds when there is disturbance in the Harbour (Special Protection Area (SPA) and Special Area of Conservation (SAC)).

As part of the Hybrid consent, outline planning permission was granted for the Wetland, subject to a Reserved Matters application (RMA). It is considered the siting, scale, appearance, and landscaping of the Wetland Embankment accords with the approved outline design parameters and specification to ensure that the wetland will result in minimal impact to nearby sensitive receptors including existing ecological habitats, landscape, trees, ancient woodland, and heritage assets.

The Phase 2 Scheme forms part of the Approved Scheme, which is safeguarded in the adopted local plan through HBC Policies CS18 and CS19. The Approved Scheme was subject to an Environmental Impact Assessment (EIA) and an Arboricultural Impact Assessment (AIA) which assessed the scheme submitted in detail and parameters for the scheme submitted in outline. It has been demonstrated that this Phase does not result in any additional impacts which were not considered as part of the Approved Scheme EIA. The Wetland has been designed within the context of the requirements of relevant national and local planning policy, as well as facilitating future development phases within the Approved Scheme.

The conclusion of the Council's Ecologist is that overall the wetland design will provide substantial biodiversity benefits for a wide range of species groups. The overall wetland design is of sufficient scale and complexity to result in a highly valuable habitat that will support a wide range of species over time. The wetland as proposed is different from the outline design as envisaged in 2020 but this does not equate to a demonstrable reduction in overall biodiversity value. It is different but will still deliver an exceptional wetland site that will provide habitat for a wide range of species.

In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004, officers have considered the planning application with regard to the requirements of the National Planning Policy Framework 2023 and are satisfied that the development would be in compliance with the Development Plan for the Borough and that there are no material considerations of sufficient weight that would dictate that the application should otherwise be refused.

1 Site Description

The Reservoir Site

- 1.1 The reservoir site has an area of approximately 160 hectares and comprises predominantly of open grassland with some woodland, vegetation and ditches. The site straddles the local authority boundary between HBC and EHDC, with the district boundary running through The Avenue woodland within the site.
- 1.2 At the centre of the reservoir site is an area designated as ancient woodland that runs from the south-east to north-west known as The Avenue. Three other areas of ancient woodland: Middle Clearing; Round Wood and Corsican Pine Plantation are located within the reservoir site. A Public Right of Way (bridleway) extends from east to west through the centre of the site. The bridleway runs from Manor Lodge Road in the east to Park Lane in the west, linking Rowlands Castle with Cowplain. There are further access points into the reservoir site from the public highway. These are as follows: a path off the corner of Swanmore Road; a path from Bitterne Close via the Country Park; Whichers Gate at the Manor Lodge Road/Whichers Gate Road junction; a path from Manor Lodge Park Road via the Forestry England car park and a logging track also off Manor Lodge Park Road.
- 1.3 The land in Staunton Country Park (SCP) is designated as Open Access land, which includes a number of permissive paths within and adjoining the reservoir site, including along The Avenue. Within the Havant Thicket woodland to the north there is a mixture of gravel logging routes and grassed routes. A number of footpaths run adjacent to and in the proximity of the reservoir site to the south and east in Rowlands Castle and the country park. A cycleway runs along Swanmore Road

immediately to the west of the reservoir site. To the east, National Cycle Route 22 runs from north to south and passes close by the farm at SCP.

Phase 2 Location

- 1.4 The wetland embankment will be located to the northern part of the reservoir site. The wetland phase forms part of the package of compensation and mitigation measures for the creation of new and high-quality habitats on the site, including a new open waterbody with a retained wetland offering variable water depths, a variety of vegetation types and islands for added habitat complexity and to act as area for roosting and nesting sites for birds.

Environmental and Heritage Designations

- 1.5 The historic environment within the reservoir site includes portions of the Grade II* Registered Park and Garden (RPG) at Leigh Park (Staunton Country Park) and the Sir George Staunton Conservation Area.
- 1.6 Within the reservoir site, The Avenue, Middle Clearing and Round Wood are classified as Ancient Semi-Natural Woodland (ASNW). The Corsican Pine Plantation is classified as Plantation on Ancient Woodland Sites (PAWS). A significant part of Havant Thicket Woodland to the north is listed as PAWS. Bells Copse, located to the west, also located within the wider reservoir site is also listed as partly ASNW and partly PAWS. These woodland blocks are designated as Sites of Importance for Nature Conservation (SINC). In addition, four Priority Habitats are present within the reservoir site namely: purple moor-grass and rush pasture; lowland dry acid grassland; wet woodland; and lowland mixed deciduous woodland.
- 1.7 Most of the reservoir site is in a low flood risk area, Flood Zone 1. One section of the Site (southwest corner) is categorised as being in Flood Zone 2 and 3. Flood Zone 3 is the area of highest risk of flooding. There are three watercourses which enter the north of the reservoir site, named Headwater Streams 1-3, these converge into a single watercourse towards the southern boundary. There are also two shorter watercourses within the reservoir site (Headwater Stream 4 and 5). All watercourses are very narrow, typically around 1m in width, and are generally dry from May to October.

2 Planning History

- 2.1 The application site has been subject to a number of 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 A resolution to grant Reserved Matters (RM) consent for the Phase 1 Northern Access Route was approved by East Hampshire District Council and Havant Borough Council Planning Committee on the 1st of February 2022 and (EHDC Planning Reference 51680/003 & APP/22/00681).
- 2.5 Members are advised that this RM application has been submitted in conjunction with 12 pre- commencement planning conditions (listed below). In respect of this application, it is only the RM details that are for determination by the Planning Committee. The discharge of planning conditions falls within HBC officers' delegated powers and are subject to specialist technical advice and consultation.
- 2.6 For information, the discharge of conditions applications that have been made under Reference APP/20/00990 comprise the following.
- Condition 4 - Phasing
 - Condition 5 - Construction Environmental Management Plan (CEMP)
 - Condition 6 - Construction Method Statement
 - Condition 9 - Construction noise and vibration management plan
 - Condition 10 - Revised and updated assessment of potential noise and vibration
 - Condition 12 - Construction Traffic Management Plan
 - Condition 20 - Lightning
 - Condition 27 - Tree Survey and Arboricultural Impact Assessment
 - Condition 26 – Risk of Drowning
 - Condition 28 – Landscape Planting Specification
 - Condition 32 – Risk of Flooding

- Condition 36 - Partial discharge Ecological Mitigation, Compensation and Enhancement Measures
- Condition 39 - Soil Management Plan

3 **Proposal**

- 3.1 This RMA application is made jointly to Havant Borough Council (HBC) and East Hampshire District Council (EHDC) by the applicant (Portsmouth Water Ltd) for Reserved Matters (siting, scale, external appearance, and landscaping) relating to the Wetland Retaining Structure to accord with the approved outline design parameters and development specification.
- 3.2 The administrative boundary is set out at Figure 1 below and illustrates what part of the proposed site falls within HBC boundary. The extent of the proposed wetland that is for consideration by HBC comprises compartment 4 and includes one of the raised landforms with a height of 1m and three island features, and the western part of the retaining structure which is approximately 450m long as shown in Figure 2. Notwithstanding the position of the administrative boundaries, the committee report and the officers and Council's Ecologist's assessment considers the Phase 2 proposals in a holistic manner, and therefore includes an assessment of the proposals as they relate to both the EHDC and HBC administrative areas. However in practical terms the decision to be taken on the application can only grant or refuse that part of the development falling within HBC's boundary (as shown at Figure 2).

Figure 1 - Administrative Boundary

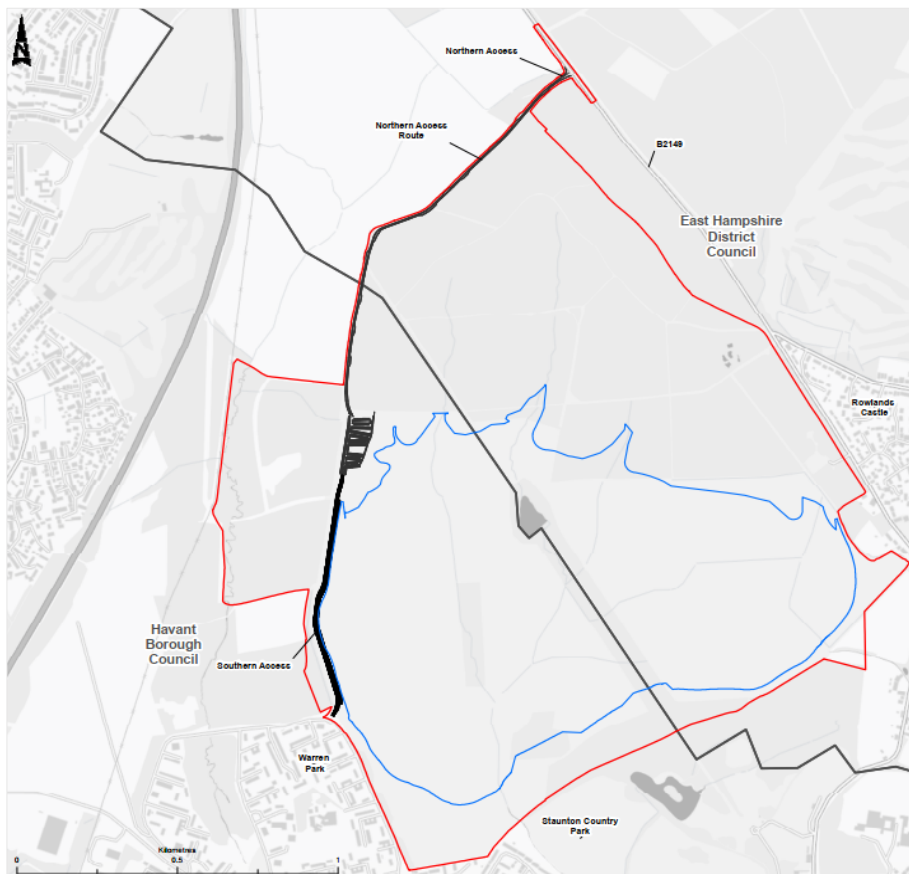
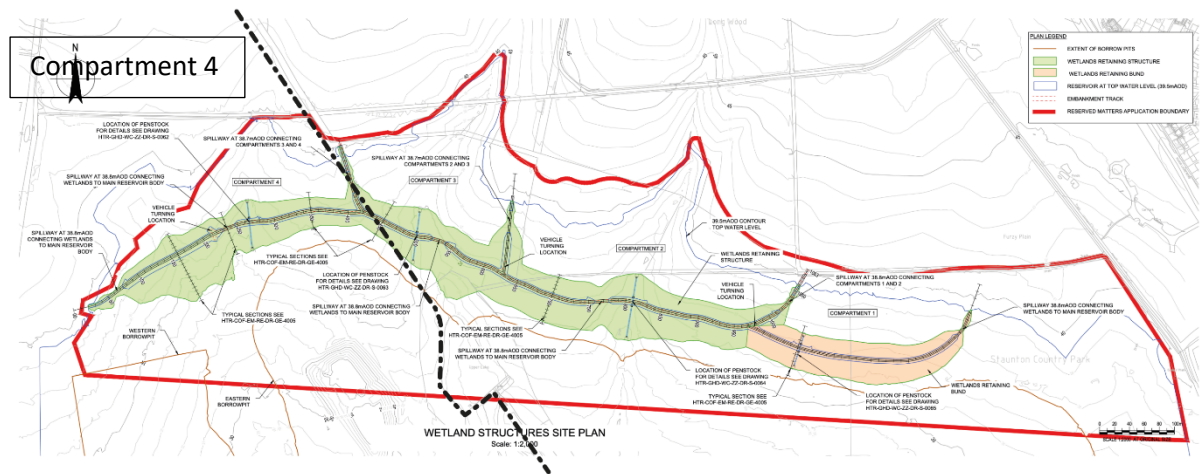


Figure 2 - Wetland Plan (with LPA Boundary added - Compartment 4 within HBC Boundary).



