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Havant Thicket Reservoir

Non-Material Amendments to Section 73 Permission – Western and
Embankment and Transition Zone Slope Angles

Report Number: HTR-FUW-P3-RE-RP-W-1716 P01

For Future Water MJJV Ltd

October 2025

Title

Havant Thicket Reservoir – Non-Material Amendments to Section 73 Permission – Western Embankment and Transition Zone Slope Angles

Client

Future Water MJJV Ltd

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1 Introduction

- 1.1 This statement has been prepared by Adams Hendry Consulting Ltd on behalf of Future Water (FW) and Portsmouth Water (PW) to provide information to support applications to Havant Borough Council (HBC) and East Hampshire District Council (EHDC) for Non-Material Amendments (NMAs) proposed under Section 96A of the Town and Country Planning Act 1990 (as amended) (“the TCPA”) to the planning permission for Havant Thicket Reservoir (HTR).
- 1.2 This application proposes to make NMAs to the most up to date Section 73 permissions granted by HBC and EHDC in December 2024. The amendments proposed are to the Western Embankment and Transition Zone of HTR which are essential to ensure the internal slopes remain structurally stable in an emergency draw down event. As a result of these NMAs, there are no amendments proposed to the Main (Southern) Embankment beyond the Transition Zone.
- 1.3 The proposed amendments are considered to be non-material as:
- The principle of development will be unaltered.
 - The conclusions of the Environmental Statement (ES) and ES Addendum will be unaltered.
 - The amendments will not give rise to any new, additional, or extended material impacts from the consented scheme.
 - The amendments are only to the Western Embankment and Transition Zone.
 - As a result of these NMAs, there are no amendments to the Main (Southern) Embankment or wider reservoir development.
 - The scale of the amendments are imperceptible when seen in the overall context of the reservoir development.
- 1.4 Duplicate applications have been submitted as follows:
- HBC – to make a non-material amendments to Section 73 permission reference APP/24/00312 (which amended APP/20/00990) for a reservoir and associated infrastructure.
 - EHDC – to make a non-material amendments to Section 73 permission reference 51680/012 (which amended 51680/001) for a reservoir and associated infrastructure.
- 1.5 Duplicate NMA applications to the Phase 3 reserved matters application (RMA) approvals have also been submitted to HBC and EHDC. These NMAs mirror the details of the NMAs to the Section 73 permissions and should be considered in parallel.
- 1.6 A full description of the proposed amendments and the reasons for them is given in Section 3 of this Planning Statement.

Relevant Planning Background

- 1.7 On 15 October 2021, a hybrid planning permission (part outline / part full planning permission) was granted for the development of a reservoir for raw water storage under HBC Ref: APP/20/00990 and EHDC Ref: 51680/001.
- 1.8 A RMA was granted on 24 February 2023 for Phase 1 relating to the northern access route from Manor Lodge Road (B2149) of the HTR and approval of relevant conditions in relation to these works under HBC Ref: APP/22/00681 and EHDC Ref: 51680/003. RMAs were subsequently granted on 6 September 2024 for Phase 2 works comprising the wetlands under HBC Ref: APP/24/00186 and EHDC Ref: 51680/003.
- 1.9 Applications have also been approved to revise the original consent. A NMA under Section 96A of the TCPA was granted in March 2024 which revised the southern embankment position, made slight increases to excavation and embankment earthworks volume and a small reduction in capacity along with associated consequential changes (HBC Ref: APP/23/00979 and EHDC Ref: 51680/006).
- 1.10 Under Section 73 of the TCPA, an application to make amendments to the size and alignment of the reservoir embankment was granted on 6 December 2024 (hereafter referred to as the 'section 73 permission') by HBC Ref: APP/24/00312 and EHDC Ref: 51680/012. These permissions effectively supersede the hybrid planning permission and previous NMA. Pursuant to the section 73 permissions, RMAs for Phase 3 works comprising the Main (Southern) Embankment were granted on 20 December 2024 by HBC Ref: APP/24/00311 and EHDC Ref: 51680/011.

Structure of this Planning Statement

- 1.11 The report is structured as follows:
- Section 2 – Pre-Application
 - Section 3 – Proposed Non-Material Amendments (NMAs)
 - Section 4 – Environmental Implications
 - Section 5 – Planning Implications
 - Section 6 – Conclusion
 - Appendices

