

DELEGATED OFFICER REPORT

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

Proposal: Application for Non- Material Amendment under Section 96A of the Town and Country Planning Act 1990 (as amended) relating to the Southern Embankment of the hybrid planning permission reference APP/24/00312 dated 6th December 2024.

Application No: APP/25/00837

Expiry Date: 7 November 2025

Applicant: Portsmouth Water Ltd

Agent: Adams Hendry Consulting Ltd

Case Officer: Narinder Lakhan

Ward: Leigh Park Hermitage

Density: N/A

Development Manager Recommendation: **APPROVE NON-MATERIAL AMENDMENT**

1 Site Description

The Reservoir Site

- 1.1 The reservoir site has an area of approximately 160 hectares and comprises predominantly of open grassland with some woodland, vegetation and ditches. The site straddles the local authority boundary between HBC and EHDC, with the district boundary running through The Avenue woodland within the site.
- 1.2 At the centre of the reservoir site is an area designated as ancient woodland that runs from the south-east to north-west known as The Avenue. Three other areas of ancient woodland: Middle Clearing; Round Wood and Corsican Pine Plantation are located within the reservoir site. A Public Right of Way (bridleway) extends from east to west through the centre of the site. The bridleway runs from Manor Lodge Road in the east to Park Lane in the west, linking Rowlands Castle with Cowplain. There are further access points into the reservoir site from the public highway. These are as follows: a path off the corner of Swanmore Road; a path from Bitterne Close via the Country Park; Whichers Gate at the Manor Lodge Road/Whichers Gate Road junction; a path from Manor Lodge Road park via the Forestry England car park and a logging track also off Manor Lodge Park Road.
- 1.3 The land in Staunton Country Park (SCP) is designated Open Access land, which includes a number of permissive paths within and adjoining the reservoir site, including along The Avenue. Within the Havant Thicket woodland to the north there is a mixture of gravel logging routes and grassed routes. A number of footpaths run adjacent to and in the proximity of the reservoir site to the south and east in Rowlands Castle and the country park. A cycleway runs along Swanmore Road immediately to the west of the reservoir site. To the east, National Cycle Route 22 runs from north to south and passes close by the farm at SCP.

Environmental and Heritage Designations

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

2 Planning History

- 2.1 The application site has been subject to planning applications, the more significant/relevant applications are listed below:
- 2.2 **APP/20/00990** - Hybrid Application (part full and outline) – 1) Full Planning permission for development of a reservoir for raw water storage, a pumped storage reservoir, with the minimum required total storage capacity of 8,700 million litres (ML), to support the planned bulk supply transfer of at least 21ML/d in extreme (currently defined as 1:200 year) drought conditions; Construction of an earth embankment adjacent to Staunton Country Park; Construction of an overflow discharge/spillway at the south-western side of the reservoir and associated works; Construction of a new junction on the B2149 Manor Lodge Road and a new junction on Swanmore Road. Provision of viewing areas on the southern embankment and western edge of the reservoir. 2) Outline permission for a control house partially incorporated within landscaped earth mounding adjacent to the south-west embankment; together with provision of other earth embankments. Construction of a visitor centre / cafe, with storage areas and welfare facilities to the northwest of the reservoir to be used for recreational and education purposes; Provision of picnic area(s) and children's play area(s). Access routes from both junctions to the visitor car park; visitor car park comprising 193 car parking spaces and between 70 and 75 overflow spaces plus spaces for staff, coach/minibus and disabled drivers sited to the north-west of the reservoir. Creation of a permanent wetland on the northern side of the reservoir and construction of bird watching hide/screen(s); Recreational facilities for public amenity. Provision of perimeter tracks and a network of bridleways, cycle paths and footpaths; Construction of a slipway on the western bank of the reservoir for operational use

only and a small section of the proposed pipeline (210m). - Permission subject to conditions and a S106 legal agreement (Approved 15/10/21).

- 2.3 **APP/24/00312** - Application under Section 73 of the Town and Country Planning Act 1990 in respect of Conditions 2 and 3 of the Hybrid permission planning reference 51680/001 dated 15th October 2021 for proposed changes to the size and alignment of the main reservoir embankment. (Approved 06/12/2024).