3.3 In summary the wetland will contain the following design features:

- Specific landform, planting and fencing measures to reduce predation pressure on birds through excavations and placement of islands/ephemeral features from the shoreline;
- Islands aligned to viewpoints from bird hides, visitor centre and known key vistas within the wider context of the site. Viewing screens, landform with planting is proposed to provide adequate screening while allowing public to see into the wetland area. Bird hides have been located adjacent to access paths;
- Wet grassland planted within the shallows and ephemeral features;
- Shallow shoreline features provide habitat suitable for typically ephemeral populations of plant species adapted to the open shallow edges of freshwater lakes;
- Local native tree species within the woodland mix are selected that provide foraging habitat for bats and dormice and benefit birds and invertebrates by providing shelter and food sources;
- Within the wetland area and transition north, the scheme provides wood pasture (parkland) areas for more open habitat that would benefit invertebrates and provide different foraging opportunities for bats;
- The planting design also proposes to include new woodland edge habitat to benefit reptiles;
- The area of corsican pine plantation in the south of Havant Thicket woodland that has been felled is proposed be replanted with alder, aspen, native poplar and willow prior to the flooding of the area, to form new wet woodland. Scots pine to be retained where possible;
- Wetland to be fed by three headwater streams that also help to improve habitat connectivity between the new wetland and existing Havant Thicket woodland including watercourses and pond features;
- Species-rich grassland habitat would be managed to create suitable micro-habitats for Invertebrates, including varies sward densities, patches of bare substrates, promotion of larval food plants and scattered scrub;
- Increasing the foreshore variation in landform and seeding around the edges of the reservoir site alongside future grassland management and installation of hibernacula and log piles would look to maximise habitat value;

- Management of the new and retained grassland would be undertaken to provide a varied sward height that would maintain suitability for ground nesting birds such as skylark and meadow pipit and graded edges where at the interface with scrub and woodland to increase structural and species diversity;
- The landscape strategy to retain willow scrub and tall herb habitat along the south-eastern boundary of Havant Thicket woodland.
- A series of penstocks are included in the design for wetland water control and maintenance. Spillways would connect the wetlands to the main reservoir body, whilst the flows within the wetland would be managed by a series of box culverts from, and between each 'compartment'.
- A 3-4m wide vehicle maintenance track would be constructed on the embankment between the wetland and the reservoir, using stone and gravel.

3.4 Subsequent to the Site Viewing Working Party site visit, the following clarifications are provided:

- Water level during droughts – Retained water levels (RWLs) during draw-down events would be limited to 38.8m AOD as this is the spillway height of the wetland bund separating the wetlands from the main reservoir. Prolonged periods of droughts outside of normal operating parameters could, if the headstreams feeding the wetlands are also dry, reduce the level below this due to evaporation. This scenario would only occur in extreme conditions.
- Raised landforms / Mounds – The raised landforms offer habitat complexity whilst discouraging access and predation to the islands. By comparison to the outline designs, the area of wet grassland has not been reduced due to the landforms location or positioning. The total area of wet grassland has increased (total wet grassland to be provided is approximately 21,000m², compared to approximately 11,500m² shown on the outline design) due to additional terracing on the wetland bund, slackened slope angles and more detailed topographical information. The raised landforms are in accordance with the outline designs which required ground manipulation to create greater habitat complexity.
- Orientation of mounds – These have been positioned and designed to provide wetland habitat on the shoreline whilst also providing greater biodiversity complexity of other areas of the wetland whilst also taking into account the risks of predation and erosion.
- Positioning and orientation of wetland islands – The islands have been designed and positioned in accordance with the outline design. The islands are largely protected from erosion from wave action by the retaining structure, but have still been orientated south westerly to align with the prevailing wind direction where the existing natural contours allow and where this also allows good viewing opportunities from bird hides.
- Restricting access onto wetland for security and ecological protection - No public access will be permitted to the wetland retaining structure. Access is restricted through the use of fencing (much of which is outside the application area for this Reserved Matters Application) and design of the structures includes creation of wet spillways to discourage public access and to protect the habitats from disturbance. Further details of security and protections are provided in the landscape drawings submitted pursuant to Condition 28 (Landscape Planting Specification). The design ethos is that the combination of raised landforms, planting/existing vegetation and fencing will discourage access to sensitive wetland areas.

Supporting Documents

- 3.5 The RMA Application submission is supported by a number of documents and drawings. These are summarised as follows:

Documents

Adams Hendry Consulting Ltd Covering letter dated 13th May 2024
Environmental Statement of Conformity dated 4th March 2024 reference HTR-RHD-P2-XX-RP-Z-0003 Rev P03
Planning statement prepared by Adams Hendry Consulting Ltd dated March 2024 ref JTM/1856/Phase2RMA

Drawings

Drawing Number	Title
HTR-GHD-ZZ-RE-DR-Z-0002 REV P04	Proposed Reservoir Works Key Plan Phase 2
HTR-GHD-WC-ZZ-DR-L-0012 REV P10	Outline Wetlands Embankment Overall Design Strategy
HTR-COF-EM-RE-DR-GE-4004 REV P01	Planning Drawing Wetlands Retaining Embankment Proposed Site Layout
HTR-COF-EM-RE-DR-GE-4005 REV P01	Planning Drawing Wetlands Retaining Embankment Design Cross Sections
HTR-GHD-WC-ZZ-DR-L-0050 REV P07	Landscape and Ecology Proposals
HTR-GHD-WC-ZZ-DR-L-0051 REV P05	Wetlands Embankment Active Water Control Feature - Penstock Detail
HTR-GHD-WC-ZZ-DR-L-0052 REV P06	Wetland Spillway Detail - No Vehicle Access (Section & Plan)
HTR-GHD-WC-ZZ-DR-L-0053 REV P06	Wetland Spillway Detail (Section and Plan)
HTR-GHD-WC-ZZ-DR-L-0054 REV P05	Wetland Spillway Detail Compartment 3/4 (Section and Plan)
HTR-GHD-WC-ZZ-DR-L-0055 REV P05	Wetland Spillway Detail Compartment 1/2 (Section and Plan)
HTR-GHD-WC-ZZ-DR-L-0056 REV P08	Wetland Retaining Structure - Landscape General Arrangement Sheet 1 of 6
HTR-GHD-WC-ZZ-DR-L-0057 REV P07	Wetland Retaining Structure - Landscape General Arrangement Sheet 2 of 6
HTR-GHD-WC-ZZ-DR-L-0058 REV P07	Wetland Retaining Structure - Landscape General Arrangement Sheet 3 of 6
HTR-GHD-WC-ZZ-DR-L-0059 REV P07	Wetland Retaining Structure - Landscape General Arrangement Sheet 4 of 6
HTR-GHD-WC-ZZ-DR-L-0060 REV P06	Wetland Retaining Structure - Landscape General Arrangement Sheet 5 of 6
HTR-GHD-WC-ZZ-DR-L-0061 REV P07	Wetland Retaining Structure - Landscape General Arrangement Sheet 6 of 6
HTR-GHD-WC-ZZ-DR-S-0062 REV P08	Wetlands Active Water Control Penstock Chamber Details Compartment 4
HTR-GHD-WC-ZZ-DR-S-0063 REV P08	Wetlands Active Water Control Penstock Chamber Details Compartment 3
HTR-GHD-WC-ZZ-DR-S-0064 REV P08	Wetlands Active Water Control Penstock Chamber Details Compartment 2
HTR-GHD-WC-ZZ-DR-S-0065	Wetlands Active Water Control Penstock Chamber Details Compartment 1

HTR-GHD-WC-ZZ-DR-L-0080 REV P04	Wetlands Islands and Ephemeral Features Cross-sections Sheet 1 of 4
HTR-GHD-WC-ZZ-DR-L-0081 REV P04	Wetlands Islands and Ephemeral Features Cross-sections Sheet 2 of 4
HTR-GHD-WC-ZZ-DR-L-0082 REV P03	Wetlands Islands and Ephemeral Features Cross-sections Sheet 3 of 4
HTR-GHD-WC-ZZ-DR-L-0083 REV P03	Wetlands Islands and Ephemeral Features Cross-sections Sheet 4 of 4

Post Submission Amendments

Following consultation responses (see section 6 of the report; in particular the reference to the introduction of a mound/ bund up to 2.8m high and 20m+ wide along the northern shore of wetland compartments 2, 3 & 4.) the Applicant amended the drawings. The Applicant acknowledged that there had been an error on some of the Landscape General Arrangement drawings where not all the proposed raised landforms had been shown. This in turn may have led to some confusion amongst consultees and respondents based upon the cross sections that there is a continuous mound on the northern side of the wetland, which is not the case. To address this error, replacement drawings have been submitted and amended in the table above.

4 Policy Considerations

National Planning Policy Framework (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

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

DM17	(Contaminated Land)
DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)

AL 2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)
AL 6	(Havant Thicket Reservoir Pipeline)
DM18	(Protecting New Development from Pollution)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)
CP26	(Water Resources/Water Quality)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Grade II* Registered Park and Garden (RPG) at Leigh Park (Staunton Country Park)

Conservation Area: Sir George Staunton Conservation Area.

5 Statutory and Non-Statutory Consultations

The following Section sets out the consultees' most up to date responses to the application following amendments secured during the life of the application.

Hampshire Arboriculturist/Landscape

Any construction impacts will need to be considered under conditions and no objection in respect of Condition 27 (Tree Survey and Arboricultural Impact Assessment). No objection to Condition 28 (Landscaping Planting Specification).

HBC Environmental Health

No comments to RMA, main concern is conditions relating to noise and vibration.

Council Ecologist

No objection and considers that the overall wetland design will provide substantial biodiversity benefits for a wide range of species groups. The overall wetland design is of sufficient scale and complexity to result in a highly valuable habitat that will support a wide range of species over time. The wetland as proposed is different from the outline design as envisaged in 2020 but this does not equate to a demonstrable reduction in overall biodiversity value. It is different but will still deliver an exceptional wetland site that will provide habitat for a wide range of species. The Council's Ecologist is mindful of the fact that the current submitted design has been devised by experienced wetland specialists and does provide for a highly complex, extensive wetland habitat. (The comments and responses to the objectors from the Council's Ecologist are set out fully in the main committee report at paragraphs 7.18, 7.23 to 7.33 and Section 7 xiv).

Environment Agency (EA)

The EA raise no objection and confirmed that that a through flow can be maintained and adequately managed during the construction of the Phase 2 wetland works, without increasing flood risk to the site or off-site areas (as set out in the Construction Phase Flood Risk & Drainage Plan –submitted in respect of Condition 32 - Risk of Flooding).

Hampshire County Council - Highways

The works are solely for the wetland area and sit outside the adopted highway, they also require no amendments to the highway for delivery. The Highway Authority therefore raise no objection to the application subject to compliance with the CTMP requirements secured through the outline consent.

Southern Water

No comments on the RMA.

Lead Local Flood Authority (LLFA)

The LLFA has no surface water drainage comments, but advises that any works affecting ordinary watercourses may require ordinary watercourse consent from the LLFA in addition to any planning permission.

Hampshire Fire

No objection and refer to standing advice in respect of Building Regulations and Access for fire service.

HBC CIL S106 Team

No comments as there an existing S106 covering the extant planning permission.

National Highways Agency

Proposal will not materially impact safe and efficient operation of the SRN/A3(M) and A27 and recommend no objection.

HBC Drainage

No objection.

Historic England

No comments.

Forestry Commission

No comments, make reference to standing advice.

Sport England

No objection. No impact on recreation.

HBC Building Control

The recreation of wetland does not need Building Regulation consent.

County Archaeologist

No comments on RMA and existing archaeological conditions attached to the outline permission cover archaeology.

HBC Conservation

No comments as principle of development established by outline consent.

Natural England

No comments on RMA subject to EA confirmation of no objection (see EA comments). Comments directed to the discharge of CEMP and Soil Management.

