

Havant Borough Council  
Development Control  
Civic Offices Civic Centre Road  
Havant  
Hampshire  
PO9 2AX

**Our ref:** HA/2020/122728/02-L01  
**Your ref:** APP/20/00990  
**Date:** 27 April 2021

Dear Sir/Madam,

**ADDITIONAL INFORMATION - HYBRID APPLICATION SEEKING: 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 APPLICATION FOR (MATTERS TO BE CONSIDERED OUTLINED IN TABLE 2.2 IN THE SUBMITTED DEVELOPMENT SPECIFICATION) 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).**

**HAVANT THICKET, ADJACENT TO SIR GEORGE STAUNTON COUNTRY PARK, MIDDLE PARK WAY, HAVANT**

Thank you for re-consulting the Environment Agency in regard to the above application.

We have reviewed the additional information that has been submitted and have no further comments to make. Our previous response dated 30 March 2021 (our ref; HA/2020/122728/01) still stands, and this is copied below for ease of reference:

*"Thank you for consulting the Environment Agency on the planning applications for Havant Thicket Reservoir and the associated pipeline. We have liaised closely with the applicant over a significant period of time to ensure that all aspects within our remit have been addressed in the applications.*

*The increase in water supply from the building of the reservoir will enable a bulk supply of water to be supplied to Southern Water. They have a forecast deficit in water in the Hampshire area due to required reductions on their abstraction licences on the heavily designated Rivers Test and Itchen. Additional*

Environment Agency  
Canal Walk, ROMSEY, Hampshire, SO51 7LP.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

water made available from this scheme will help meet this forecast deficit. The scheme is already included in both Portsmouth and Southern Water's Water Resource Management Plans.

We are now in a position to confirm that we have no objection to the planning proposals as submitted subject to a number of conditions and/or legal agreements on a variety of issues including flood risk and the Water Framework Directive. Please see our detailed comments below in relation to each area of our remit and the requirements that we are seeking in order to ensure that the project is delivered in a way that protects and enhances the environment. We have highlighted in bold throughout the letter the legal requirements/conditions that we feel need to be applied in order to make the development acceptable. These are also summarised in an appendix for easy reference.

### **Water Framework Directive (WFD)**

The environmental objectives of the WFD are set out in Article 4 of the Directive and relate to ensuring the continued protection of the condition of all waterbodies and the development of plans to deliver measures to improve failing water bodies to a good condition (or better).

The two key objectives against which new developments or schemes should be assessed are;

- No deterioration of status (or potential) for surface and groundwaters; and
- Achievement of good status (or potential) by 2021 or 2027, for waterbodies currently failing to achieve this status or potential.

WFD compliance assessments for new developments and schemes must demonstrate that the proposals will not result in the deterioration in status (or potential) of any water body. Where a waterbody is at a status less than good (or potential), it must be demonstrated that the implementation of the proposals will not prevent the water body from meeting good status (or potential) in the future.

Following the completion of a WFD compliance assessment, Havant Thicket Reservoir was deemed to have the potential to cause deterioration of the impacted water body of the Riders Lane Stream which is part of the Hermitage Stream water body. The main area of concern relates to the construction of the embankment and reservoir footprint. The resulting loss of habitat is significant with the direct loss of 3.7km of headwater habitat within the Riders Lane Stream. The length of watercourse lost will account for approximately 42% of headwaters and 18% of the entire length of watercourse within the water body.

The WFD uses the term "quality elements" to refer to the different indicators of ecological quality comprising its ecological status classification schemes. The quality elements used to assess ecological status are: biological, chemical and physicochemical, and hydromorphological quality elements.

The assessment identified that both biological and hydromorphological WFD quality elements were at risk of deterioration. Specifically invertebrates, macrophytes phytobenthos and hydromorphology. A deterioration of any one, or more quality element can cause an overall deterioration and lowering of class status at the water body scale, this is contrary to the objectives of WFD.