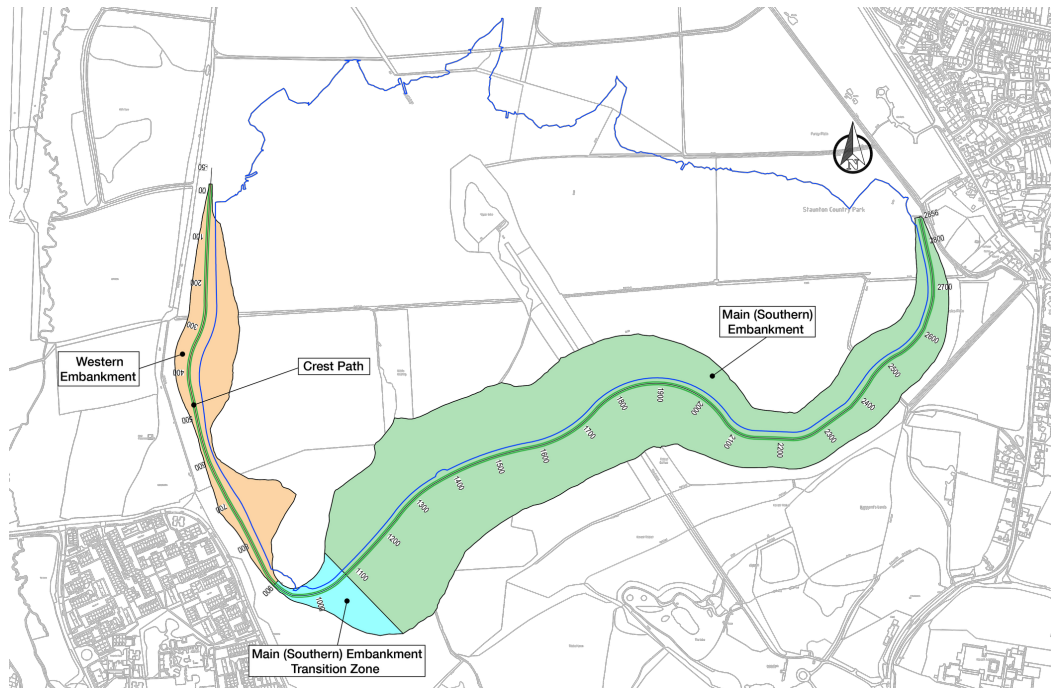
2 Pre-Application

- 2.1 A presentation was given to officers from HBC and EHDC in July 2025 setting out the proposed non-material amendments.
- 2.2 A draft of the NMA submission was also provided to officers from HBC and EHDC in August 2025 setting out the proposed non-material amendments.
- 2.3 A pre-application advice letter was received from HBC on behalf of both HBC and EHDC dated 7 September 2025 which confirmed that:
- The proposed embankment changes can be treated as non-material under S96 of the TCPA.
 - When compared to the environmental effects under the Section 73 Hybrid planning permissions, the detailed changes would not give rise to new or materially different significant effects on the environment from those previously assessed or debated at planning committee.
 - Given the limited scale of the differences/changes and expected limited effects on the environment from those previously assessed, they could be capable of being consented via a S96A approval.
- 2.4 Further clarification provided on 30 September 2025 confirmed that NMA applications can be submitted for both the Section 73 permission and Phase 3 RMA.
- 2.5 A copy of the pre-application advice is included as Appendix 1.

3 Proposed Non-Material Amendments (NMAs)

- 3.1 The proposed NMAs are to the approved slope angles of the Western Embankment and Transition Zone highlighted in Figure 1. As a result of these NMAs, there are no amendments proposed to the Main (Southern) Embankment or wider reservoir.

Figure 1: HTR Embankments



Need for Amendments

- 3.2 The amendments are required to ensure the internal slopes remain structurally stable in an emergency draw down event at the reservoir.
- 3.3 The reservoir has been designed so that when it is full of water, the clay material used to construct the internal embankment slopes is saturated with water, with the internal core acting as the impermeable barrier of the embankment. It has however now been identified that due to the rate at which the reservoir will be drawn down during an emergency event, which requires the reservoir to be lowered by both 5% of full depth of water within 24 hours and a third of water depth in 6 days, the saturated clay material at steeper slope angles could become unstable due to the rate at which water is released from the saturated clay, also referred to as the pore pressure.
- 3.4 This potential instability has resulted in the need to slacken the internal slope angles of the Western Embankment to alleviate this risk, and associated changes to the Transition Zone to tie in with the Main (Southern) Embankment.

Proposed NMAs

3.5 The proposed NMAs to the slope angles are illustrated in Figure 2 and summarised in Table 1. The amendments will:

- Reduce the angle of the inside slopes of the Western Embankment to remove the structural risk. The amendments will generally be below the water line and therefore not readily visible.
- Increase the angle of the outside slopes of the Western Embankment. There are no changes to the alignment of the outer toe of the embankment or to the height of the embankment. Views of the outside slopes of the Western Embankment are limited and largely screened from the nearest residential properties by existing vegetation which will be maintained and reinforced as part of the landscaping for HTR.
- Alter the Transition Zone from the Western Embankment to tie in with the Main (Southern) Embankment slopes, providing a graded change between the embankments. As a result of these NMAs, there is no change to the Main (Southern) Embankment beyond the Transition Zone.
- Revise the inside slope angles at the northern extent of the Western Embankment to ensure tree G190 located adjacent to the Western Embankment is retained.
- Consequential non-material amendments, including alterations to fencing and gates, the viewing platform, reed beds and amphitheatre.