Hampshire Ornithological Society

Objection to the bird hide locations, introduction of bunds and impacts on birds; visual intrusion; impact on drainage and did not form part of the proposals presented to Environment Sub Group.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 246.

Number of site notices: 9 (04.04.2024)

Statutory advertisement: 15.05.2024

Number of representations received: 5 Objections.

Summary of Objections

Ecology

- Wetland should not dry out in drought conditions.
- Hides should be relocated as their current locations provide limited viewing opportunities. They should be orientated as per the outline design.
- Design will stop habitats grading naturally from open water to grassland, scrub and woodland.
- Concern that habitat complexity is not being provided in Compartment 1.
- Inadequate water depth being created at key points on the periphery of the wetland to deter predators accessing the islands.
- Island features have not been orientated to the hide/ viewpoint positions
- There should be a mix of water depths at Compartment 1 to maximise biodiversity. Achieved through deeper channels, depressions and scallops and this is not adequately reflected in the current design.

Officer comment: *These matters are addressed at paragraphs 7.23 to 7.33 and at Section 7(xiv). Of note the Council's Ecologist has concluded that the comments do not undermine the overarching wetland design/strategy. The design contains sufficient complexity and variation to provide significant benefits to biodiversity. The embankment would not fundamentally detract from the original outline design and would not reduce the wetland's ability to provide varied habitat for wildlife. Overall, the Ecologist is content that the wetland design is broadly in accordance with the original concept.*

Design

- Design is not high quality and not comply with wetland management.
- Design does not follow advice of the HTR Wetlands/Environment Stakeholder Subgroup.
- Departs from original design which is inappropriate.
- Will impact open landscape.
- Concerns with respect to landscape details shown or not provided, especially in relation to the proposed siting of wet woodland.
- Nothing shown to stop people/ dog access to the wetland shore at the west end of the retaining structure and wetland & fencing shown in other areas not currently adequate to prevent access.
- Landscaping a move to widespread seeding rather than natural regeneration.

Officer comment: *The design is considered to be of high quality and there will be no significant impacts on the character and appearance of the area and wider outline scheme. The detail in respect of means of access and materials are covered by conditions.*

Embankment Height/Mounds

- Height should not be increased, as it will impact biodiversity net gain.
- Excavation soil should not be deposited to form bunds and less intrusive areas should be found to deposit soil.
- Height will impact on the natural processes of riparian succession and stop habitats grading naturally from open water to grassland, scrub and woodland.
- Wildfowl, especially those species that graze and dabble, are far less likely to use habitats beyond the bund as they would have no direct line of sight to the water.
- The embankment will have a negative visual impact on the open landscape within the retained wetland.
- Whilst screening will be essential in some areas close, an embankment of this magnitude is unnecessary.

Officer comment: *These matters are addressed at paragraphs 7.26-7.27 and 7.66-7.72 of the committee report. It is considered that mounds will not have a significant or harmful impact on the character and appearance of the area and their design is appropriate, of a high quality and will not result in any harmful ecological consequences (including from variations in height) to existing or future habitats. The design reflects and accords with the outline in substance and detail and any variations are a matter of detail which an RMA allows. The wetland is large and complex and will provide a substantial beneficial habitat, with opportunities for varied natural vegetation . The embankment's height is varied along its length.*

Ephemeral Features (Definition set out in paragraph 7.83)

- Ephemeral shallow features in NE - orientation not optimised to provide maximum benefit.
- The ephemeral features in the north-east corner of the site should be aligned broadly parallel to the prevailing wind (in a south-west to north-east direction) to facilitate wave ingress further up the shoreline and minimise wave action on the raised parts of these features as they establish. This does not now appear to be the case as these features are depicted in random orientations.

Officer comment: *These matters are addressed at paragraph 7.83 to 7.88 of the officer report. The location of these features in the orientations are considered acceptable to the Council's Ecologist.*

Topsoil Dressing of the Retaining Structure

- A stone surface to be maintained to the retaining structure as vegetation would take longer to develop and would be less likely to encourage large numbers of gulls and geese from roosting and nesting which could have a negative impact on water quality within the retained wetland as well as on the success of other breeding bird species. However, this application indicates that the retaining structure will be dressed with topsoil and seeded to create a grass sward. A sown grass sward would certainly encourage grazing non-native geese and be more attractive to gulls.

Officer comment: *The use of topsoil and seeding is a trade-off between appearance and function – a bare stone surface would take longer to colonise with vegetation and is not considered likely to attract 'problem' birds.*

Peripheral Ditches

- Peripheral ditches need to be created between the shoreline and islands where islands are close to the shore and excavated to a sufficient depth and width to be fit for purpose. These ditches will deter ground predators and prevent human access thereby minimising disturbance to wetland wildlife, especially important during the breeding season.
- Will reduce the spread of unwanted reeds and other riparian plants which trap silt and can, in the longer term, impair water flows between islands and around the compartments.

Officer comment: *Addressed at paragraph 7.84 to 7.85.*

Insufficient Detail

- Key habitat design elements are either not adequately detailed, are only shown indicatively, or have changed.

Officer comment: *Sufficient detail has been provided as part of the RMA submission to assess the siting, scale, landscaping and appearance of this phase. Where inaccuracies in the plans were identified, these have led to the applicant amending the plans. Further detail will be set out in conditions discharge submissions and or future phases.*

Havant Climate Alliance and Havant Friends of the Earth

Object to the proposal on the following grounds:

- Changes in design not discussed with Environment Sub-group of the Havant Thicket Reservoir Stakeholder Group (ESG) and should be discussed.
- New design shows bunds at 2.5-2.8m in height along northern edge (compartments 2,3 and 4). The mounds were not in the original plan, which was for the bank to gently slope away from the wetland, to allow a natural progression of habitats. Wildfowl and wading birds need to have a view of the water, to safely graze. A bund would reduce the grazing area to just its south side. It is not clear whether the mound would impede the flow of streams into the wetland area.

- Revised position of hides not placed for optimum views.
- Inadequate water depth at key points along the periphery to stop predators accessing the islands.
- Wet woodland on higher ground, which will not benefit wet woodland species. Any planting of wet woodland must be on lower ground.

Officer comment: *Any pre application engagement with Stakeholders is matter between the applicant (PW) and those stakeholders. The application has been advertised and consulted upon in accordance with relevant planning legislation and guidance. The discrepancy of the bunds has been addressed by the applicant; the assessment of the appropriateness for biodiversity is set out in the committee report. The issue of the hides is addressed at paragraphs 7.73 to 7.76.*

Post Amendment Objections (8 in total)

Rowland Parish Council

Object to the application on the following (summarised) grounds:

- The introduction of a mound/ bund up to 2.8m high and 20m+ wide along the northern shore of wetland compartments 2, 3 & 4. This is contrary to the Outline Design concept to create a natural-looking wetland edge and will have adverse impacts on the landscape, value of the adjoining habitats for ducks, geese and waders, reduce biodiversity net gain and interfere with the natural progression of habitats from the water's edge towards dry land;
- The location and orientation of the hides shown. The value of the hides is significantly reduced as their location has not been optimised to provide the best viewing opportunities in terms of views over the best habitats and with the best light conditions, both key components of a hide or viewpoint design.
- Concern that habitat complexity is not being provided in Compartment 1, which will reduce its biodiversity value.
- There is insufficient water depth being created at key points on the periphery of the wetland to deter predators such as foxes and domestic cats from nearby dwellings accessing the islands.
- Island features have not been orientated to the hide/ view point positions.
- Nothing has been shown to stop people and/or dog access to the wetland shore at the west end of the retaining structure and wetland & fencing shown in other areas is not currently adequate to prevent access.
- Changes not discussed with stakeholders.
- Landscaping, there seems to be a move to use 'widespread seeding' rather than natural regeneration.
- The CEMP should form part of this application.
- Application should not be not approved and further information provided from the Applicant to clarify what is proposed and seeking changes to the Phase 2 Design. To ensure that the biodiversity, recreation and education opportunities provided by the development of the retained wetland are maximised, as was originally intended when the Hybrid Application was approved.
- Havant Climate Alliance and Havant Friends of the Earth still maintain objection on the design location and size of mounds. They consider that they were never part of the pre-submission engagement; will not reduce predation of birds if covered by vegetation; will result in loss of wet vegetation and more is needed for biodiversity reasons; will reduce areas for birds and opportunities for feeding and block sightlines to water; spoil should be deposited elsewhere; reedbeds provide

important habitat, and more detail is needed to show where and how these will be supported, in order to increase biodiversity.

- No engagement with stakeholders in respect of the design of mounds; not a common feature in wetlands; will impact on birds; will reduce recreational opportunities for visitors; there is sufficient dry grassland more wetland is needed; using spoil for the mounds does not consider the impact on biodiversity; no detail on reed beds.
- To ensure biodiversity longevity within the wetland area it must be designed so that retained water level is maintained at 38.8m AOD even when reservoir is drained for whatever reason. Retained water level must mean exactly that.
- The wetland fails to meet the design criteria set out in the Wetland Technical Note developed with the wetland experts which was an Appendix to the approved LEMP. In particular benching/ shelving on the retaining structure and compartment bund slopes. Benching is critical to enhancing the biodiversity value of these structures, which will form at least 70% of the key wetland edge habitat. Illustrating just how important the retention of the wetter grassland habitats is on the northern shore of the wetland.

Comments made in respect of the following matters from the **Wetland Environment Subgroup**:

- Visual Screening Mounds – represents departure from original design; likely to have an adverse effect (by reason of its height at 2.8m) on the natural processes of riparian succession and habitat grading from water to grassland; certain species will be less likely to use habitats beyond the bund owing to no direct line of site to the water reducing BNG; will result in a negative visual impact on the open landscape within the retained wetland.
- Compartment 1 Habitat Design - there should be a complex mix of water depths to maximise biodiversity, achieved through an informal grid of deeper channels, depressions and scallops.
- Ephemeral Features - in the north-east corner of the site these should be aligned parallel to the prevailing wind (in a south-west to north-east direction) to facilitate wave ingress further up the shoreline and minimise wave action on the raised parts of these features as they establish.
- Topsoil Dressing of the Retaining Structure - a stone surface to the retaining structure is preferred as vegetation would take longer to develop and would be less likely to encourage birds (gulls and geese) from roosting and nesting which could have a negative impact on water quality within the retained wetland as well as on the success of other breeding bird species. This RMA indicates that the retaining structure will be dressed with topsoil and seeded to create a grass sward. A sown grass sward would certainly encourage grazing non-native geese and be more attractive to gulls.
- Peripheral Ditches - should be created between the shoreline and islands where islands are close to the shore. They should be excavated to a sufficient depth and width to be fit for purpose. These ditches (sections of deeper water) deter ground predators and prevent human access thereby minimising disturbance to wetland wildlife, this is especially important during the breeding season. They also reduce the spread of unwanted reeds and other riparian plants which trap silt and can, in the longer term, impair water flows between islands and around the compartments.
- Hide Locations – should be sited to avoid facing south-east into the morning sun, making viewing difficult. It would be good practice to ensure that hides or other viewing facilities are realigned and located in keeping with the outline design application.

Officer Comments: *The Council's Ecologist has considered the objections relating to ecology and overall he is content that the wetland design will provide substantial biodiversity benefits for a wide range of species groups. Whilst acknowledging the detailed and informed third-party comments, the Ecologist is content that the overall wetland design is of sufficient scale and complexity to result in a highly valuable habitat that will support a wide range of species over time.*

Further Deputations Received Following Publication of Committee Agenda for the 25th July 2024 Planning Committee Meeting (summarised):

- Impact of mounds on ecology; visual impact and appearance; loss of wet grassland; impact on sightlines for birds; loss of natural transition between wetland edge; lead to increased risk of predation from wetland edge; will look manmade not natural. Wetland specialist consider no further need for ground manipulation as the existing slopes of the 3 valleys already created adequate variation.