In a situation where there remains a potential for deterioration, even after including embedded mitigation, the scheme can only go forward if granted a derogation under Article 4.7 of the WFD. To do this, evidence is required to meet a series of "Tests". This information is set out in document reference - HTR-ATK-XX-XX-RP-2-0067.

We attended a number of workshops with Portsmouth Water and their consultants to determine the evidence requirements to meet the tests of Article 4.7, these being:

- a) All practicable steps are to be taken to mitigate the adverse impacts on the water body concerned;
- b) The reasons for modifications or alterations are specifically set out and explained in the RBMP;
- c) The reasons for those modifications or alterations are of overriding public interest and/or the benefits to the environment and to society of achieving the objectives set are outweighed by the benefits of the

new modifications or alterations to human health, to the maintenance of human safety or to sustainable development, and;

d) The beneficial objectives served by those modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option.

The WFD Article 4.7 assessment (document reference - HTR-ATK-XX-XX-RP-2-0067) describes the outcome of this process. We have worked with Portsmouth Water to identify a long list of practicable measures that would be appropriate to fulfil Article 4.7 test (a). We have agreed that that this long list was sufficient for the purposes of fulfilling the Article 4.7 derogation.

We reviewed the information contained within WFD Article 4.7 assessment which outlines the reasoning for the potential non-compliance under the WFD and details the necessary justification to meet each of the tests required under the derogation process. We are satisfied that sufficient evidence has been provided to meet the tests and can therefore be used to inform the decisions of the relevant Local Planning Authorities (Havant Borough Council and East Hampshire District Council) when deciding the outcome of the submitted planning applications. As competent authorities for the planning process, Havant Borough Council and East Hampshire District Council must be satisfied that these tests have been met.

Following the above process, a shortlisting exercise was undertaken to reduce the list from the full list of practicable measures to a short list of deliverable options which could be used to define the level of mitigation and compensation required for the watercourses impacted by the scheme. We have had ongoing dialogue with regard to this process which has resulted in a short list of deliverable measures being derived. We have confirmed that we are content that 'package 2' (as laid out in document reference HTR-ATK-XX-XX-PP-T-0003 Implementation Plan for Off Site Mitigation and Compensation Appendix 3) includes sufficient mitigation and compensation for the scheme. We believe that this package provides sufficient length of watercourse improvement (5.5km) and an appropriate balance of measures to satisfy both the Article 4.7 requirements and also Biodiversity Net Gain commitments, which is discussed below.

In agreeing the package of mitigation and compensation with Portsmouth Water, it has been critical to identify measures that are both environmentally sound and appropriate for the scale of loss that will result from the development. The impacts that have been identified cannot be readily mitigated or compensated for, due to the distinctiveness of the habitat. Meaning the habitat to be lost cannot be recreated. Therefore we have sought a package of measures that once implemented will provide a joined up network of quality habitat improvements that will mitigate and compensate against the high value conservation habitat lost from the scheme.

**Therefore the proposal will only be acceptable to us and legally compliant under the Water Framework Directive once the package of measures has been secured. We advise that a legal agreement should be put in place to secure the delivery of the mitigation and compensation package proposed by the applicant.**

The agreed package, for the water environment includes both on-site and off-site mitigation, and compensation totalling up to 5.5km of watercourse improvement. The on-site mitigation and compensation plan (approximately 1.57km) concentrates efforts in the headwater streams upstream of the reservoir. Off-site mitigation and compensation is spread across the wider catchment and includes measures on other reaches of the Riders Lane Stream (part of the Lake Stream) (approximately 0.45km), Hermitage Stream (approximately 2.99km) and Park Lane Stream (approximately 0.47km). Improvements along Lake Stream will provide mitigation for distinct species lost under the Scheme's footprint.