3.6 The proposals are shown in full on NMA drawing HTR-COF-EM-RE-DR-GE-4003 P02.

Figure 2: Approved and Proposed Slope Angles

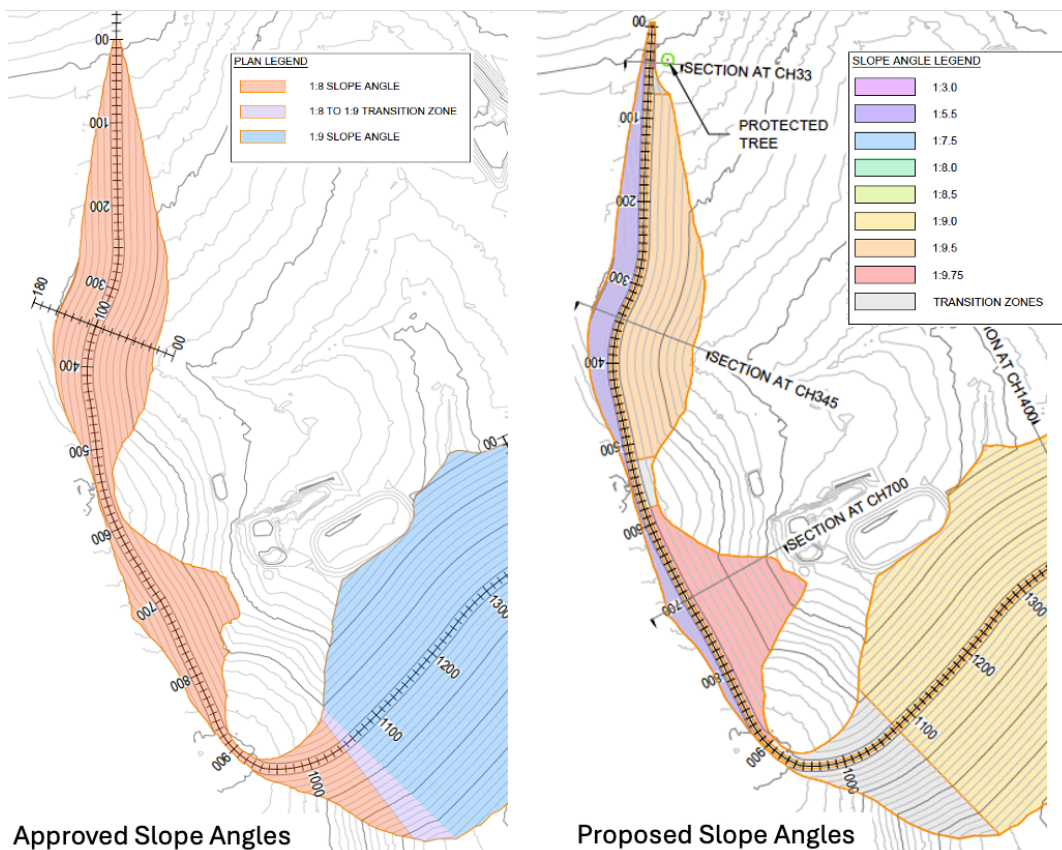
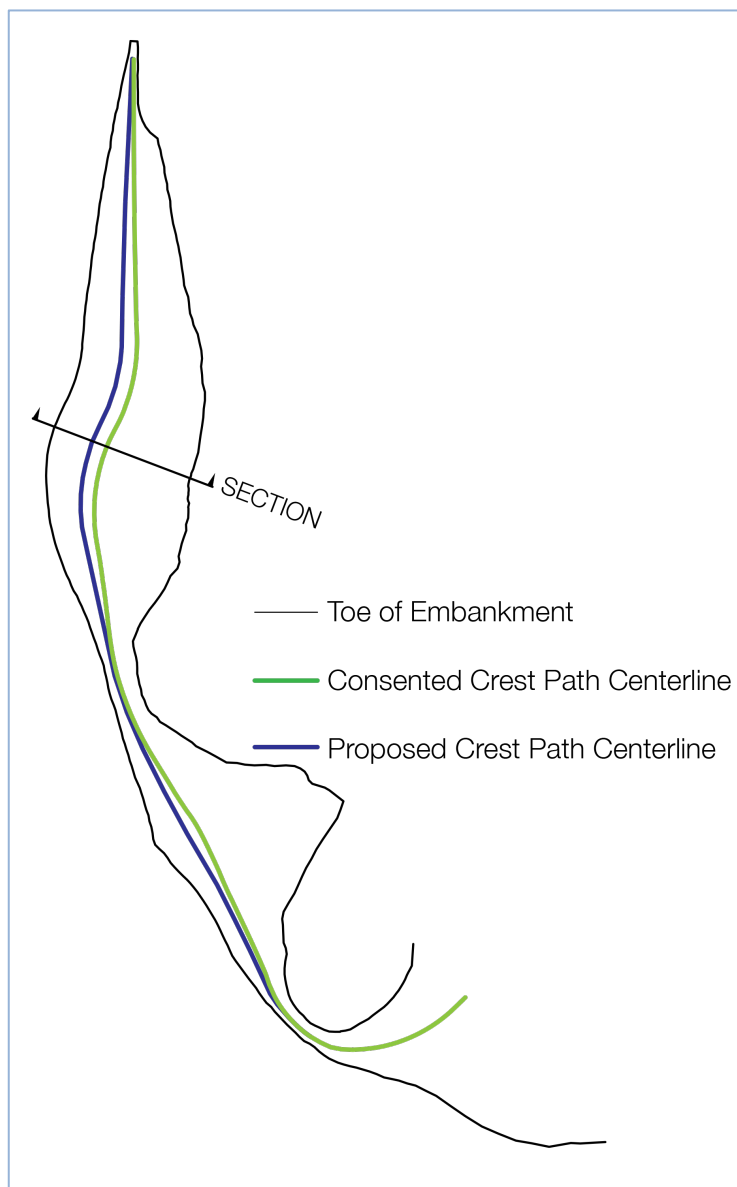


Table 1: Summary of Proposed Amendments to Slope Angles

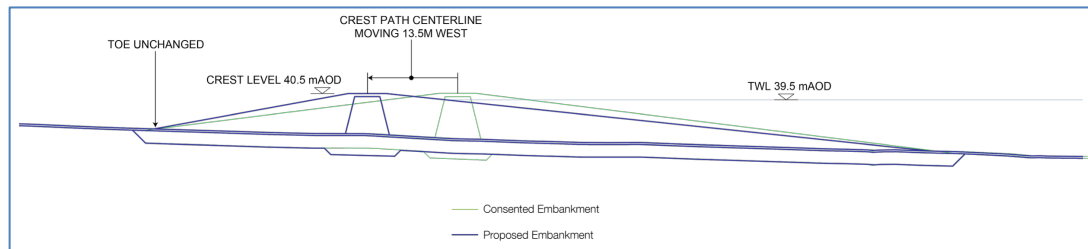
	Approved	Proposed
Western Embankment Slope and Transition Zone		
Outside slope angles	1:7 to 1:9	1:5.5 to 1:9
Inside slope angles	1:7 to 1:9	1:9. To 1:9.75 Except inside slope chainage up to 70, which will be 1:3 transitioning to 1:9.5 to retain tree G190

- 3.7 The proposed NMAs require the realignment of the crest path on the Western Embankment to account for the revised design as illustrated in Figure 3.

Figure 3: Illustration of Crest Path Realignment

- 3.8 The amendments to the crest path are summarised below:
- Crest path moves 13.5m west at approximately chainage 350 (as illustrated in Figure 4 below).
 - Crest path moves 10.5m west at chainage 700.
- 3.9 This results in a 2m increase in the overall length of the embankment to 2,850m.

Figure 4: Crest Path at Chainage 350



- 3.10 The amendments to the realignment of the crest path must be viewed in the context of the reservoir that is over 1600m in width east to west on a site that is over 160 hectares in size. This is a imperceptible amendment when considered in this context and is considered non-material.
- 3.11 It is noted that the length of the crest path length is detailed as 2848m on the approved Section 73 permission plans but Condition 2 on the S73 decision notice was not updated and references the length as 2,800m. It is proposed that the NMA will update Condition 2 to reflect the proposed NMA to 2,850m.

Updates to Section 73 Permission Conditions

- 3.12 To secure these changes, non-material amendments are proposed to Conditions 2 and 3 of the Section 73 permissions (HBC Ref: APP/24/00312 and EHDC Ref: 51680/012) as detailed below. The full text version of the updated conditions is provided in Appendix 2.