Officer Comments: *The impacts of the mounds/raised lands forms has been set out in the committee report at paragraphs 7.28 -7.29 and 7.66 – 7.72.*

- The steep mound slopes along the foreshore could result in a 46% reduction of optimum edge habitat with 360o good lines of sight along the water's edge.

Officer Comments: *The wetland will create over 2.6km of shoreline habitat. The Council's Ecologist considers that a more diverse and complex habitat can be created with the inclusion of the landforms.*

- This will be to the detriment of many wetland bird species, including birds that may have been disturbed from the Langstone Harbour SPA seeking safety.

Officer Comment: *This matter is addressed at paragraph 7.68.*

- Need to comply with 2020 Technical Note for the Outline Design, which formed an appendix to the LPA approved Landscape Environment Management Plan (July 2022).

Officer Comment: *This matter is addressed at paragraphs 7.58 to 7.65.*

- Impact of bird hides are poorly located and need to be screened.

Officer Comments: *the final design of the bird hides will be secured by condition. See paragraphs 7.73 to 7.776.*

- No protection in compartment 1 to prevent access will impact birds and reed spread.

Officer Comment: *This matter is addressed by condition 1 and at paragraphs 7.81 to 7.82 and 7.98 to 7.101.*

- Planning conditions to address issues of island orientation; reorientation of ephemeral island features; provide channels in compartment 1; provide details of design on slopes; details of benching along the retaining structure and compartment bunds; prohibit mounds on northern shore only where needed for screening.

Officer Comments: *Officers have considered the appropriateness of the conditions. The reserve matters application sets out the details of the development and includes the details in the first two suggested conditions and therefore they are not considered appropriate. It is, however, considered appropriate to include a condition on the details of the bird hides, which has been included as Condition 1.*

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are

- (i) Principle of Development
- (ii) Assessment of Reserved Matters (siting, scale, external appearance and landscaping)
- (iii) EIA Compliance
- (iv) Biodiversity and Ecology
- (v) Mitigation and Enhancement
- (vi) Historic Environment
- (vii) Water Environment, Flood Risk and Drainage
- (viii) Ground Conditions
- (ix) Traffic, Transport and Access
- (x) Amenity (noise and air quality)
- (xi) Materials Resources and Waste
- (xii) Climate Change
- (xiii) Sustainable Design
- (xiv) Response to Objector Comments
- (xv) Conditions and S106 Obligations

(i) Principle of Development

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. At the heart of the NPPF (2023) is the “presumption in favour of sustainable development”. For LPA’s this means, inter alia, approving development proposals that accord with an up-to-date development plan unless, the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

7.3 The Hybrid Consent was granted on 15th October 2021 by HBC (Application Ref. APP/20/00990) and EHDC (Application Ref. 51680/001). A Hybrid Consent means detailed approval is provided for some elements of the project (for example, storage capacity, embankment, access points and viewing areas), and outline approval is provided for other parts (such as, the wetland, control house, visitor centre and car park, access routes and recreational facilities). The design for the outline elements of the reservoir were illustrative, but within certain parameters which are set out in the approved Development Specification.

7.4 This ‘reserved matters’ application seeks approval for detailed matters relating to the siting, scale, external appearance, and landscaping of Phase 2 Wetland of the development. These detailed matters are considered within the report below. The principle of the reservoir and the wetland phase has therefore been established and cannot be revisited through this application, as it is not an application for planning permission and the RMA cannot change what has been approved under the principal consent.

- 7.5 It is considered that this Phase forms part of the Approved Scheme, which is safeguarded in the adopted local plans through HBC Policies CS18 and CS19. The Approved Scheme was subject to an Environmental Impact Assessment (EIA) which assessed the scheme submitted in detail and parameters for the scheme submitted in outline (inc. Wetland). The assessment in paragraphs 7.19 – 7.21 below concludes that the Wetland will not result in any additional impacts which were not considered as part of the Approved Scheme Environmental Statement.
- 7.6 In summary, the principle of the Wetland is supported, subject to compliance with other planning policies and material considerations which will be addressed in the following sections of the report.

(ii) **Assessment of Reserved Matters**

- 7.7 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Section 2) sets out the definition of reserved matters as follows:
- “appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - “landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated.
 - “scale” means the height, width and length of each building proposed within the development in relation to its surroundings.

Siting and Scale

- 7.8 The development and each phase is required to be carried out in accordance with the Development Specification that was submitted and approved as part of the approved hybrid planning permission. These were set out in the following sections:
- Scheme Parameters – Table 2.2 of the Development Specification.
 - Scheme Environmental Design Principles – Paragraph 3.2 of the Development Specification.
 - Detailed Design Standards and Principles – Paragraph 3.3 of the Development Specification.
- 7.9 At paragraph 3.8 of the outline committee report it was stated that:

“Wetland retaining structure and islands - permission is sought within this application for the approximate alignment of the wetland retention structure, its form, functionality, size and extent. The alignment would be reviewed and updated once the location of the borrow pits have been confirmed by further site investigation. The exact positioning of the islands is subject to reserved matters”.

7.10 The siting and scale of the wetland needs to accord with the parameters, principles and standards set out in the approved Development Specification and as set out in at paragraph 3.9 of the approved committee report and Condition 33 of the approved scheme, where it is stated that: *The buildings and structures for which outline planning permission is sought, are defined by a series of parameters that fix their maximum and minimum dimensions and are as follows (for the wetland):*

1. *The design ensure that the wetland extends approximately 1.3km along the northern shoreline and 4No. retained wetland compartments, plus provision of an area for wet grassland habitat creation to the east of the retained wetland.*
 - The total length of shoreline to be created is 4.3km. The length of the northern shoreline is 2.668 km including ephemeral shallows shoreline to the east. The inside shoreline of the wetland retaining structure is 1.651km in length and the retaining bund itself is 1.45km in total length. The retained wetland provides four compartments and areas of wet grassland creation, principally to to the east of the retained wetland, but also along the shoreline of the retained wetland. The total area of wet grassland to be provided is approximately 21,000m², compared to approximately 11,500m² shown on the outline design.
2. *The wetland embankment has been designed to include spillways to ensure the wetland is retained during drought levels in the main reservoir.*
 - Spillways form part of the RMA connecting all compartments and retaining wetland during drought levels in the main reservoir.
3. *The area of retained wetland will be in excess of 10ha.*
 - The total area for the retained wetland inside the bund is 12.03 ha. The area of ephemeral shallows to the east is an additional area of approximately 2ha.

Appearance and Landscaping

- 7.11 The wetland will provide compensation for loss of wetland habitats and will provide semi-natural freshwater habitat on the northern edge of the reservoir and will include a variety of habitats such as pools with islands and variable water depths, reedbed, marshy grassland, wet woodland, and scrub. The design of the wetlands is based on the outline design and is consistent with the parameters approved in the hybrid planning permission.
- 7.12 The approved outline scheme set out a number of design principles that the wetland needs to consider and reflect. It is considered that the visual appearance of the wetland will need to be of a high quality with a varied landscape and planting (which will be provided further under Condition 28 – Landscape Planting Specification of the hybrid consent). The appearance will ensure that the wetland will make a positive contribution to the character and setting of the area. The design will also allow opportunities for recreation and wildlife viewing through the positioning of hides. Proposed features within the landscaping setting will use natural materials which will merge into the landscape with minimal visual impact or harm to biodiversity or ecology. The external appearance of the wetland is intrinsically linked to the landscaping design which is assessed below.
- 7.13 The detail of landscaping provides clarity on the extent (size/scale), location and design within these areas. In respect of the location and area of the landscaping proposed it is considered that the details (siting, scale) aligns with the outline scheme development specification and parameters as set out in paragraph 7.10.

- 7.14 The detailed planting mix, structures and features, hard landscaping materials specification and the detailed management and maintenance proposals for the hard and soft landscaping will be submitted for discharge under Condition 28 (Landscape Planting Specification). The details to be submitted under Condition 28 will need to reflect and accord with any approved RMA. What the RMA submission demonstrates is that the landscaping areas will be of sufficient size and scale to ensure that the quality of the setting from a visual appearance perspective will be of high quality.
- 7.15 The wetland design and landscaping therefore accords with the outline management objectives for the wetlands in the Havant Thicket Reservoir Landscape and Ecology Management Plan (LEMP) (Atkins, 2022). Adherence to the LEMP and future maintenance of landscape planting is a commitment made in the 2020 ES to mitigate the landscape effects of the Scheme. The LEMP has been followed in the development of the design for the Phase 2 Reserved Matters wetlands and, as such, the design brought forward is consistent and remains valid with the 2020 ES.

Conclusion on Reserved Matters

- 7.16 The Wetland has been designed in accordance with the parameters set out in the approved Development Specification (Table 2.2) approved as part of the Hybrid Consent (referenced in Condition 2 of the Hybrid Consent), including the design standards and principles set out in the approved Design and Access Statement and summarised in Section 3 of the Development Specification.
- 7.17 The siting, scale, external appearance and landscaping of the Wetland has been assessed by specialist statutory and non-statutory consultees (refer to consultations section), to ensure the design has minimised environmental impacts within the context of the approved hybrid scheme and the Environmental Impact Assessment ES (the conclusion, mitigation set out therein).
- 7.18 The conclusion of the Council's Ecologist is that overall wetland design will provide substantial biodiversity benefits for a wide range of species groups. The overall wetland design is of sufficient scale and complexity to result in a highly valuable habitat that will support a wide range of species over time. The wetland as proposed is different from the outline design as envisaged in 2020 but this does not equate to a demonstrable reduction in overall biodiversity value. It is different but will still deliver an exceptional wetland site that will provide habitat for a wide range of species.

iii) EIA Compliance

- 7.19 The Hybrid Consent was an EIA development and supported by an Environmental Statement (ES). The outline element was based on a number of parameters for a range of elements proposed as part of the reservoir site and pipeline. The approved parameters applied to the Wetland Retaining Structure are set out in the paragraphs 7.8 and 7.9 of the report. This has provided the 'development envelope' for the detailed design for this phase and under consideration of this RMA.
- 7.20 It is considered that the proposed Phase 2 Scheme will not lead to any new or additional likely significant effects on the environment that were not identified or

assessed at the outline stage, notwithstanding the other matters which have been assessed in the Sections below. This conclusion is also based on the consultee responses, none of which have raised objection to the scheme. As such it is considered that there is no requirement for a further EIA to be undertaken in connection with the Phase 2 Reserved Matters application and matters pertaining to the detailed design and operational impacts will also be addressed through the discharge of conditions (paragraph 2.6); and S106 Obligations (paragraph 7.88 – 7.89).

7.21 There would be no change to the cumulative and in-combination effects reported in the 2020 ES Cumulative and In-Combination effects Chapter arising from the construction of the wetlands. All relevant committed mitigation can continue to be applied as envisaged in the 2020 ES. As such, there would be no change to the significance of effects reported in the 2020 ES.

7.22 Notwithstanding the above conclusions other environmental considerations are assessed in sections (iv) to (xiii) below:

(iv) **Biodiversity/Ecology**

7.23 At outline stage the committee report (para 7.88) stated that *“In terms of further on-site mitigation there would be a significant biodiversity gain from the dedicated wetland habitat on such a vast scale at the northern shore of the site. The wetland (containing open water, marsh, wet woodland, exposed muds and wet/damp grassland) would provide a valuable habitat for many species that do not currently occur as well as for many of the species already present”*.

7.24 It was accepted when undertaking the assessment of the ecological impacts of the development at outline stage, this was to be offset by the compensation proposals, and would result in a significant biodiversity gain from a wetland habitat on such a vast scale and the proposed dedicated wetland habitat at the northern shore of the site would provide significant ecological benefit. As anticipated by the outline application, it remains the case that the wetland as proposed will provide a valuable habitat for many species that do not currently occur as well as for many of the species already present.