**We agree with the principles set out in document HTR-ATK-XX-XX-PP-T-0003. A full implementation plan will need to be agreed, which we want to be consulted on. A robust governance process for timely**

**implementation of the mitigation and compensation should also be put in place. This must be secured through the planning permission process.**

*The package of measures includes restoration of the Hermitage Stream. The measures proposed are based upon feasibility and design work undertaken jointly by Havant Borough Council and Environment Agency in 2013. We shared with Portsmouth Water all the information that was compiled at the time, including drawings and costings. The mitigation and compensation measures agreed as part of the water environment package should be in keeping with the design work previously undertaken, including the removal of concrete bed and banks.*

*Portsmouth Water have provided approximate costs for the package of measures detailed in a technical note dated 11/03/21 (Version 3). We do not consider the cost presented in this paper as a cost cap. The figure presented is based upon our costings from 2013 (which are now somewhat dated) and the design team's judgment. We believe the costs presented are realistic but require further assessment. Portsmouth Water will be responsible for delivering the quantum of mitigation and compensation agreed. However the company may choose to work with a delivery partner to achieve cost effectiveness. We are not opposed in principle to agreeing a cost cap for the water environment package but this will need further discussion.*

**Portsmouth water will be responsible for delivery of the mitigation and compensation agreed. If the identified measures are shown to be unfeasible, additional measures will need to be identified that provide the same if not greater length of water watercourse improvement and contribution to the environment.**

*Document HTR-ATK-XX-XX-PP-T-0003 sets out the broad timescale for the delivery of the water environment mitigation and compensation package. Whilst we support this in principle, we strongly recommend that as part of any legal agreement a detailed delivery plan is agreed, which we would want to be consulted on.*

*Portsmouth Water have confirmed via the WFD assessment processes that neither the construction of the pipeline or emergency drawdown will preclude future restoration of the Hermitage Stream, which is a fundamental part of their Water Environment mitigation and compensation package. Consideration should be given to aligning the timing of the pipeline construction with that of the compensation measures identified for the Hermitage stream.*

### **Biodiversity**

*The development will result in the loss of 3.7km of watercourse as described above, as well as other wetland habitats. This scale of loss is significant and without mitigation and/or compensation would be unacceptable.*

*Appendix A9.3 Aquatic Ecology (document reference: HTR-ATK-ZZ-ZZ-RP-Z-0147) has shown that the watercourses to be impacted by the development support rare and nationally scarce aquatic invertebrates. The specialist taxa that have been identified are indicative of groundwater supply and ephemeral flow conditions. This form of headwater stream habitat is of high conservation value and a Priority Habitat.*

*The Environmental Statement (document reference HTR-ATK-ZZ-ZZ-RP-Z-0109) acknowledges the value of the streams that will be lost. "9.150. Given the ephemeral nature of the intermittent headwaters of Riders Lane Stream, as well as their position within a more rural setting in an otherwise predominantly urban catchment, these watercourses are considered to be intrinsically important. They provide a unique habitat that acts to improve aquatic species diversity and functional habitat resilience as a potential primary colonisation source for the catchment".*

*As described above, this habitat and therefore the species which are supported cannot be readily mitigated or compensated for, as it's a habitat type that cannot be recreated. This is why ensuring a package of mitigation and compensation at appropriate scale for the loss is critical.*

*The Environmental Statement para 9.27 concludes "Biodiversity Net Gain cannot be achieved in relation to this habitat; any losses that cannot be avoided will require bespoke compensation". A Biodiversity Net Gain for Rivers assessment has been submitted. (Document Reference HTR-ATK-XX-XX-RP-Z-0070). We do not agree entirely with the conclusions reached within the Biodiversity Net Gain for River Assessment. However, we believe the package of measures described in Document HTR-ATK-XX-XX-PP-T-0003 and broader mitigation and compensation set out in the document titled Outline Biodiversity Mitigation and Compensation Strategy - ECOSA September 2020, make the development acceptable.*