Amendment to Condition 2

- 3.13 The amendment to Condition 2 relates only to the embankment element. The proposed amendment to the condition differentiates between the Western Embankment and Transition Zone, and the Main (Southern) Embankment so that the revised parameters only apply to the parts of the embankment where amendments are required. The proposed amendments to the wording are detailed below:

Element	Parameters	Level of Detail
Embankment	<p>Max 20 m high. Crest level 40.5 m AOD. Length 2,800 2,850m.</p> <p>Crest line position: +/- 20m horizontal range to accommodate any potential alignment change. Outer toe (edge): +/- 2 m horizontal range.</p> <p><u>Western Embankment and Transition Zone</u> Outside slope: to range from 4:7 1:5.5 to 1:9 Inside slope: to range from 4:7 to 1:9 to 1:9.75.</p> <p>Except inside slope chainage up to 70, which will be 1:3 transitioning to 1:9.5 to retain tree G190.</p> <p><u>Main (Southern) Embankment</u> Outside slope: to range from 1:7 to 1:9. Inside slope: to range from 1:7 to 1:9.</p>	Outline

Amendment to Condition 3

3.14 The following drawings are submitted as part of the NMA and will therefore update Condition 3 to reflect the changes to the Western Embankment and Transition Zone:

- HTR-GHD-ZZ-ZZ-DR-T-0001 P07 Reservoir Outline Masterplan
- HTR-GHD-ZZ-ZZ-DR-T-0021 P04 Planning Strategy Key Plan
- HTR-COF-EM-RE-DR-GE-4002 P02 Main Embankment Proposed Site Layout
- HTR-COF-EM-RE-DR-GE-4003 P03 Main Embankment Cross-Sections
- HTR-GHD-ZZ-ZZ-DR-T-0007 P05 Landscape Plan Viewing Platform
- HTR-GHD-ZZ-ZZ-DR-T-0010 P04 Main Embankment Sections D & E
- HTR-GHD-ZZ-ZZ-DR-T-0013 P06 Proposed Culvert and Valve Tower Site Layout

Planning Conditions

3.15 Alongside the Section 73 NMA and the Phase 3 RMA NMA applications, applications will be submitted to re-discharge the following conditions to ensure the details align with the NMAs:

- Condition 28 (Landscape Planting Specification) – approves the landscaping details for the western and southern embankment transition zone (Phase 3)
- Condition 36 (Ecological Mitigation and Enhancement) – approves the details of ecological mitigation and enhancement for the western and southern embankment transition zone (Phase 3)

4 Environmental Implications

- 4.1 A technical note has been submitted as part of this NMA application titled ‘Statement of Conformity with the Environmental Statement’. This technical note considers the embankment design proposed in this NMA application with that assessed in the Hybrid Planning Permission Environmental Statement (the “2020 ES”) and Section 73 Environmental Statement Addendum (the “2024 ES Addendum”), demonstrating that the amendments would not give rise to new or materially different significant effects on the environment from those previously assessed. A summary of the conclusions are set out in Table 2 below.

Table 2: Conformity with 2020 ES and 2024 ES Addendum

2020ES/ 2024 ES Addendum Topic	Environmental Appraisal Summary
Historic environment	<p>The proposals would not materially change the construction phase footprint, operations, nor associated visual impacts upon the setting of the Staunton Country Park or the Sir George Staunton Conservation Area. The minor and imperceptible changes in operational landscaping/visual amenity effects would be consistent and fall within the granularity and flexibility of the published methodology, which both acknowledged and allowed for a degree of detailed design development.</p> <p>As such, no materially different significant effects on the historic environment would arise as a result of the proposed changes to the design. Consequently, there would no change to the significance of effects reported in the 2020 ES or 2024 ES Addendum.</p>
Ground conditions	<p>There will be no change to the significance of effects. There is only a 0.5% decrease to the volume of earthworks and as such there will be no change to the significance of effects on ground conditions during construction.</p> <p>Changes to the excavation and embankment earthworks volume would be reflected in the final Materials Management Plan submitted as part of the CL:AIRE Definition of Waste: Code of Practice (DoWCoP) process. The Scheme promotes sustainable waste and material resource management in line with the Government’s waste hierarchy to allow the re-use of suitable materials during the construction works.</p>
Air Quality	There will be no change to the significance of effects anticipated from air emission and dust sources during construction.
Noise and vibration	The construction works, intensity, and plant would remain unchanged by the proposals. The slight change to the embankment would remain within the broad assumptions utilised for the published 2020 ES and 2024 ES Addendum.
Biodiversity	There would be no new effects on ancient woodland or veteran trees arising from the proposed design changes. There would also be no additional loss of existing habitat beyond that assumed within the 2020 ES and 2024 ES Addendum and would be in line with the Biodiversity Mitigation and Compensation Strategy.

2020ES/ 2024 ES Addendum Topic	Environmental Appraisal Summary
Landscape and Visual	The amendments to the scheme assumed for the purpose of the published 2020 ES and 2024 ES Addendum assessment are comparatively minor in scale and fall both within the granularity of the assumptions for the methodology, as well as its inherent flexibility to accommodate the design changes proposed.
Population and human health	There will be no change to the significance of effects reported in the 2020 ES or 2024 ES Addendum.
Traffic and transport	There will be no change to the significance of effects reported in the 2020 ES or 2024 ES Addendum.
Material resources and waste	There will be no change to the significance of effects reported in the 2020 ES or 2024 ES Addendum.
Water (flows, quality and groundwater)	There will be no change to the significance of effects reported in the 2020 ES or 2024 ES Addendum.
Climate	There will be no change to the significance of effects reported in the 2020 ES or 2024 ES Addendum.
Vulnerability to climate change	There will be no change to the significance of effects reported in the 2020 ES or 2024 ES Addendum.
Cumulative and In-Combination Effects	There will be no change to the significance of effects reported in the 2020 ES or 2024 ES Addendum. The assessment of in-combination effects remains unchanged.

- 4.2 The proposed non-material amendments will only result in very small changes to the embankment slopes and will not change the principle, scale, or function of the consented development.
- 4.3 The review of the 2020 ES and 2024 ES Addendum as summarised in Table 2 has furthermore determined that the proposals will not give rise to any new or materially different residual effects and will not change the conclusions regarding residual effects presented. Therefore, there is no change to the conclusions of the approved 2020 ES and 2024 ES Addendum.
- 4.4 The environmental impacts of the proposed amendments are therefore considered to be non-material.