7.25 The existing habitats within the area of the proposed wetlands has been cleared as part of enabling works. The ecological design of the wetlands (as assessed by the Council’s Ecologist), will provide a variety of habitats incorporating features such as grass swards, wet grass/rush/sedge/reedbed features, marginal shelf reedbeds, together with ephemeral ponds and wetland island features which also provide roosting and nesting sites for birds as required by the LEMP and the Biodiversity Mitigation and Compensation Strategy (BMCS). It is concluded that these measures will provide suitable compensation for the loss of habitats.

7.26 The applicants PW and the chosen contractors Future Water are bound to commit to all relevant mitigation which will be continued to be applied as set out and assessed in the 2020 ES. As required by the Register of Environmental Action and Commitment (REAC), an Ecological Management Plan has been developed which sets out the appropriate protection and mitigation measures to be implemented

during construction. As such, the Phase 2 Reserved Matters design accords with the BMCS, as outlined in the 2020 ES.

- 7.27 Overall, the design of the wetland is considered acceptable, and no objections have been received from any technical consultee in this respect. The area will provide a substantial new wetland habitat, with variation in bank morphology, water depths, vegetation composition and structure and, consequently, opportunities for a range of wildlife. The minor changes to the original outline design concept would not detract significantly from the overall value of the wetland to biodiversity. There is sufficient scale and variety in design to result in a highly valuable habitat. With regards the representations received from third parties, the orientation of viewing hides is important, and it would be preferable to have these in various directions, thereby providing viewing opportunities across as wide an area as possible. Viewing hides tend to have windows on three elevations, so there will be opportunities to avoid low sun situations irrespective of orientation. The detail of the viewing hides can be conditioned to provide greater certainty on their orientation and design.
- 7.28 A number of objections have been received in respect of the ecological aspects of the wetland area and these have been summarised and updated in the consultation section of the report. The Council's Ecologist has reviewed the application and the comments from the objectors and has concluded that these matters of detailed design do not undermine the overarching wetland design/strategy which is what is being assessed under the RM. The wetland area is substantial, and the design contains sufficient complexity and variation in aspect, slope, orientation to provide significant benefits to biodiversity. It is contended that the new mounds/embankment would not, fundamentally detract from the original outline design and would not reduce the wetland's ability to provide varied habitat for wildlife.
- 7.29 Objectors raise significant concern of the potential changes and impacts to nesting and feeding wading bird and waterfowl species. It is expected that the reservoir in general and wetland in particular will provide year-round habitat for such species, their presence in the opinion of the Ecologist is not the key driver for wetland design. The Ecologist contends that it is overall habitat complexity that will maximise overall biodiversity value. Habitat complexity allows for diverse opportunities for as wide a range of species as possible and can be delivered through a mix of terrestrial and wetland areas, maintained but changing over time. Whilst the amended design incorporates features that provide additional terrestrial habitat, even where at the expense of strictly wetland features that would primarily benefit a specific suite of wetland bird species, this is not considered to be an overriding issue. The proposed vegetated mounds situated primarily within compartments 2-4 are a new design feature and will occupy land previously intended to contain shallowly-sloping grassland. The presence of these mounds – varying in height from c.0.5m to 2.8m – would certainly reduce wet grassland shoreline habitat as originally intended. This may well reduce the site's attractiveness for a certain suite of bird species but may equally increase its suitability for other species. From an Ecological position, a balance has to be struck, and in this case the overarching benefit of the wetland is considered acceptable.
- 7.30 The creation of the reservoir and wetland will likely have a distorting effect on wetland bird distribution. It will become familiar to local and passage bird species and is likely to develop into a significant open water resource for bird species in the region. It can be expected that the site will attract large numbers of roosting and moulting birds (primarily gull species, but potentially waterbirds – ducks, geese,

grebes, divers), may attract large numbers of established 'feral' waterfowl such as Greylag or Canada Geese, and may also provide nesting habitat for some select species. The site may also help to ameliorate recreational pressure issues on the nearby Solent Special Protection Areas by providing an inland 'refuge', although the extent of this potential benefit is unknowable at this stage. The Ecologist does conclude that "this is not in my view a primary function of the reservoir or wetland".

- 7.31 Concern has been raised on the extent of wooded elements immediately adjacent to open water and grassland/herbage. The Ecologist considers that the design which increases woody habitat at the expense of grassland/herbage edge habitat, is not fundamentally detrimental to the site's attractiveness to migratory wetland bird species; it will be different, and may benefit other bird species, as well as other species groups. There are comparable examples of other large reservoir sites in the UK with varying extents of associated wetland habitats (e.g. Farmoor, Oxfordshire; Abberton, Essex) that provide exceptional habitat for migratory bird species year-round and where wetland habitats include substantial woody elements immediately adjacent to open water and grassland/herbage.
- 7.32 The comments of the objectors have been considered, but overall, the Ecologist considers that overall, the wetland RMs accords with the original concept set out in the approved outline. The aim is not to create a wetland that will then remain unaltered, overtime management interventions may well have to be made to address issues that may arise. There are many variables in habitat creation on this scale and it is an evolving process, and this is something that has to be seen as an integral part of large-scale habitat creation.
- 7.33 Objectors have referred to a number of discrepancies in the plan and cross-sectional drawings relating to proposed 'viewing mounds' along the northern edge of the wetland which have been clarified and drawings duly amended. The Ecologist and Officers are satisfied that the mounds are just that, rather than a continuous bund. These occasional mounds will provide some additional habitat variability and complexity. The proposed use of topsoil and seeding on the retaining structure is not considered to be an overriding issue which consultees require amendment.

(v) **Mitigation and Enhancement**

- 7.34 A comprehensive site-wide package of compensation and enhancement proposals were secured under the Approved Scheme as set out in the Environmental Statement (Atkins, 2020). This package comprised the Outline Biodiversity Mitigation and Compensation Strategy (ECOSA, September 2020); and an Implementation Plan for Off Site Biodiversity Mitigation and Compensation (Atkins, April 2021).
- 7.35 A site-wide Detailed Biodiversity Mitigation and Compensation Strategy and Landscape and Ecological Management Plan (LEMP) has been discharged (24th August 2022) in response to a s106 commitment and includes details of habitat creation and restoration works within Havant Thicket woodland which will enhance conditions for dormice, bats, reptiles and birds to thrive.

(vi) **Historic Environment**

- 7.36 The historic environment assessment of the overall Approved Scheme concluded the development would cause less than substantial harm to the significance of the Grade II* Leigh Park (Staunton Country Park) Registered Park and Garden (RPG) and Sir George Staunton Conservation Area. The overall assessment included the components of the Phase 2 Scheme and it is not considered that the proposals in isolation, would be harmful to the character, integrity or setting of these designated heritage assets, on the basis that the Phase 2 Scheme has been sympathetically designed to maintain the rural character of its site and surroundings.
- 7.37 There are no additional impacts on the historic environment which were not considered as part of the Approved Scheme EIA. The RM wetland designs would not result in any material impact on the historic environment, as the footprint of the wetlands is within the approved design parameters. Archaeological works have already been carried out in 2023 as part of the enabling works for the Scheme.

(vii) **Water Environment, Flood Risk and Drainage**

- 7.38 The wetland will be sourced from the reservoir, whilst the headwaters will contribute to maintaining the water levels in the wetland once the reservoir is fully operational. Penstocks are included in the Reserved Matters wetland design for wetland water control and maintenance. Spillways will also connect the wetlands to the main reservoir body, whilst water flow within the wetland will be managed by a series of box culverts from and between each 'compartment.' All relevant committed mitigation can continue to be applied as envisaged to manage residual effects. As required by W1 of the REAC, a Water Quality Management Plan has been prepared and provides details of mitigation measures required for the quality of surface and groundwater during construction.
- 7.39 It has been demonstrated that the Drainage Strategy satisfies the local policy requirements in terms of the bespoke solutions and management of surface water drainage, which have been designed for resilience to climate change and incorporate SuDS measures where it has shown to be practicable. There are no additional water impacts which were not considered as part of the Approved Scheme Environmental Statement and Flood Risk Assessment, which has been confirmed by the Environment Agency who confirm that that a through flow can be maintained and adequately managed during the construction of the Phase 2 wetland works, without increasing flood risk to the site or off-site areas (as set out in the Construction Phase Flood Risk & Drainage Plan – HTR-FUW-ZZ-ZZ-PL-W-0533 v.P04 submitted in respect of Condition 32 – Flood Risk).
- 7.40 Measures to control the soil will be addressed under condition 39 for this phase. This provides a strategy to support the reinstatement of the landscape disturbed by the construction.

(viii) **Ground Conditions**

- 7.41 The 2020 ES did not identify any significant adverse effects on ground conditions during the operational phase of the development subject to appropriate mitigation measures in place.

- 7.42 The design of the wetlands is consistent with the published 2020 ES methodology. All relevant committed mitigation can continue to be applied in accordance with the Record of Environmental Actions and Commitments (REAC) presented in the Outline Environmental Management Plan which forms part of the 2020 ES to control potential residual effects to non-significant levels and is now including in the CEMP.
- 7.43 The Applicant has prepared a Materials Management Plan as part of its control document processes to implement the committed mitigation. This has been prepared to manage the site won materials and demonstrate that they are being used appropriately on site within the main reservoir works (i.e. construction of the embankment, associated drainage, access and for landscape/habitat enhancement works) in accordance with contaminated land Cl:aire Code of Practice and has been prepared by a qualified person on the Cl:aire register. As such, no change to the significance of effects is anticipated on ground conditions during construction from that described in the 2020 ES as set out above.

(ix) **Traffic, Transport and Access**

- 7.44 A comprehensive Transport Assessment was submitted to support the Reservoir and Pipeline Planning Applications, where the potential traffic and transport impacts of the reservoir site, the access routes (including the northern and southern access) and pipeline, during both construction and operation, was assessed. Comprehensive consideration was given to the future operation of the highway network and the impact of the development assessed at key local junctions within the vicinity of the reservoir. The assessment demonstrated that the access strategy developed for the reservoir site, with two access points, would dilute visitor traffic to the extent where the highway network would not be materially impacted.
- 7.45 A detailed CTMP and CEMP is under consideration (in consultation with HCC) pursuant to planning conditions of the Hybrid Consent, which include details specific to the construction of the Phase 2.

(x) **Amenity (noise and air quality)**

- 7.46 An assessment of the impacts of the Approved Scheme on air quality was provided in the Environmental Statement (Chapter 7) prepared for the Reservoir Planning Application. This reported that air quality in the area of the Approved Scheme can be considered relatively good.
- 7.47 This phase is subject to a detailed CEMP which includes a commitment to pursue the long-term ambition of zero pollution incidents on-site throughout the development programme. The mitigation measures that are included within the CEMP (in response to Planning Condition 5), will ensure that noise impacts are minimised, and air quality is protected (particularly by reducing dust emissions) during the construction process. The CEMP will provide a record of environmental actions and commitments which will aim to minimise effects during construction. The potential for noise impacts will also be subject to a conditions discharge (9 and 10 of the approved scheme).
- 7.48 The effects on noise and air quality once Phase 2 is built are considered to be negligible under the ES. The majority of the effects predicted on sensitive receptors in terms of noise, dust and air quality are during the construction phase. With

suitable mitigation measures in place, it is considered the Phase 2 Scheme would comply with local policies relating to noise and air pollution. There are no additional amenity impacts (including the impact on the living conditions of nearby residential occupiers) which were not considered as part of the Approved Scheme EIA.

- 7.49 All relevant committed mitigation can continue to be applied as envisaged to control potential residual effects to slight adverse levels. As such, there would no change to the significance of effects reported in the 2020 ES with respect to population and human health.