*Section 3 of the Biodiversity Net Gain for Rivers assessment describes what is believed to be inconsistencies with the Biodiversity Metric 2.0., and their influences on the calculations. We acknowledge that the Defra Biodiversity Metric is still evolving and the uncertainties this may have caused for the assessment. Section 3 identifies three main areas of concern. The distinctiveness score, time to target and the rationale for calculating units based on river length, rather than area. A Biodiversity Metric 3.0 is currently in preparation and is due for release soon. We feel that the updated metric addresses the points raised in relation to distinctiveness and time to target. Our understanding is that the updated metric will continue to use river length and not area. This recognises the importance of river habitat and processes that underpin their functionality. We believe whilst the bespoke package of measures deviates from the metric, it does however provide measures that not only fulfil the requirements of the Water Framework Directive but provides significant gains for the environment.*

*Section 9.296., of the Environmental Statement, states "The loss of these streams would initially be associated with the requirement to intercept flows draining into the reservoir footprint during construction. This would alter the structure and function of these aquatic habitats via the removal of incoming flows. Further impacts to these watercourses would continue through subsequent construction phases, including borrow pit excavation, embankment construction and reservoir filling, until these streams are fully lost under the footprint of the reservoir". What is not clear is how the flows (including sediment management/pollution prevention) to the downstream watercourse will be managed during construction, this will need to be addressed at detailed design.*

### **Flood Risk**

*We have reviewed the FRA Model, the breach model, the emergency discharge modelling and the impact of the reservoir on the flood risk. The modelling has been signed off through a review process which confirms that the techniques and assumptions used are satisfactory.*

*The proposed development will however only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning conditions are included.*

### **Condition**

#### **Flood Risk Assessment Compliance**

***The development shall be carried out in accordance with the submitted flood risk assessment (ref HTR-ATK-XX-XX-RP-Z-0042, titled A15.2 Flood Risk Assessment Report, compiled by Atkins on behalf of Portsmouth Water Ltd dated 01/09/20) and the mitigation measures it details.***

***These mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed throughout the FRA shall be retained and maintained thereafter throughout the lifetime of the development.***

*Reason(s)*

- ***To reduce the risk of flooding to the proposed development and future occupants***

- *To ensure flood risk off site is not increased as a result of the proposed development*

*This is in line with paragraph 163 of the National Planning Policy Framework.*

*Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further detailed information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to nearby communities.*

#### **Condition**

##### **Flood Risk Management**

*No development approved by this planning permission shall commence until such time as a detailed scheme, to ensure the development will not increase the risk of flooding, has been submitted to, and approved in writing by, the local planning authority. Specifically further details should be provided including:*

- *A detailed drainage management plan is produced that adequately details the management of the drainage associated with the scheme.*
- *A detailed CEMP, incorporating information on the proposed construction techniques of the reservoir and its associated developments. This should include both temporary and permanent construction features and detail information on locations of proposed techniques. The CEMP should include information on the proposed techniques, such as cofferdams, culverting and piping and the associated flood risks and mitigation measures.*
- *Detailed information for the proposed pipeline route and infrastructure associated with the Emergency Discharge, including the proximity to the main river and the proposed mitigation measures.*
- *Detailed information surrounding a number of permanent structural elements including the proposed dimensions and height of the embankment, associated spillway, control house and wetland retaining structure (including the proposed piped controls).*
- *Detailed information on the proposed emergency drawdown discharge structure.*
- *Detailed information surrounding the proposed upgrading of the culverts, in order to not increase flood risk associated with the Emergency discharge and as detailed in table 4.2 and section 4.17 of the FRA*
- *Detailed information including the long term maintenance scheduled for the proposed development, including but not limited to the proposed pipeline and culverts.*
- *Detailed information for the crossing of watercourses where these are proposed*
- *Detailed information on the proposed location and design of the visitor centre, including proposed finished floor levels.*
- *Should the proposed access routes to and from the visitor centre be situated within proximity to main river or within the flood zone then further details should be provided on the associated impacts on flood risk and the proposed mitigation measures.*

*The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

#### **Reason**

- *To reduce the risk of flooding to the proposed development and its future users.*

*This is in line with paragraph 163 of the National Planning Policy Framework.*

Advice to LPA/applicant

*The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.*

- *Adequacy of rescue or evacuation arrangements*
- *Details and adequacy of an emergency plan*