5 Planning Implications

- 5.1 Paragraph 002 of the Planning Practice Guidance (PPG) states that there is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another.
- 5.2 It is therefore the responsibility of the local planning authority (LPA) to determine what constitutes a non-material change, taking into consideration the context of the overall scheme and the circumstances of the case.
- 5.3 The proposed amendments to the Western Embankment with associated changes to the Transition Zone need to be considered in the context of the consented HTR which is significant in scale. It is noted that the site is over 160 hectares in size and the width of the new reservoir is in excess of 1600m from east to west.
- 5.4 Views of the reservoir will be largely unaltered by the proposal as summarised below:
- The amendments to the inside slope angles of the Western Embankment and Transition Zone will mainly be below the water level and therefore not readily visible. There are consequential changes to the reed beds to be created adjacent to the Transition Zone though they remain similar in form as approved.
 - The outside slope of the Western Embankment and Transition Zone is predominantly screened from the nearest residential properties by existing vegetation. The slopes will be slightly steeper but the overall appearance from public vantage points when seen in the context of the wider reservoir development will not be materially different. The outside embankment will still be a grassland slope and changes to the gradient when viewed from the Southern Access Road will be imperceptible given the scale of the embankment and the wider development. It is important to note that there are no changes proposed to the position of the outside toe of the embankment or height of the crest path.
 - The realignment of the crest path will continue to follow the route of the ridge of the embankment, and the amendments will be largely imperceptible when viewed in the context of the wider reservoir development.
 - The consequential amendments to the viewing platform and amphitheatre result in an improved overall provision with larger gravel area for seating.
 - The adjustments to the fencing and additional gates are as a result of ongoing consideration of the public access requirements.
 - As a result of these NMAs, there are no changes proposed to the much larger Main (Southern) Embankment or wider reservoir development.
- 5.5 The amendments will not give rise to any new, additional, or extended material impacts from the consented HTR development. The proposed amendments will also have no material impact upon the scope or control provided by the planning conditions and legal obligations attached to the planning permission for the development.
- 5.6 The proposed amendments DO NOT:

- Change the principle of development
- Change the description of development
- Change the planning application boundary
- Change the height of the embankment
- Change the capacity of the reservoir

5.7 It is therefore concluded that these amendments are non-material in nature and should benefit from approval under Section 96A of the Town and Country Planning Act 1990.

5.8 As set out in Section 2 of this Supporting Statement, pre-application advice from HBC and EHC, has also confirmed the view that the proposed amendments are considered to be non-material.

6 Conclusion

- 6.1 It is concluded that the NMAs will not give rise to any new, additional, or extended material impacts to the consented HTR. The amendments to the Western Embankment and Transition Zone would not be materially different than previously approved and secured by Condition 2 (Approved Parameters) and Conditions 3 (Approved Plans) of the Section 73 permission (HBC Ref: APP/24/00312 and EHDC Ref: 51680/012). It has also been demonstrated that the conclusions of the 2020 ES and 2024 ES Addendum for the development remain valid.
- 6.2 It is further concluded that the proposed non-material amendments will not give rise to any change in the principle of the development consented by planning permission HBC Ref: APP/24/00312 and EHDC Ref: 51680/012 or to any additional land use planning impacts. The NMAs will also have no material impact on the purpose or scope of control provided by the planning conditions and legal obligations attached to the planning permission for the development.
- 6.3 As such, it is considered that the NMAs accord with the provisions of Section 96A (1) and (2) of the Town and Country Planning Act 1990 (as amended) as they do not materially change the consented development.
- 6.4 The proposed amendments are therefore considered to be non-material in nature, and as such it is requested the HBC and EHDC approves this application within the statutory determination period of 28 days.

Appendix 1: Pre-Application Advice



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Our Ref: APP/24/00312 & 5180/012
Direct Line: 01730 234018
Ask For: Mr Narinder Lakhan
Email: Narinder.Lakhan@easthants.gov.uk
9th September 2025

Town and Country Planning Act 1990

Dear Andy,

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

I am writing in response to your enquiry in respect of a Non-Material Amendment to Section 73 Permissions APP/24/00312 & 5180/012 – the amendment relating to the Western Embankment and Transition Zone Slope Angles. The response below represents the officer views of both East Hampshire District Council (EHDC) and Havant Borough Council (HBC).

The amendments you are seeking have been set out in the Adams Hendry Note August 2025 (para 3.5 page 8) and as shown on drawing number HTR-COF-EM-RE-DR-GE-4003 P02 (Fig 2 of the note). In summary they are as follows:

- i. Reduce the angle of the inside slopes of the Western Embankment.
- ii. Increase the angle of the outside slopes of the Western Embankment. There are no changes to the alignment of the outer toe of the embankment or to the height of the embankment (please refer to point (v) below in respect of movement of crest path and length of embankment).
- iii. Alter the Transition Zone from the Western Embankment to tie in with the Main (Southern) Embankment slopes, providing a graded change between the embankments.
- iv. Revise the inside slope angles at the northern extent of the Western Embankment to ensure tree G190 located adjacent to the Western Embankment is retained.

What you are seeking from both Local Planning Authorities (LPA) is to advise is whether these changes amount to non-material amendments; changes requiring a submission of S73 Minor Material Amendment; a new planning application; or can be accommodated within a reserved matters application (RMA) submission (as you have asserted in your note). In response to this request, I will assess the changes in each phase (summarised above) and then conclude whether individually and cumulatively they amount to non-material amendments.

Planning History and Need for Amendments

The planning history is noted in respect of previous NMA consents as set out in paragraphs 1.9 to 1.12 of your note. However each NMA application is treated on its merits and the cumulative impact of the proposed change and other changes are material.

Whilst the need for the changes (paragraphs 3.2 to 3.4) are noted these considerations are not material to the assessment of the amendments which are summarised in the legal and planning context below.

Legal and Planning Context

The Government's Planning Practice Guidance ("PPG") contains some commentary on section 96A of the 1990 TCPA under the heading: "Flexible options for planning permission. Options for amending proposals that have planning permission".

The guidance states that new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 ... will need to be submitted. Where less than substantial changes are proposed as in this case, there are the following options for amending a proposal that has planning permission:

Section 96A of the TCPA 1990 provides, so far as material, as follows: "96A Power to make non-material changes to planning permission ..." (1) A local planning authority may make a change to any planning permission ... relating to land in their area if they are satisfied that the change is not material. (2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission ... as originally granted.

There is no statutory definition of 'non-material' and this will be dependent on the context of the overall scheme and an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990 ..."

There is a body of case law dealing with the test for identification of material planning considerations, and the courts had already recognised an informal power in LPAs to accept immaterial amendments to a planning permission without requiring a further application, prior to the enactment of Section 96A (see - R (Midcounties Cooperative Ltd) v Wyre Forest DC [2009] EWHC 964 (Admin), per Ouseley J at paras.66-70). It is also the case that Section 55 of the 1990 Act itself requires consideration of materiality when deciding whether a change of use is development and whether works amount to development.