Linked Applications Pipeline

- 2.4 **APP/20/00991** - Outline application for (matters to be considered outlined in Table 2.2 in the submitted Development Specification) development of a new pipeline to transfer water from Bedhampton Springs to fill the reservoir in the winter and draw it off to treat and supply when needed in the summer comprising: Construction of an underground, bi-directional pipeline linking the reservoir with the existing pumping station at Bedhampton; Emergency drawdown discharge structure at Hermitage Stream; Upgrades to existing culverts; Washout and air valve chambers (typically below ground) - Permission subject to conditions and a S106 legal agreement (Approved 15/10/21).
- 2.5 **APP/24/00405** - Hybrid application seeking: 1) Full permission for development of new pipelines to transfer water from Bedhampton Springs to fill the reservoir in the winter and draw it off to treat and supply when needed in the summer, comprising: construction of two predominantly underground pipes in tunnels linking the reservoir with the existing pumping station at Bedhampton with associated infrastructure including: emergency drawdown discharge structure at Hermitage Stream; construction of eight access shafts; upgrades to existing culverts close to shafts five, six and eight to manage flood risk; washout and air valve chambers (typically below ground), new plant at Bedhampton Pumping Station, modifications to Bedhampton 2 operational building and permanent diversion of Footpath 34 at Bedhampton Pumping Station. Outline application for an associated underground cross-connection chamber and above ground kiosk at the reservoir site with vehicular accesses for maintenance; and upgrades to existing culverts close to shafts five, six and eight to manage flood risk (amended description 6th March 2025). An Environmental Statement has been submitted with the application under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. (Approved 22/9/2025).

Non Material Amendments

- 2.6 **APP/23/00628** - Application for Non- Material Amendment under Section 96A of the Town and Country Planning Act 1990 (as amended) relating to the Southern Embankment of the hybrid planning permission reference 51680/001 dated 15th October 2021 – (Withdrawn 21/11/2023).
- 2.7 **APP/23/00979** - Application for Non- Material Amendment under Section 96A of the Town and Country Planning Act 1990 (as amended) relating to the Southern Embankment of the hybrid planning permission reference 51680/001 dated 15th October 2021 (Approved 20/3/2024).

Reserved Matters Applications

- 2.8 **APP/22/00681** - Application for approval of all Reserved Matters relating to Phase 1 (northern access route from Manor Lodge Road (B2149)) of the Havant Thicket Reservoir Project (Hybrid permission APP/20/00990). (Approved 24/2/2023).
- 2.9 **APP/24/00186** - Application for approval of all Reserved Matters (siting, scale, external appearance and landscaping) relating to Phase 2 (Wetland) of the Havant Thicket Reservoir development pursuant to condition 2 of the Hybrid permission planning reference APP/20/00990 dated 15th October 2021. (Approved 06/9/2024).
- 2.10 **APP/24/00311** - Application for approval of all Reserved Matters (siting, scale, external appearance and landscaping) relating to Phase 3 (Main Embankment) of the Thicket Reservoir development pursuant to condition 2 of the Hybrid permission planning reference APP/20/00990 dated 15th October 2021 (as recommended to be amended by S73 Application APP/24/00312). (Approved 20.12.2024).

Conditions

- 2.11 Discharged Conditions Under Reference **APP/20/00990** approved 23 March 2023 comprise:
- Condition 4 – Phasing
 - Condition 5 - Construction Environmental Management Plan
 - Condition 6 - Construction Method Statement
 - Condition 9 - Construction Noise & Vibration Management Plan
 - Condition 10 - Assessment of Noise and Vibration
 - Condition 12 - Construction Traffic Management Plan
 - Condition 21 Archaeological Evaluation - Written Scheme Condition 22 Archaeological Evaluation - Programme and Condition 23 Archaeological Evaluation – Recording.
 - Condition 29 - Renewable Energy)
- 2.12 Discharged Conditions Under Reference **APP/22/00681** approved 03 February 2023 comprise:
- Condition 13 - Site Access (Disabilities).
 - Condition 20 – Lighting Strategy.
 - Condition 27 – Landscaping Arb Work.
 - Condition 28 – Landscaping.
 - Condition 32 – Drainage.
 - Condition 36 – Ecology.
 - Condition 37 – Ecology Licences.
 - Condition 38 – Ecology Clerk of Works.
 - Condition 39 – Soil Management.
- 2.13 Discharged Conditions Under Reference **APP/23/00990** approved 03 July 2023 comprise:
- Conditions 21, 22 and 23 – Archaeology