(xi) **Materials Resources and Waste**

- 7.50 The design of the Phase 2 Scheme will adopt an environmentally led approach to avoid or mitigate adverse impacts and effects on the environment. For materials and waste this means applying the waste hierarchy and proximity principle and implementing the principles of a circular economy—including ‘designing out’ waste and keeping products and materials in use.
- 7.51 The construction of the wetlands is consistent with the assumptions made in the 2020 ES and provides the flexibility to use the materials for construction of the wetlands structure from areas within the footprint of the main reservoir works. As required by the Outline Environmental Management Plan and REAC requirement MRW2, a Site Waste Management Plan has been developed to manage waste produced during construction. There would be no change to the significance of effects reported in the 2020 ES, as excavated materials from the reservoir site and access road that are suitable for use would be reused on-site to construct the wetlands including the bunds, thereby preventing the generation of excavation wastes that would otherwise need removal and management off-site.
- 7.52 The management of materials and wastes will be monitored during construction to determine the Phase 2 Scheme’s environmental performance. There are no additional materials and waste impacts which were not considered as part of the Approved Scheme EIA.

(xii) **Climate Change**

- 7.53 The assessment of the effects of the Approved Scheme on climate change was provided in the Environmental Statement (Chapter 16). Greenhouse gas emissions for the construction and operation of the Approved Scheme were calculated, based on the design and construction information available at that time, and were considered in the context of the UK’s national carbon budgets and overall net zero carbon ambition. It was considered achievable for the reservoir to be carbon neutral by 2050, particularly in terms of promoting renewable energy and low carbon design in the buildings.
- 7.54 As reported in the 2020 ES materials for the wetlands would be sourced on-site as per the approved Scheme, to reduce greenhouse gas emissions associated with the production and transportation of materials. All relevant mitigation will be applied as envisaged in the 2020 ES. As such, there would be no change to the significance of effects reported in the 2020 ES.

(xiii) **Sustainable Design**

- 7.55 It is considered that the wetland embankment design meets the overarching policy requirements in respect of sustainable design. The area will be predominantly constructed from natural permeable materials, which will ensure that the wetland is resilient to flood risk and the effects of climate change. Sustainable material procurement and the re-use of excavated materials on site will be employed as much as possible. The wetland will provide opportunities for recreation and activities to improve overall health and well-being of the local community.
- 7.56 Sustainability has been considered within the Phase 2 Scheme design to align with the requirements set out in the adopted local planning policies. In addition, a Renewable Energy Strategy will be prepared for the overall Approved Scheme in response to Planning Condition 29 of the Hybrid Consent.

(xiv) **Response to Third Party Comments**

- 7.57 This section of the committee report seeks to respond to the comments and objections (as summarised in the consultation section of the report) from third parties. The objection comments in respect of Ecology have been addressed at the Section entitled "Biodiversity" paragraphs 7.23 to 7.33. The professional background in respect of the objectors and their involvement in this project and other reservoirs is not contested. Their comments have been considered in the assessment of the application and also by the Council's Ecologist.

Non Compliance with 2020 Technical Note – Wetland Concept and Outline Design Appendix B4 to the approved Landscape Environment Management Plan (July 2022).

- 7.58 Objectors consider it is important to restore the design concepts and features developed by experienced wetland experts which were clearly shown in the Technical Note – Wetland Concept and Outline Design supporting the original outline design. The Council's Ecologist has considered the comments pertaining to the Technical Note (2020). The Ecologist's conclusions are those set out in the committee report paragraphs 7.23 to 7.33.
- 7.59 The Applicant has confirmed that the Technical Note – Wetland Concept and Outline Design has been taken into consideration in the design of the wetlands and the current design has been influenced by new information about the site including exact topographical data and on-site understanding of existing habitats. The principles set out in the Technical Note are followed including the creation of a retaining structure with four compartments and connecting spillways to retain water during periods of lower water levels in the main reservoir. The islands are in accordance with the indicative plans in Figure 3-9 Technical Note and are broadly located in the 'indicative island creation zones' shown on Figure 3-10 in the Technical Note, whilst taking into account further information on existing ground levels and the design of the retaining structure, as is acknowledged will be required in Section 3.6 of the Technical Note.

- 7.60 The Applicant has confirmed in respect of the raised landforms, the Technical Note is not prescriptive regarding the design or composition of habitat beyond the northern shore of the wetland and does not mention 'transitional habitat'. The Technical Note does however state in Table 3-1 that compartments 2, 3 and 4 should include '*local ground manipulation to improve complexity, including island creation*'. The raised landforms are therefore considered to be in accordance with the principles set out in the Technical Note, creating a more diverse and complex habitat with the inclusion of the raised landforms, which the HBC Ecologist also agrees with.
- 7.61 The applicant is bound by the conditions of the extant planning permission of which Condition 2 requires the submission of reserved matters details. All phases of the extant planning permission are also required to meet the requirements of the development specifications in Table 2.2 (see Paragraph 7.10). The RMA details have met the development specification as set out in paragraphs 7.10 and 7.16 of the committee report. The RMA details also comply with the following approved documents - Outline Biodiversity Mitigation and Compensation Strategy and Implementation Plan for Off Site Biodiversity Mitigation and Compensation dated 01/04/2021; and the commitments set out in the approved S106 Agreement. Whilst the design is different (to the "outline concepts" set out in the Technical Note), it is nonetheless of high quality and would provide significant ecological benefits as concluded by the Council's Ecologist.
- 7.62 The Council's Ecologist does not consider there is a need for the Wetland to be designed rigidly in line with an "Outline Concept" design note which was first drafted in 2020 prior to the submission and approval of the hybrid application and did not form part of the application. The hybrid approval for the wetland is an outline design with all matters reserved and the Council's Ecologist understands the design changes made based on new information and constraints. The design has been developed taking into account many factors and is the culmination of modelling and detail design work, by a team of experienced Hydrologists, Ecologist, Ornithological and Landscape Specialists that have developed the outline design, in line with parameters and supporting technical information, to deliver the Phase 2 Wetlands Design.
- 7.63 This will be a significant wetland of significant ecological value irrespective of whether it is exactly the same as the outline design or not. What is proposed is a slightly different wetland to that first envisaged. The RMA design is presented by experienced wetland technical specialists who have reached different design decisions to the indicative outline design. There is a difference of opinion between one vision as developed in 2020 and another, however this does not of itself render the proposed design unacceptable in planning terms.
- 7.64 It must be noted that the wet grassland in both the outline design and the RMA design is focused to the east of the wetlands in compartment zero where there are no landforms proposed and therefore there will be no loss of wet grassland habitat. Overall the RMA design provides approximately 21,000m² of wet grassland, which is substantially more than the original 'outline' design which included approximately 11,500m². The RMA design therefore provides nearly double the area of wet grassland. The total area of the wetland is now over 12 hectares plus over 2 hectares of ephemeral shallows to the east, creating over 4.3km of shoreline habitat. This substantially exceeds the minimum requirements of the hybrid planning permission.

- 7.65 Objectors state that in 2020 the wetland specialists concluded that no additional ground manipulation was needed along the northern shore as the existing slopes of the 3 valleys already created adequate variation, so the proposed mounds are not needed to provide habitat complexity. This is not documented or identified as a principle in the 2020 Technical Note for the Outline Design. In fact to the contrary the 2020 Technical Note states that wetland compartments 2, 3 and 4 should include “local ground manipulation to improve complexity, including island creation”. The Applicants expert ecologists and the Council’s Ecologist consider to the contrary that a more diverse and complex habitat can be created with the inclusion of the landforms.

Raised Landforms / Mounds

- 7.66 The Applicant acknowledged an error on some of the drawings (Landscape General Arrangement) where not all the proposed raised landforms have been shown. This led to confusion based upon the cross sections that there is a continuous mound on the northern side of the wetland. The assessment of the mounds is set out in paragraphs 7.28 to 7.29 where it has been concluded that these landforms will increase habitat complexity, diversity and resilience, by providing transitional habitats between the existing woodland and scrub and the wet grassland, wet scrub and wet woodland which will provide seasonally drier areas for the benefit of both flora and fauna. The Applicant has confirmed that the original design intent document included the majority of the wet grassland habitat within Compartment 0 and enhancement through the ephemeral features. The design maintains this and has increased the overall wet grassland provision through the design development and including the rush pasture and wet grassland within the north east corner of the wetland.
- 7.67 The objections in respect of the mounds/embankment have therefore been addressed. The mounds as detailed will not affect the landscape setting or any heritage assets which includes any vistas, views or setting (see para 7.35 to 7.36). Owing to the clarification no further assessments are required as indicated by objectors. The Council’s Ecologist has reviewed the amended plans and concludes contrary to the objector’s views in terms of the risk of harm to biodiversity and wildlife value and BNG. The Council’s Ecologist’s view is that *“the new mounds/embankment would not fundamentally detract from the original outline design and would not reduce the wetland’s ability to provide varied habitat”* and that *“from an Ecological position, a balance has to be struck, and in this case the overarching benefit of the wetland is considered acceptable”*.
- 7.68 The Councils Ecologist considers that wetland design provides for birds in abundance and will be exceptional for bird species. Wetlands that will maximise plant/habitat diversity will also maximise biodiversity more generally. The SPA refuge element is not a major driver behind the wetland, but is a potential benefit. The wetland would not provide habitat for many of the species associated with the nearby Solent SPAs, although would hopefully attract some species if they required it. The emphasis from objectors is not supported that the wetland should provide SPA mitigation habitat and framing the proposed deviations from the 2020 outline design as undermining SPA integrity. The objection to ‘man-made features’ such as the proposed mounds/landforms has been put forward by objectors, however the entire reservoir is a man-made feature and it is not a natural wetland. Overall it is considered that these relatively low mounds (the compartment 4 landform being only 1m) would not detract further from the landscape setting when placed at the edge of a huge artificial reservoir.

- 7.69 The Applicant has also confirmed that the raised landforms offer habitat complexity, creating areas of wet grassland due to water retention in areas of currently uniform runoff, whilst discouraging access and predation to the islands. Overall the area of wet grassland habitat to be provided has increased from the outline designs. The mounds have been positioned mindful of the Top Water Level (TWL) and seasonal variation in the retained wetland area. The footprint of the new earthworks equates to only 1.37% of the Phase 2 area. The original design intent included open water and marginal habitat including wet woodland and local ground manipulation to improve complexity. Hydrological connectivity with inflows from the intermittent stream and overland surface water flow regime have also been considered through the design and detailing of these features (wet woodland/ scrub/ grassland) which will help increase overall habitat diversity.
- 7.70 The inclusion of new landforms within compartments 2, 3 and 4 (local ground manipulation to improve complexity) is set out within the original design intent for the wetlands. The combination of earthworks and planting within the wetland setting is illustrated within the original design in and around the immediate context of the wetland visitor centre. The sensitivity of the landscape has also been carefully considered in terms of the scale, location and final design works within the existing woodland context and landscape resource (in terms of character, visual amenity and heritage setting). The current design meets the LEMP criteria in terms of suitability, sustainability and buildability of the differing wetland design elements. The wetland is not predominantly designed for ornithology, it seeks to deliver habitat for a number of protected species, invertebrates and breeding/ nesting birds.
- 7.71 The Applicant has confirmed that whilst trees have been translocated to part of the wetland area the majority were planted towards the woodland edge to create a transition and away from the TWL. Therefore, few if any of the trees are expected to be affected by the landforms. However, any that are will either be replanted, retained as deadwood, or will form tree stumps as shown on the drawings. Portsmouth Water committed to translocate 80 trees in the hybrid permission, but actually managed to translocate over 400, therefore significantly in excess of that committed to and has therefore far outweighed any losses through the translocation process. Therefore any loss of translocated trees has already been compensated.
- 7.72 In respect of the translocated woodland soils the Applicant has confirmed that the extent of the initial ancient woodland soil relocation took place on site working with the original concept stage information which was available at that time placing material along the edge of the existing woodland edge. The current wetland design and location of the proposed soil mounds has been reviewed and where possible amended to minimise any encroachment into these areas (limited to within compartment 2 only within EHDC boundary). The current locations of topsoil spreading where there is any encroachment will be rationalised to re-use the ancient woodland soil within the proposed grassland habitat, focused in and around the areas of proposed woodland/ scrub areas. This level of ongoing design co-ordination is inevitable due to the scale and complexity of the scheme and forms part of the reinstatement of the woodland edge and transitional grassland to maximise the habitat creation potential along the landscape buffer between the retained Havant Thicket Woodland and the new wetland area. All of these works will be in line with the Soil Management Plan (submitted to discharge Condition 39 – Soil Management Plan), British Standard Guidelines, the submitted Reserved Matters Application documentation and will meet the objectives set out within the Landscape and

Ecology Management Plan (LEMP) and Biodiversity Compensation and Mitigation Strategy (BCMS).