The approach to materiality in the context of planning considerations is encapsulated by the decision of the Court of Appeal in R (Kides) v South Cambridgeshire DC [2002] EWCA Civ 1370; (2003) 1 P&CR 19. At paragraph 121 Jonathan Parker LJ stated:

"In my judgment a consideration is "material", in this context, if it is relevant to the question whether the application should be granted or refused; that is to say if it is a factor which, when placed in the decision maker's scales, would tip the balance to some extent, one way or the other. In other words, it must be a factor which has some weight in the decision-making process, although plainly it may not be determinative. The test must, of course, be an objective one in the sense that the choice of material considerations must be a rational one, and the considerations chosen must be rationally related to land use issues".

That explanation assists in understanding the correct approach to the words "non-material" in Section 96A. If the changes proposed would not "tip the balance to some extent" because they do not have "weight in the decision-making process" then they will be non-material and may be dealt with under Section 96A. If, however, the changes do have weight in the decision-making process such that they alter the planning balance then Section 96A could not be engaged.

Crucially, whether a change is "non-material" for the purposes of Section 96A is a matter of "planning judgment" for the local planning authority. In this case I am of the opinion that the effect of the changes would be non-material in that their nature and substance would not create new planning considerations

beyond those already assessed under the extant planning permission; and the effect of the changes, individually or cumulatively, would be non-material. The rationale for this conclusion is set out in the paragraphs below.

Assessment of changes (do they amount to material changes?)

i. Reduce the angle of the inside slopes of the Eastern Embankment

The reduction of the angle of the inside slopes of the Eastern Embankment. These amendments will be below the water line and therefore not readily visible and therefore their impact would not be readily appreciated in the context of the wider site context. These changes therefore can be considered to be non-material and would not give rise to any new planning impacts to the nearest residential receptors or impact the overall character.

ii. Increase the angle of the outside slopes of the Western Embankment. There are no changes to the alignment of the outer toe of the embankment or to the height of the embankment

There are no changes to the alignment of the outer toe of the embankment or to the height of the embankment. It is the views of the outside slopes of the Western Embankment that are the most important to consider in terms of the materiality of the amendments. It is noted that the height of the embankment will not be affected. From public vantage points which includes the northern and southern access roads the slope angle change is considered to be imperceptible given the scale of the embankment and its context in the wider development..

iii. Alter the Transition Zone from the Western Embankment to tie in with the Main (Southern) Embankment slopes, providing a graded change between the embankments

The alteration to the Transition Zone from the Western Embankment to tie in with the Main (Southern) Embankment slopes, which provides a graded change between the embankments can be considered as a non-material amendment, as there is no change to the Main (Southern) Embankment beyond the Transition Zone.

iv. Revise the inside slope angles at the northern extent of the Western Embankment to ensure tree G190 located adjacent to the Western Embankment is retained

Whilst there is a benefit in the retention of the tree it is the slope angle change which needs to be considered. As the change is to the inner slope which would not be readily visible or noticeable from public vantage points, and it being submerged by the reservoir waterline, this change can be considered as a non-material change.

v. Other consequential changes

The proposal requires the realignment of the crest path on the Western Embankment to account for the revised design and a result the following changes result:

- Crest path moves 13.5m west (at approximately chainage 350).
- Crest path moves 10.5m west (at chainage 700).
- A 2m increase in the overall length of the embankment to 2,850m

The amendments to the crest path can be considered non material as the principle does not change and a path is still delivered.

Cumulative Impact

The amendments (i) to (v) above would cumulatively would not amount to material changes for the reasons set out above. This conclusion also takes into account the amendments secured by the previous NMA and S73 permission approved.

Environmental Impacts

It is noted that the principal permission was subject to an Environmental Impact Assessment (EIA). The changes you are proposing should not affect the conclusions in respect of the impacts. I note that the submission will include a technical note setting out the changes and how they conform with the Environmental Statement in the Hybrid Planning Permission Environmental Statement (the "2020 ES") and Section 73 Environmental Statement Addendum (the "2024 ES Addendum"), demonstrating that the amendments would not give rise to new or materially different significant effects on the environment from those previously assessed.

You have provided reassurances in respect of landscape conformity ensuring that the vegetation secured under the recent Condition 28 discharge will remain. This view is supported by the Council's Ecologist and Landscape Architect. The works are required to ensure the internal slopes remain structurally stable in an emergency draw down event and as such there will be no change to the significance of the effects on ground conditions.

You have also provided updates on land stability which will be improved and waste where you state there is a 0.5% decrease to the volume of materials required, which is a negligible change in the context of the overall project and as such there will be no change to the significance of effects on transport, noise, air quality, or ground conditions during construction.

Final Conclusions

It is considered that the proposed "embankment changes" (bulleted (i) and (v) above) can be treated as non-material under S96 of the TCPA. When compared back to the environmental effects under the Hybrid planning permission, the detailed changes would not give rise to new or materially different significant effects on the environment from those previously assessed or debated at planning committee. Given the limited scale of the differences/changes and expected limited effects on the environment from those previously assessed, they could be capable of being consented via a S96A approval.

I note that hybrid application tested environmental impacts and the proposed embankment changes remain within the worst-case scenario assessed in the original Environmental Statement. It is also the case that the scale of the change is limited when seen in the overall context of the reservoir development. It must be stressed that should an NMA application be made, it must be accompanied by an "Environmental Statement of Conformity", which is noted you intend to do.

To secure the above changes it is recommended that they are formalised through a S96A NMA submission, and can thereafter form part of a future Reserved Matters Application (RMA) and conditions submission.

Yours Sincerely,



Narinder Lakhan
Planning Consultant Major Projects

Subject: RE: Havant Thicket Reservoir - NMA Pre-application Advice
Date: Tuesday 30 September 2025 at 10:06:39 British Summer Time
From: Narinder Lakhan
To: Andy Turner
CC: Samms L. (Lizzie), Rachel Murrell
Attachments: image001.png, image002.png

Dear **Andy**

Thank you for your email dated 15th September 2025 in which you set out your rationale for considering the amendments to the RMA applications (LPA References APP/24/00312 and 51680/012) as Non-Material Amendments.

In my response to you I confirmed that the LPA considered the amendments to the embankment S73 as non-material. In the final paragraph of the letter I stated the following:

"To secure the above changes it is recommended that they are formalised through a S96A NMA submission and can thereafter form part of a future Reserved Matters Application (RMA) and conditions submission".