*We can provide the following information on the characteristics of flooding at this site to help with your decision:*

*The FRA states that the requirements of the Reservoirs Act 1975, and proposed mitigation measures in place (including but not limited to the emergency discharge strategy, the regular maintenance and inspection of the reservoir) make it highly unlikely that a breach will occur. Regardless, the breach and associated failure of the embankment has been modelled as required by the Reservoirs Act 1975. Figure 8.1 of the Flood Risk Assessment indicates the impact of a breach event on the nearby communities downstream of the reservoir.*

*We have reviewed the associated flood risk model of the Reservoir, including the model generated to help assess and inform the FRA and Emergency Discharge. As well as this proposed modelling, we have also reviewed the proposed Breach Model, separately from the planning application. Following our reviews of the models, we are satisfied with the techniques used and subsequently the accuracy of the conclusions and assessment of the flood risk that all models generate.*

*In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.*

### **Water Quality**

*Ongoing discussion with the Applicants and their consultants resulted in an agreed approach to establishing a baseline and undertaking an impact assessment for hydrology and water quality. The water quality model applied to this project was developed through extensive consultation with us and we can confirm that the resulting model is a suitable basis for modelling the water quality impacts of the projects. The bespoke model has provided a useful quantitative element for the assessment of impacts on water quality. Overall, the results of the modelling and analysis show the water quality in the reservoir will be good, there will be a low to moderate risk to water treatment from algal growth. Impacts on the downstream watercourses however are positive with a clear improvement in water quality predicted due to the quality of the Havant and Bedhampton Spring Water being of better quality than the existing water in the Hermitage Stream.*

### **Groundwater Protection**

*The majority of the works associated with this development are on greenfield locations and underlain by unproductive strata or secondary aquifers. As such there are not likely to be many groundwater quality/contamination issues with the proposed development.*

*The Bedhampton and Havant springs Source protection zone would occur at depth beneath the site. This source provides a strategically important water supply, including for the proposed reservoir, so should be suitably protected. Therefore the following conditions should be applied to any permission granted to ensure that groundwater is protected;*

### **Condition**

#### **Construction Environmental Management Plan**

***Prior to each phase of the development a suitable Construction Environmental Management Plan, shall be provided demonstrating that the risk to controlled waters that the risks to controlled water***

*will be appropriately managed. This should be submitted to, and approved in writing by, the local planning authority.*

*Reason: To demonstrate that activities associated with the construction of the scheme will not pose pollution risks to ground or surface waters. This is in line with paragraph 170 of the National Planning Policy Framework.*

#### **Condition**

##### **Unsuspected Contamination**

*If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.*

*Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.*

#### **Advice to LPA/applicant**

*All wastes arising from this development must be dealt with under an appropriate regulatory framework. A watching brief should be maintained throughout the development for the evidences of any Dolines/swallow holes or solution features. If any features are identified they should be appropriately managed so there is not risk of impact to the underlying chalk aquifer or associated Source protection zone.*

*The Environment Agency should be consulted on any deep activities which may impact on the source protection zone.*

#### **Permit Information**

*Please note that in addition to any planning permission granted there will be environmental permits that are also required, some prior to construction works (such as the Flood Risk Activity Permit for the pipeline and culvert work) and some only prior to operation. We have provided an initial view below on the permits that we think may be required. Please note however we have only had limited amounts of detail to make this judgement and therefore this may not be an exhaustive list and may be subject to change.*

*Due to the nature and potential complexity of some of the environmental permits we recommend that pre-permitting advice is sought prior to any formal submission. Please note that there may be a charge for this.*

##### **Environmental Permit – Abstraction and Impoundment**

*These permits are dealt with by our national permitting support team. Large applications, such as this will then be decided in conjunction with area teams.*

*Before finally deciding on the abstraction licence requirements more discussion will be needed but our initial view is that the following will be required:*

- *An impoundment licence for the reservoir (and this would detail any compensation flow required from the reservoir to the stream below.)*
- *A variation to the existing licence (11/42/36.2/1) for Havant and Bedhampton Springs to include the purpose of filling the reservoir and potentially the quantities permitted for that new purpose.*

- A new abstraction licence from the reservoir as it will become a “source of supply” from which any abstraction should be licensed.