Bird Hides

- 7.73 Objectors consider that the value of the hides (in all locations; central western and eastern) have been significantly reduced as their location and orientation has not been optimised to provide the best viewing opportunities in terms of views over the best habitats and light conditions, both key components of a hide/ view point design. Objectors also consider that these matters should not left to conditions and should be agreed at this stage. The Council's Ecologist conclusions on bird hides are set out in paragraph 7.26.
- 7.74 The approved hybrid consent did not fix the location or the number of bird hides. Notwithstanding the outline nature of the scheme, the location of the bird hides shown on the RMA drawings are in the same location as shown on the approved drawing HTR-ATK-ZZ-ZZ-DR-L-0001 (Reservoir Outline Masterplan). The RMA details are therefore broadly in accordance with the hybrid planning permission. Whilst the central bird hide location has changed, this is not unacceptable and would still provide suitable location to serve its function.
- 7.75 The location of the proposed hides are based on a combination of operational requirements for the management and maintenance of the wetland retaining structure, the need to limit public access to the wider wetland, and optimising the user experience, which is in keeping with the principles set out on the approved hybrid planning permission.
- 7.76 The island features are not dictated by the bird hide and interpretation building locations. They have been designed and positioned to maximise their biodiversity, which is their primary purpose, whilst seeking to provide suitable opportunities for bird watching. To ensure that these details are properly addressed a condition can be applied to any approval to allow further control over the design, appearance and final location of these hides and optimise viewpoints to address third party comments.

Island Features

- 7.77 Third parties have made representations on the design of Island features, which they contend have not been orientated to optimise viewing opportunities from the hide/ viewpoints, nor to reduce erosion. They state that birdwatchers' hides should be able to view along most sides of nearby islands so that there is minimal island edge out of sight for birds to disappear behind. This is fundamental to the success of the hides in optimising the viewing opportunities across key wetland features. Considering the above they are seeking the applicant to reconsider island positions to ensure wildlife viewing opportunities from hides / viewpoints are optimised, while minimising the risk of erosion.
- 7.78 Officers note this is a concern and it is considered that this is a matter of detail that can be covered by condition, to ensure that hides are orientated to optimise the views. The design of the island features has taken account of bird-watchers views and the need to avoid erosion through their design and layout. The locations

proposed are based on operational requirements and optimal location for user experience, whilst being mindful of established viewpoints.

- 7.79 Detailed third-party comments argue for changes to the orientation of islands in relation to their function in maximising on-shore wave fetch. The argument is that islands orientated side-on to the prevailing wind and wave direction would not only erode more rapidly (thereby reducing their value to e.g. breeding birds and presumably requiring interventions) but would not maximise the ability of wave action to maintain wetness along the shoreline. The applicant has provided reasoning that there is sufficient variation in island orientation, the open water-to-shore ratio, and effects of active water level control to maintain sufficient wave fetch and thus wetness of shoreline habitats. The Council's Ecologist concludes that the overall scale of this wetland will allow for sufficient variation in habitat to maintain a balance of seasonally wet areas. The islands are to be constructed using geotextile and gravel with boulders to prevent erosion. The presence of vegetation will also help in minimising erosion. Overall, there is no objection to some of the islands being in different orientations.
- 7.80 The applicant has also confirmed that the retained wetland island features have been designed mindful of the wetland retaining structure's original design objective where the structure will act to protect the wetland from wave action, which was identified as a potential constraint to wetland establishment. The final design meets that requirement (in terms of orientation, topographical variation, and size) and has been informed by further consultation with stakeholders, where the sight lines across the wetland were considered alongside providing a more natural layout to help provide further complexity and maximise habitat value.

Habitat Complexity in Compartment 1 (located within EHDC)

- 7.81 The reserved matters application design is considered to broadly accord with the outline concept design, providing an area predominantly for reed bed habitat creation with some sedge that grades to scrub and wet woodland to the north. The features within Compartment 1 builds on the hedgerow restoration, scrub creation and grassland and reedbed enhancement set out within the approved LEMP. The shoreline habitat creation (ephemeral features, ditches, channels) is predominantly included within Compartment 0. Further design features (which includes species rich grassland; wetland grassland; ephemeral features associated with reed and sedge habitats along the foreshore) within Compartment 1 makes reference to the foreshore diversity, with a transition of habitats from west to east which meets the LEMP objectives. Further detail will be provided on the detailed planting scheme and management of the wetlands to discharge Condition 28 (Landscaping Planting Specification). The Council's Ecologist also confirms that adequate habitat complexity is provided in this location.
- 7.82 The Applicant has also confirmed that the design for compartment 1 has followed the original intent to provide open water marginal habitat predominantly through planting of sedge and reed species within selected locations to allow the agreed adaptive management approach to the wetland development. Hydrological review of the current water regime concluded that the existing topography provides some existing localised wet grassland habitats which provides good connectivity between the Havant Thicket Woodland and foreshore. The design retains these features through the inclusion of the rush pasture / wet grassland within the seasonal scrapes and

inter connecting ditches / open flow channels within Compartment 0 rather than Compartment 1. The LEMP identified wet grassland habitat as a key objective where the original design of the ephemeral features has been adapted to provide the wider connectivity and increased habitat complexity, whilst rationalising future management of the wet grassland area.

Water Depth and Ephemeral Shallows (located in EHDC) and Wetland Islands

- 7.83 Ephemeral Shallows are defined as areas that will provide habitat suitable for typically ephemeral populations of plant species that are adapted to the open shallow edges of freshwater lakes. These are to be created at the eastern end of the wetland – referred to as compartment zero – by creating both shallow islands and shallow ponds that will create more diverse habitat with seasonal variations in water levels.
- 7.84 Objectors have raised concern over the water depth around the periphery of the wetland close to island features. They consider that the depth will not be adequate to deter predators from accessing nesting and roosting island habitats, especially as water levels drop seasonally in the summer. The objector recommends that the LPA ask the applicant to reconsider the position of the ephemeral shallow features to optimise the layout to work with the prevailing wind direction to provide the potential for maximum biodiversity benefit in line with the outline design concept.
- 7.85 The Applicant has confirmed that the current strategy of earthworks design for the foreshore and islands achieves the desired separation and water depths to deter predators. The design approach has consciously not been uniform looking to mimic the natural wetlands profile and associated features allow water interaction with the water's edge and island features to create variety along the foreshore. Water depths generally range from 0.6m to 0.7m at the lowest retained water level increasing to 1.2m and 1.4m at the highest retained water level. Island surface levels are set to ensure that the island becomes progressively exposed during the normal annual hydrograph to produce seasonally inundated nesting habitat. Cross section W4 as shown on drawing no. HTR-GHD-WL-ZZ-DR-L-0081 (wetland cross-section 2 of 4) shows that, at the highest water level, the majority of the island would actually be partially submerged at that specific location. The establishment of the reed/ sedges along the foreshore will also create a suitable natural buffer between the island and the grassland in between the woodland again helping to deter predators.
- 7.86 The Applicant has also confirmed that the sedge and reed planting design meets the original design intent where some localised planting is favoured over natural plant colonisation. The detailed landscape planting plans submitted pursuant to Condition 28 (Landscape Planting Specification) show the location, specification and species of planting. It is acknowledged that there is an agreed adaptive management approach to the wetland development as set out within the LEMP and BCMS documents. The design team consider that the design provides the correct balance considering the suitability, sustainability and buildability of the differing wetland design elements. The design of the foreshore and required separation distance and depths between island features meets the design intent creating depths of water greater than 400mm (generally between 500 - 700mm) whilst still providing water depth variation that will deliver habitat complexity.

- 7.87 The wetland and the ephemeral shallows have been assessed by the Council's Ecologist, who concludes that these features are acceptable. These designs have taken into consideration the outline concept, the depth of water and the deterrence of predators. The design set out in the RMA is considered to be optimised to provide maximum biodiversity benefit. Objectors raised concern over the extent to which the proposed channels between the shore and islands will serve to deter terrestrial predators. It has been confirmed by the applicant that water levels in separating channels will be maintained between 0.6m and 1.4m. The Council's Ecologist considers on balance that this would be acceptable in deterring terrestrial mammalian predators.
- 7.88 The Applicant has also confirmed that the inclusion of the ephemeral shallows within the foreshore area with the raised area in between meets the original design intent, to include the anticipated fetch and wave action. The wetland retaining structure was designed to provide some interaction with the design features within Compartment 0. The orientation of the ephemeral features is based upon working with the existing topography typically excavating 400mm below the existing ground level and creating a raised area either side with the excavated material. The current design accommodates the anticipated fetch in this location and provides opportunity for inundation of shallows from inland wave propagation improving wet grassland habitat. The creation of the scrape features below the TWL will also add ecological value and build in habitat resilience when water levels seasonally vary.

Landscaping Details

- 7.89 A third party objector has made representations on the details of the landscaping and how it lacks information on a number of matters including; the location of wet woodland; retention of existing trees; lack of detail of in respect of benches and planting and seeding on slopes; lack of detail of planting on NW edge; no information on phasing, use of box culverts between compartments and questions the water level during drought spells. As well as the detail referred to, the objector considers that the applicant needs to provide more supplemental information and considers it prudent to provide a landscape visual impact assessment (LVIA) as part of the submission and more information on water levels within the reservoir. The objector also has made suggestions to improve the quality of the landscaping these include the use natural regeneration over landscape planting.
- 7.90 The landscaping detail is considered to be appropriate to the context, its quality, environmental and ecology benefits. A combination of seeding and natural regeneration will be used in accordance with the approved LEMP and Soil Management Plan. Where seeding is required, for example on the wetland retaining structure to preserve engineering principles of the earthworks, soil erosion and slope stability, seed mixes will be mindful of native species/ecological requirements.
- 7.91 The level of detail provided in respect of the landscaping provides sufficient information to determine the reserved matters. The size and scale of the wetland has been determined to accord with the scheme parameters as set out in Condition 2 of the approved scheme (see paragraph 7.10 Bullet 1-3). The approved scheme was the subject of an EIA assessment and the approved documents as set out in Condition 3 refers to inter alia the following documents: Environmental Statement Volume 1-4. The ES Volume 2 Chapter 11 provided a comprehensive Landscape and Visual Impact Assessment (LVIA) and the conclusions on the completed scheme

(Year 0 to Year 15) are set out in paragraphs 11.232 to 11.236 where it was concluded in respect Post mitigation establishment stage (Year 15):

“Fifteen years after the completion, the proposed additional green infrastructure will have matured to substantially increase the landscape resource across the Site. This will result in the strengthening of boundary vegetation, creation and enhancement of a range of landscape features to both the existing and proposed resources. The proposed site wide landscaping proposals, including retained key elements, will enhance the character of the landscape throughout the Scheme and beyond to its immediate context”.

7.92 At paragraphs 11.254 and 11.262 it was concluded that:

“Overall, no significant long-term effects are considered likely to landscape character or to views and visual amenity. This is due to the retention and enhancement of landform and the extent of mature vegetation within and to the Site boundaries, providing a degree of separation and screening from the wider landscape and visual receptors. Furthermore, the mitigation and enhancement measures would reduce the adverse effects arising from the Scheme”.

“Once construction of the reservoir site and access roads is completed, any significant effects in EIA terms would gradually reduce as landscape mitigation and planting helps the Scheme integrate into its surrounding landscape setting. All effects on landscape and visual receptors would improve in the medium to long term, no longer being significant in EIA terms”.