I have considered your arguments that the NMA changes can also equally apply to the RMAs approved and referenced above. I note you have drawn to my attention relevant case law where the Courts have determined that NMAs can also apply to details secured under RMA (Court of Appeal, in R (on the Application of Fulford Parish Council) v City of York Council [2019] EWCA Civ 1359).

On the assumption that the LPA consider the amendments as non-material for the substantive part of the permission in due course, I consider that were the same details submitted under the RMA, those same amendments (bulleted i to v in the letter dated 9th of September) could also be considered non-material changes. I hope this now clarifies the LPAs position and resolves any ambiguity in the paragraph above.

Your Sincerely
 Narinder Lakhan

From: Andy Turner <a.turner@adamshendry.co.uk>
Sent: 15 September 2025 16:11
To: Narinder Lakhan <Narinder.Lakhan@easthants.gov.uk>
Cc: Weaver, Steve <steve.weaver@havant.gov.uk>; Adrian Ellis <Adrian.Ellis@easthants.gov.uk>; Samms L. (Lizzie) <Lizzie.Samms@mackley.co.uk>; Rachel Murrell <R.Murrell@adamshendry.co.uk>
Subject: Havant Thicket Reservoir - NMA Pre-application Advice

Dear Narinder,

Thank you for your pre-application advice dated 9 September 2025 (copy attached) which agreed that the proposed amendments to the Western Embankment and Transition Zone Slope Angles can be treated as non-material under Section 96A of the TCPA.

Further to your letter, I would appreciate clarification from you regarding our proposed approach to secure the changes to the Phase 3 RMA. We previously set out that it is our intention to submit a separate application for NMAs to the Phase 3 RMA. However, the advice provided in the final sentence of your letter as underlined below would seem to suggest a new Phase 3 RMA is required rather than this being an NMA submission:

"To secure the above changes it is recommended that they are formalised through a S96A NMA submission, and can thereafter form part of a future Reserved Matters Application (RMA) and conditions submission."

For information, planning case law has confirmed that an NMA to an RMA can be made. This position was clarified by the Court of Appeal, in R (on the Application of Fulford Parish Council) v City of York Council [2019] EWCA Civ 1359, which confirmed that the statutory power under section 96A of the Town and Country Planning Act 1990 to make non-material changes to a planning permission can be used to make non-material changes to conditional reserved matters approvals (RMAs).

As you agree that the proposed amendments to the Section 73 can be treated as non-material, we can see no reason why an NMA of the Phase 3 RMA would not be the most straightforward and acceptable route to securing the required changes. Please can you confirm that this approach is acceptable.

Kind regards
Andy

Andy Turner

Technical Director

Adams Hendry Consulting Ltd.

Sheridan House, 40-43 Jewry Street, Winchester, SO23 8RY



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Appendix 2: Conditions

Full text of updated Condition 2:

2. No part of the development hereby approved in outline (as set out in the Development Specification, Table 2.2, enclosed below) shall be commenced, except for site clearance, set up and remediation works, and ground investigations until applications for written approval of the details of the siting, scale and external appearance of the development, and the landscaping of the site (herein after called "the reserved matters") have been submitted to and approved by the Local Planning Authority. Application(s) for approval of the matters reserved by this planning permission must be made not later than the expiration of 5 year from the date of the original permission APP/20/00990 dated 15th October 2021; and Development must be begun not later than the expiration of 2 years from the final approval of reserved matters for the relevant phase, or, in the case of approval on different dates, the approval of the last such matter to be approved.

Element	Parameters	Level of Detail
Reservoir Capacity	Minimum required total capacity: 8,700 million litres Maximum capacity: at least 9,600 million litres, up to a Top Water Level (TWL) of 39.5 m AOD.	Fixed
Supply Rate	Output capacity: at least 21 Ml/d in extreme (currently defined as 1:200 year) drought conditions.	Fixed
Embankment	<p>Max 20 m high. Crest level 40.5 m AOD. Length 2,800 2,850m.</p> <p>Crest line position: +/- 20m horizontal range to accommodate any potential alignment change. Outer toe (edge): +/- 2 m horizontal range.</p> <p>Western Embankment and Transition Zone Outside slope: to range from 4:7 1:5.5 to 1:9 Inside slope: to range from 4:7 to 1:9 to 1:9.75.</p> <p>Except inside slope chainage up to 70, which will be 1:3 transitioning to 1:9.5 to retain tree G190.</p> <p>Main (Southern) Embankment Outside slope: to range from 1:7 to 1:9. Inside slope: to range from 1:7 to 1:9.</p>	Outline
Embankment adjacent to Staunton Country Park	Toe (edge) of the embankment is fixed at a minimum of 25 m from the edge of woodland along the southern boundary of the Site (known as Hammond's Lands Copse). Embankment with slope varying from 1:8 to 1:9.	Fixed

Element	Parameters	Level of Detail
	Staircase detail along alignment of The Avenue joining pedestrian access from Staunton Country Park with viewing area at the crest.	
Top Water Level (TWL)	39.5 m AOD. 1.0 m freeboard (height from TWL to embankment crest) to prevent/limit overtopping.	Fixed
Spillway/overflow	3 m long weir/700 mm diameter pipe.	Fixed
Slope protection material	Range of up to 450 mm thick layer of protection. Rip-rap (rock armour). Rock mattresses would be brushed with topsoil allowing planting with aquatic/marginal species such as reeds and sedge grasses.	Fixed
Lowest operating level	27.5 m AOD Lowest 20% to be considered dead storage, minimum level before reservoir operationally fails.	Fixed
Emergency drawdown facility	Discharge capacity of 10.9 m ³ /s Reservoir can be lowered by 1/3 of water depth in six days. 1.4 m diameter scour pipe and submerged discharge valve discharging into Riders Lane Stream at the proposed control house. 1.2 m diameter inlet/outlet pipe discharging into the Hermitage Stream 3 km downstream.	Fixed
Wetland retaining structure	A retained wetland extending for approximately 1.3 km along the northern shoreline. 4No. retained wetland compartments, plus provision of an area for wet grassland habitat creation to the east of the retained wetland. Retention of wetland during drought levels in main reservoir. Minimum area of retained wetland provided ~10 ha.	Outline (commitment to minimum area)
Control house	Maximum width of building frontage: 33 m. Maximum height of building wall above external ground level: 6m (excluding security fence). Schedule of accommodation: total area approximately 567m ² (excluding courtyard). Reinforced concrete outer structure with cladding, composite roof slab with green roof, steel frame/blockwork internal walls.	Outline
Visitor Centre	Maximum envelope of 35 m x 55 m and maximum height of 10 m.	Outline
Bird Hide	Maximum envelope of 9 m x 20 m and maximum height of 5 m.	Outline