### **Environmental Permit – Discharge licenses**

You must also have an environmental permit from the Environment Agency for all discharges from the reservoir that may contain solids, accumulated deposits or other pollutants. However you do not normally need a permit for discharges that are:

- uncontaminated surface waters
- a water transfer and the discharge is non polluting
- made in an emergency to avoid danger to human health – but you must take all reasonably practicable steps to minimise pollution and you must tell the Environment Agency as soon as reasonably practicable

Discharges in an emergency do not require a permit. However for certain discharges associated with the construction, alteration, repair, cleaning, or examination of any reservoir, well, borehole, or other work belonging to or used by that undertaker for the purposes of, or in connection with, the carrying out of any of its functions may require a permit under section 165/166 of the Water Industry Act 1991.

Some general guidance can be found at our GOV.uk site

<https://www.gov.uk/guidance/reservoir-discharges-consents-permits-and-risk-assessments>

(<https://www.gov.uk/government/publications/water-abstraction-application-for-a-water-resources-licence> )

...and some more detailed info for certain types of discharges under Section 165/166 of Water Industry Act 91 <https://www.legislation.gov.uk/ukpga/1991/56/contents>

### **Environmental Permit – Flood Risk Activity (FRAP)**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

As a water undertaker, Portsmouth Water would have protected undertakings for any activities falling under (d) to (k) below. However, they would need a flood risk activity permit for any activities that fall under (a) to (c).

- a) erecting any temporary or permanent structure in, over or under a main river
- b) altering, repairing or maintaining any temporary or permanent structure in, over or under a main river,
- c) building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river
- d) dredging, raising or removing any material from a main river
- e) activities likely to divert the flow of water or changing the level of water in a main river
- f) Activities in the 8m of a non-tidal main river, 16m of a main river or within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal river.

- g) *Activities in the flood plain outside of the 8m/16m margin and more than 8m from a flood defence structure or culvert*
- h) *Activities on or within 16m of the base of a sea defence*
- i) *Activities on or within 8m of the base of a remote defence*
- j) *Quarrying within 16m of any main river, flood defence or culvert*
- k) *Excavation within 16m of any main river, flood defence or culvert*

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

*The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.*

#### **Environmental Permit – Waste**

*Based on our current understanding that all soil extracted will be reused on site (mainly to create the embankment) our initial view is that no waste license will be required. Please note that this may change if waste is required to be taken off site or if contaminated soil is found."*

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours faithfully,

**Mrs Laura Lax**  
**Senior Planning Advisor**

Direct dial 0208 4745902

Direct e-mail [laura.lax@environment-agency.gov.uk](mailto:laura.lax@environment-agency.gov.uk)