7.93 The need for further LVIA is therefore not considered relevant to the assessment of the landscaping as submitted under the RMA. The supporting plans provide details on the areas of landscaping and the assessment of features will be provided and considered under conditions 27 and 28 of the approved scheme. The conclusions on the visual impact of the reservoir (including the wetland phase) still holds good as set out in the officer committee report (paragraphs 7.67 and 7.68). In conclusion the committee report acknowledged that the introduction of the reservoir onto the site would change the existing landscape character, and this change is mitigated by a number of measures to assist in integrating the reservoir into the landscape, which includes inter alia the retention of woodland areas and the introduction of additional planting; wetland and open spaces. Whilst these were considered positive elements to the development scheme it was made clear that this scale of development, in this location, would permanently and significantly change the character of the area. The wetland its design and landscaping must therefore be considered in the round and with component parts of the overall reservoir masterplan site.

7.94 The applicant has clarified that the water level will be maintained at 38.8m during normal operating conditions. This will be achieved through the operation of the active control structures to balance water levels between the two bodies of water. However, it is accepted that during severe periods of drought, the water level in the wetlands could be reduced below 38.8m. This would be expected to be in line with fluctuations seen in naturally occurring bodies of water. The effects of this have been considered under the outline approval and ES and the scheme meets the development

specification and parameters. There are no plans for Box Culverts between wetland compartments.

- 7.95 Further detail will be provided on the detailed planting scheme, management and phasing of the wetlands as part of Condition 28. Condition 27 will require the applicant to provide a detailed tree survey and an updated Arboricultural Impact Assessment (including a Tree Constraints Plan), Arboricultural Method Statement and Tree Protection Plan showing the trees or group of trees.
- 7.96 The wave protection for the Wetland embankment will be constructed in line with the current outline planning permission. This includes the use of Embankment which, when laid on grass seeded soil slopes that are exposed to water, provides a solution to issues caused by small wave action.
- 7.97 Objectors have stated there is a lack of detail on the location and extent of benching/ shelving along the retained wetland structure and compartments bunds, which is essential to maximising the biodiversity potential of these engineered structures. Benching and shelving on the wetland retaining embankment is included in the design and shown on the detailed application drawings with contours across the whole embankment as shown in Appendix E to I of the committee report. The Applicant has also confirmed that this detail has been designed to maximise biodiversity benefits of the wetland retaining embankment alongside considering previous stakeholder comments to improve the visual amenity of the wetland retaining structure through green engineering solutions, minimising built features through screening (seeding/ planting) and retaining key vistas and views over the wetland towards the Country Park.

Restriction of Access to Wetland

- 7.98 An objector has raised a number of issues in respect of the means to deter visitor and dog access onto the wetland at various locations, this includes inter alia details of barriers, stock proof fencing and gates, access to hides, materials to be used in fencing and how will screens shown on the penstock culvert be maintained. The objector is requesting that this information be provided at this stage.
- 7.99 The Applicant has also confirmed that no public access will be permitted to the wetland retaining structure. Access is restricted through the use of fencing (much of which is outside the application area for this RMA) and design of the structure creating wet spillways to discourage public access to protect the habitats from disturbance.
- 7.100 The RMA includes the location of fencing, gated access and signage within the application boundary which clarifies the operational and maintenance access to ensure that the wetland is protected and incursions by the public are limited therefore ensuring the long-term viability of the area and protection of the habitat and ecology. Public access to the eastern extent of the wetland will be restricted by the retention of the existing fencing to the north of this area. Landscaping including fencing outside of the Phase 2 RMA boundary will be subject to a separate RMA for Phase 8 (Site Wide Landscaping) and information to be submitted pursuant to Condition 28 (Landscaping Planting Specification) which will include measures to limit access from the west to the wetland. Notwithstanding this information provided under this RMA and Condition

28 (landscaping) will require the applicant to provide more detailed information on landscaping which will include hard and soft landscape features but omits reference fencing or boundary treatments. It is therefore considered appropriate in this circumstance to require the details of access to be conditioned.

- 7.101 The applicant amended the outline design of the spillway on the western extent of compartment 4 to increase the sense of physical separation from the foreshore and the crest of the embankment. The inclusion of the vehicle turning head half way along the crest in compartment 4 and the design change to the spillway meets the original design intent and will deter public access from the west. The final design of the wetland edge adjacent to the visitors centre using a combination of fencing, raised landform, seeding and planting to deter public access is subject to separate Reserved Matters Applications as part of Phases 8 and 9 and details required pursuant to Condition 28 (Landscaping Planting Specification).

(xv) Conditions and S106 Obligations

- 7.102 The hybrid Consent includes a series of pre-commencement conditions which relate to all development forming part of the Approved Scheme and others that relate to each phase of the Approved Scheme. The planning history section of the report outlines the conditions which have been submitted to date.
- 7.103 The Section 106 Legal Agreement also includes commitments which will need to be discharged prior to commencement of development (excluding site enabling works); those which relate to the Phase 2 Embankment are summarised as follows:
- Prepare a Detailed Biodiversity Mitigation and Compensation Strategy including a Landscape Ecological Management Plan (Discharged 24/8/2022).
 - Prepare a Travel Plan and Construction Traffic Management Plan (Agreed with HCC); and
 - Prepare an employment and skills plan (Discharged 28/10/2022).

8. Conclusion

- 8.1 This application seeks approval with respect to Reserved Matters relating to the siting, scale, appearance and landscaping of the 'Wetland Retaining Structure' that will form the second phase of this strategically important infrastructure project. It is considered that the RM details accord with the development principles set out in the Approved Scheme application. The Phase 2 Scheme has also been demonstrated to be in general conformity with all pertinent national and local planning policies.
- 8.2 The landscape environment to be created by the proposed development, would be of a high-quality. The environmental and ecological effects, noise, air quality, drainage, heritage and the cumulative impacts have also been considered. Tree planting, landscaping, compensation and mitigation measures would improve the biodiversity and amenity value of the site and the wider area in respect of biodiversity and visual amenity.
- 8.3 The amenity of the existing and future occupiers which surround the site will not be significantly affected, owing to the comparative distance between the wetland structure and neighbouring land users. The extant hybrid planning permission is a

material consideration and the parameters set at that time were considered appropriate. The current proposal has been treated on its individual merits and assessed against the current planning policy regime and the material objections received from all third parties.

- 8.4 Officers have given consideration to the desirability to preserve the setting of heritage assets in accordance with Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). In accordance with the Council's statutory duties and relevant policies of the development plan, the Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the setting of the nearby conservation areas and other heritage designations (statutory and non-statutory).
- 8.5 The wetland design has been carefully considered within the context of landscaping, recreational opportunities, drainage and ecology. Whilst the objectors have questioned the RMs and its relationship to the outline approved scheme, the applicants have sought to achieve a balance between the site constraints and the development parameters (which are adhered to) as set out in the development specification as approved under the extant hybrid permission.
- 8.6 In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004, officers have considered the planning application with regard to the requirements of the National Planning Policy Framework 2023 and are satisfied that the development would be in compliance with the Development Plan for the Borough and that there are no material considerations of sufficient weight that would dictate that the application should otherwise be refused.

9 RECOMMENDATION

That the Head of Planning be authorised to **GRANT RESERVED MATTERS APPROVAL** subject to the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):

Conditions:

1. Details of Bird Hides and Means of Access

Prior to the first filling of the Wetland, details of the bird hides (including design, orientation, materials and screening) and means of access, barriers and screens, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of biodiversity, visitor amenity and safety and protection of new and existing habitats in accordance with the National Planning Policy Framework (2023) and Havant Borough Local Plan (Core Strategy) Policies CS11 and DM8.

2. Approved Drawings

The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

Documents

Adams Hendry Consulting Ltd Covering letter dated 13th May 2024

Environmental Statement of Conformity dated 4th March 2024 reference HTR-RHD-P2-XX-RP-Z-0003 Rev P03

Planning statement prepared by Adams Hendry Consulting Ltd dated March 2024 ref JTM/1856/Phase2RMA

Drawings

Drawing Number	Title
HTR-GHD-ZZ-RE-DR-Z-0002 REV P04	Proposed Reservoir Works Key Plan Phase 2
HTR-GHD-WC-ZZ-DR-L-0012 REV P10	Outline Wetlands Embankment Overall Design Strategy
HTR-COF-EM-RE-DR-GE-4004 REV P01	Planning Drawing Wetlands Retaining Embankment Proposed Site Layout
HTR-COF-EM-RE-DR-GE-4005 REV P01	Planning Drawing Wetlands Retaining Embankment Design Cross Sections
HTR-GHD-WC-ZZ-DR-L-0050 REV P07	Landscape and Ecology Proposals
HTR-GHD-WC-ZZ-DR-L-0051 REV P05	Wetlands Embankment Active Water Control Feature - Penstock Detail
HTR-GHD-WC-ZZ-DR-L-0052 REV P06	Wetland Spillway Detail - No Vehicle Access (Section & Plan)
HTR-GHD-WC-ZZ-DR-L-0053 REV P06	Wetland Spillway Detail (Section and Plan)
HTR-GHD-WC-ZZ-DR-L-0054 REV P05	Wetland Spillway Detail Compartment 3/4 (Section and Plan)
HTR-GHD-WC-ZZ-DR-L-0055 REV P05	Wetland Spillway Detail Compartment 1/2 (Section and Plan)
HTR-GHD-WC-ZZ-DR-L-0056 REV P08	Wetland Retaining Structure - Landscape General Arrangement Sheet 1 of 6
HTR-GHD-WC-ZZ-DR-L-0057 REV P07	Wetland Retaining Structure - Landscape General Arrangement Sheet 2 of 6
HTR-GHD-WC-ZZ-DR-L-0058 REV P07	Wetland Retaining Structure - Landscape General Arrangement Sheet 3 of 6
HTR-GHD-WC-ZZ-DR-L-0059 REV P07	Wetland Retaining Structure - Landscape General Arrangement Sheet 4 of 6
HTR-GHD-WC-ZZ-DR-L-0060 REV P06	Wetland Retaining Structure - Landscape General Arrangement Sheet 5 of 6
HTR-GHD-WC-ZZ-DR-L-0061 REV P07	Wetland Retaining Structure - Landscape General Arrangement Sheet 6 of 6
HTR-GHD-WC-ZZ-DR-S-0062 REV P08	Wetlands Active Water Control Penstock Chamber Details Compartment 4
HTR-GHD-WC-ZZ-DR-S-0063 REV P08	Wetlands Active Water Control Penstock Chamber Details Compartment 3
HTR-GHD-WC-ZZ-DR-S-0064 REV P08	Wetlands Active Water Control Penstock Chamber Details Compartment 2
HTR-GHD-WC-ZZ-DR-S-0065	Wetlands Active Water Control Penstock Chamber Details Compartment 1
HTR-GHD-WC-ZZ-DR-L-0080 REV P04	Wetlands Islands and Ephemeral Features Cross-sections Sheet 1 of 4
HTR-GHD-WC-ZZ-DR-L-0081 REV P04	Wetlands Islands and Ephemeral Features Cross-sections Sheet 2 of 4
HTR-GHD-WC-ZZ-DR-L-0082 REV P03	Wetlands Islands and Ephemeral Features Cross-sections Sheet 3 of 4

Reason - To ensure provision of a satisfactory development.

Appendices:

- (A) Reservoir Masterplan
- (B) Site Plan
- (C) Overall Design Strategy
- (D) Landscape General Arrangements 1
- (E) Landscape General Arrangements 2
- (F) Landscape General Arrangements 3
- (G) Landscape General Arrangements 4
- (H) Landscape General Arrangements 5
- (I) Landscape General Arrangements 6
- (J) Wetland Cross Section 1
- (K) Wetland Cross Section 2
- (L) Landscape and Ecology Proposals