Element	Parameters	Level of Detail
Viewing Area	Location along the western boundary and outline design.	Outline
Vehicle Access	New junctions off B2149 (to the north) and Swanmore Road (to the south).	Fixed
Northern Access Route from junction with B2149 and car park	Single lane single, 3.65 m wide carriageway with passing bays and 0.5 m verges with 0.9 m embankment slopes and a 6.45 m wide footprint.	Outline
Pipeline	Maximum diameter of pipeline: 1.2 m Maximum length: 4.85 km (of which 210 m within reservoir site and application) Maximum envelope for above ground kiosk (associated with discharge structure): H3 m x W6.5 m x L10.5 m is the size of above ground kiosk at Hermitage Stream (excluding slab H0.5 m x W6.5 m x L11.6 m). Overall height: 3.5 m above ground level.	Outline

Reason: The application was submitted as part outline part full application in accordance with the provisions of Article 3(1) of the Town and Country Planning (Development Management Procedure) Order 1995 and in accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990 and the Planning and Compulsory Purchase Act 2004.

Full text of updated Condition 2:

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

Drawings

HTR-GHD-ZZ-ZZ-DR-T-0001 ~~P04~~ P07 RESERVOIR OUTLINE MASTERPLAN
HTR-GHD-ZZ-ZZ-DR-T-0021 ~~P02~~ P04 PLANNING STRATEGY KEY PLAN
~~HTR-GHD-ZZ-ZZ-DR-T-0001 P04 RESERVOIR OUTLINE MASTERPLAN~~
HTR-GHD-ZZ-ZZ-DR-T-0004 P04 LANDSCAPE PLAN CONTROL HOUSE
HTR-GHD-ZZ-ZZ-DR-T-0005 P02 LANDSCAPE PLAN AVENUE STAIRCASE
HTR-GHD-ZZ-ZZ-DR-T-0006 P03 LANDSCAPE PLAN GIPSIES PLAIN
HTR-ATK-ZZ-ZZ-DR-L-0015 Landscape Plan - North West Corner
HTR-GHD-ZZ-ZZ-DR-T-0007 ~~P03~~ P05 LANDSCAPE PLAN VIEWING PLATFORM
HTR-GHD-ZZ-ZZ-DR-T-0008 P02 MAIN EMBANKMENT SECTION A
HTR-GHD-ZZ-ZZ-DR-T-0009 P03 MAIN EMBANKMENT SECTION B & C
HTR-GHD-ZZ-ZZ-DR-T-0010 ~~P02~~ P04 MAIN EMBANKMENT SECTION D & E
HTR-ATK-AR-RE-DR-D-0001 Northern Access Route off B2149
HTR-ATK-AR-RE-DR-D-0002 Northern Access Junction off B2149
HTR-GHD-ZZ-ZZ-DR-T-0002 P03 ACCESS ROUTES VEHICLE ACCESS SOUTH
SHEET 1 OF 1
HTR-GHD-ZZ-ZZ-DR-T-0003 P02 ACCESS ROUTES VEHICLE ACCESS SOUTH
SWANMORE ROAD

S73 Additional Drawings

HTR-COF-EM-RE-DR-GE-4002 ~~P04~~ P02 MAIN EMBANKMENT PROPOSED SITE
LAYOUT

HTR-COF-EM-RE-DR-GE-4003 ~~P04~~ P03 MAIN EMBANKMENT CROSS-SECTIONS
 HTR-GHD-ZZ-ZZ-DR-T-0013 ~~P04~~ P06 PROPOSED CULVERT AND VALVE TOWER SITE LAYOUT
 HTR-GHD-ZZ-ZZ-DR-T-0020 P07 OUTLET WORKS VALVE TOWER & CULVERT
 GENERAL ARRANGEMENT PLANS AND SECTIONS
 HTR-GHD-ZZ-ZZ-DR-T-0015 P04 VALVE TOWER PLAN AND SECTIONS GENERAL ARRANGEMENT

Documents

Engineering and Design Report
 Planning Statement
 Development Specification
 Environmental Statement (Volumes 1 - 4) including Non-Technical Summary. The Volume 4 Appendices include the following standalone reports:
 Outline Construction Environmental Management Plan including Record of Environmental Actions and Commitments or REAC (ES_Volume_4_Appendix_A2.1_OEMP)
 Transport Assessment (ES_Volume_4_Appendix_A13.1_TA)
 Flood Risk Assessment (ES_Volume_4_Appendix_A15.2_FRA)
 Water Framework Directive Compliance Assessment (ES_Volume_4_Appendix_A15.1_WFD)
 Arboricultural Impact Assessment (ES_Volume_4_Appendix_A9.14_AIA)
 HTR-ATK-RZ-RE-DR-L-113 Revised Tree Protection Plan Sheet 37 of 40 (revP01.1)
 Design and Access Statement
 Statement of Community Involvement
 Outline Biodiversity Mitigation and Compensation Strategy Article 4.7 Statement

S73 Documents April 2024

Planning Statement (April 2024)
 Design and Access Statement (April 2024)
 'You Said, We Did' Report (April 2024)
 Section 73 Development Specification (April 2024)
 Section 73 Engineering and Design Report – Addendum (April 2024)
 Environmental Statement Addendum (April 2024), including updated visualisations and Non-technical Summary

ADDITIONAL INFORMATION SUBMITTED FEBRUARY 2021

A Summary of the Benefits of Havant Thicket Reservoir
 HTR TNPS02 Traffic Distribution Sensitivity revision_V2.0 dated 25/01/2021
 HTR TNPS03 Report on Northern Access Layout dated 29/01/2021
 HTR Water Framework Directive Article 4.7 29/01/2021

ADDITIONAL INFORMATION SUBMITTED APRIL 2021

Access for Non-Motorised Users - Technical Note dated 01/04/2021
 Access Strategy, Rat Running and Construction Management - Technical Note dated 01/04/2021
 Framework Construction Management Plan dated 31/03/2021
 Article 4.7 Shortlisting Methodology dated 01/04/2021
 Transport Assessment Addendum - Framework Travel Plan dated 01/04/2021
 Implementation Plan for Off Site Biodiversity Mitigation and Compensation dated 01/04/2021

Reason: - To ensure provision of a satisfactory development.