## Appendix

| Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Reason                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Mitigation/Compensation Package</i></p> <p>The proposal will only be acceptable to us and legally compliant under the Water Framework Directive once the package of measures has been secured. We advise that a legal agreement should be put in place to secure the delivery of the mitigation and compensation package proposed by the applicant.</p>                                                                                                                                                                                                                                                                                | <p>To provide legal compliance with the WFD.</p> <p>To provide a joined up network of quality habitat improvements that will mitigate and compensate against the high value conservation habitat lost from the scheme.</p> <p>This is also This is in line with paragraph 175 of the National Planning Policy Framework.</p>                                                                    |
| <p><i>Mitigation/Compensation Implementation</i></p> <p>A full implementation plan will need to be agreed, which we want to be consulted on. A robust governance process for timely implementation of the mitigation and compensation should also be put in place. This must be secured through the planning permission process.</p>                                                                                                                                                                                                                                                                                                         | <p>To provide legal compliance with the WFD.</p> <p>To provide a joined up network of quality habitat improvements that will mitigate and compensate against the high value conservation habitat lost from the scheme.</p> <p>Ensure that the mitigation package is delivered in a timely manner.</p> <p>This is also in line with paragraph 175 of the National Planning Policy Framework.</p> |
| <p><i>Mitigation/Compensation Delivery</i></p> <p>Portsmouth water will be responsible for delivery of the mitigation and compensation agreed. If the identified measures are shown to be unfeasible, additional measures will need to be identified that provide the same if not greater length of water watercourse improvement and contribution to the environment.</p>                                                                                                                                                                                                                                                                   | <p>To provide legal compliance with the WFD.</p> <p>To provide a joined up network of quality habitat improvements that will mitigate and compensate against the high value conservation habitat lost from the scheme.</p> <p>This is also in line with paragraph 175 of the National Planning Policy Framework.</p>                                                                            |
| <p><i>Flood Risk Assessment Compliance</i></p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref HTR-ATK-XX-XX-RP-Z-0042, titled <i>A15.2 Flood Risk Assessment Report</i>, compiled by Atkins on behalf of Portsmouth Water Ltd dated 01/09/20) and the mitigation measures it details.</p> <p>These mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed throughout the FRA shall be retained and maintained thereafter throughout the lifetime of the development.</p> | <p>To reduce the risk of flooding to the proposed development and future occupants</p> <p>To ensure flood risk off site is not increased as a result of the proposed development</p> <p>This is in line with paragraph 163 of the National Planning Policy Framework.</p>                                                                                                                       |
| <p><i>Flood Risk Management</i></p> <p>No development approved by this planning</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>To reduce the risk of flooding to the proposed development and its future users.</p>                                                                                                                                                                                                                                                                                                         |

permission shall commence until such time as a detailed scheme, to ensure the development will not increase the risk of flooding, has been submitted to, and approved in writing by, the local planning authority. Specifically further details should be provided including:

- A detailed drainage management plan is produced that adequately details the management of the drainage associated with the scheme.
- A detailed CEMP, incorporating information on the proposed construction techniques of the reservoir and its associated developments. This should include both temporary and permanent construction features and detail information on locations of proposed techniques. The CEMP should include information on the proposed techniques, such as cofferdams, culverting and piping and the associated flood risks and mitigation measures.
- Detailed information for the proposed pipeline route and infrastructure associated with the Emergency Discharge, including the proximity to the main river and the proposed mitigation measures.
- Detailed information surrounding a number of permanent structural elements including the proposed dimensions and height of the embankment, associated spillway, control house and wetland retaining structure (including the proposed piped controls).
- Detailed information on the proposed emergency drawdown discharge structure.
- Detailed information surrounding the proposed upgrading of the culverts, in order to not increase flood risk associated with the Emergency discharge and as detailed in table 4.2 and section 4.17 of the FRA
- Detailed information including the long term maintenance scheduled for the proposed development, including but not limited to the proposed pipeline and culverts.
- Detailed information for the crossing of watercourses where these are proposed
- Detailed information on the proposed location and design of the visitor centre, including proposed finished floor levels.
- Should the proposed access routes to and

This is in line with paragraph 163 of the National Planning Policy Framework.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>from the visitor centre be situated within proximity to main river or within the flood zone then further details should be provided on the associated impacts on flood risk and the proposed mitigation measures.</p> <p>The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p>                                 |                                                                                                                                                                                                                                                                                                                                   |
| <p><i>Construction Environmental Management Plan</i></p> <p>Prior to eat phase of the development a suitable Construction Environmental Management Plan, shall be provided demonstrating that the risk to controlled waters that the risks to controlled water will be appropriately managed. This should be submitted to, and approved in writing by, the local planning authority.</p>                                                                                                               | <p>To demonstrate that activities associated with the construction of the scheme will not pose pollution risks to ground or surface waters. This is in line with paragraph 170 of the National Planning Policy Framework.</p>                                                                                                     |
| <p><i>Unsuspected Contamination</i></p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> | <p>To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</p> |