- 2.14 Discharged Conditions Under Reference **APP/24/00312** - Conditions 4, 5 (CEMP Temp. Workers Accom), 5 (CEMP), (6, 9, 10, 12, 27, 36, 39), 20, 25, 26, 28 (phase 2), 28 (phase 3), 32 (phase 2), 32 (phase 3), 35, 36 (phase 3) - (received 23.12.24). Request to Discharge condition 4 (Phasing Plan) (received 23.06.25). Request to Discharge Conditions 28 & 36 (Phase 3) received 21/10/2025 (See APP/25/00856).

3 Proposal

- 3.1 This Non-Material Amendment Application (NMA) is submitted by Adams Hendry Consulting Ltd on behalf of Future Water (for Portsmouth Water).

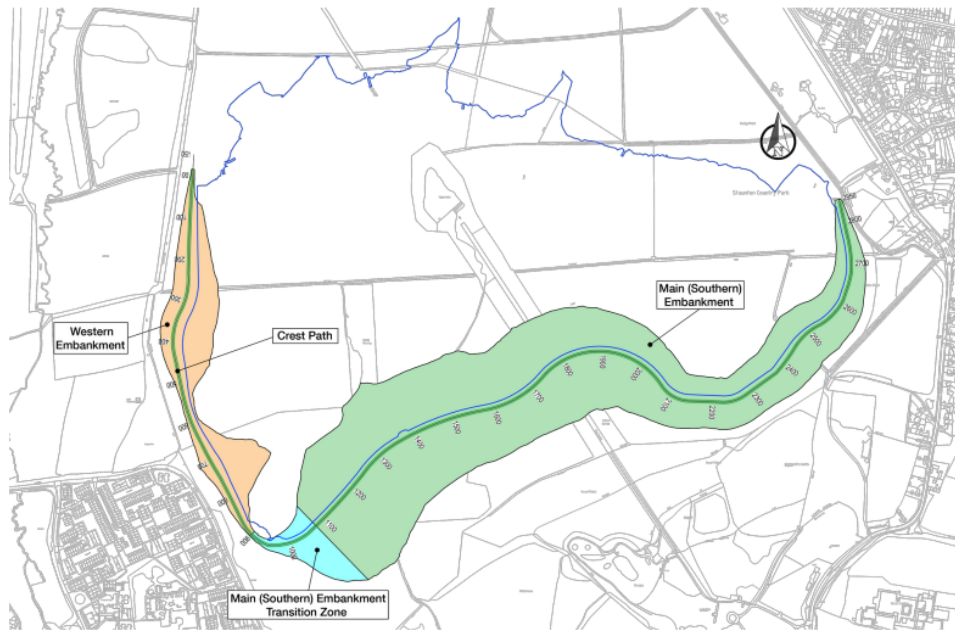
Background to Submission

- 3.2 This application proposes to make a NMA to the most up to date Section 73 permissions granted by HBC (APP/24/00312) and EHDC (51680/12) in December 2024. The amendments proposed are to the Western Embankment and Transition Zone of the Havant Thicket Reservoir (HTR). These changes are required 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.
- 3.3 The Applicant sets out the needs for the changes in their supporting planning statement paragraphs 3.2 to 3.4 (page 7). Whilst the Applicant has set out technical and engineering reasons for the amendments, Officers attach no weight to them in the assessment of the NMA as it's the materiality of the changes that are of significance.

Summary of NMA Changes

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

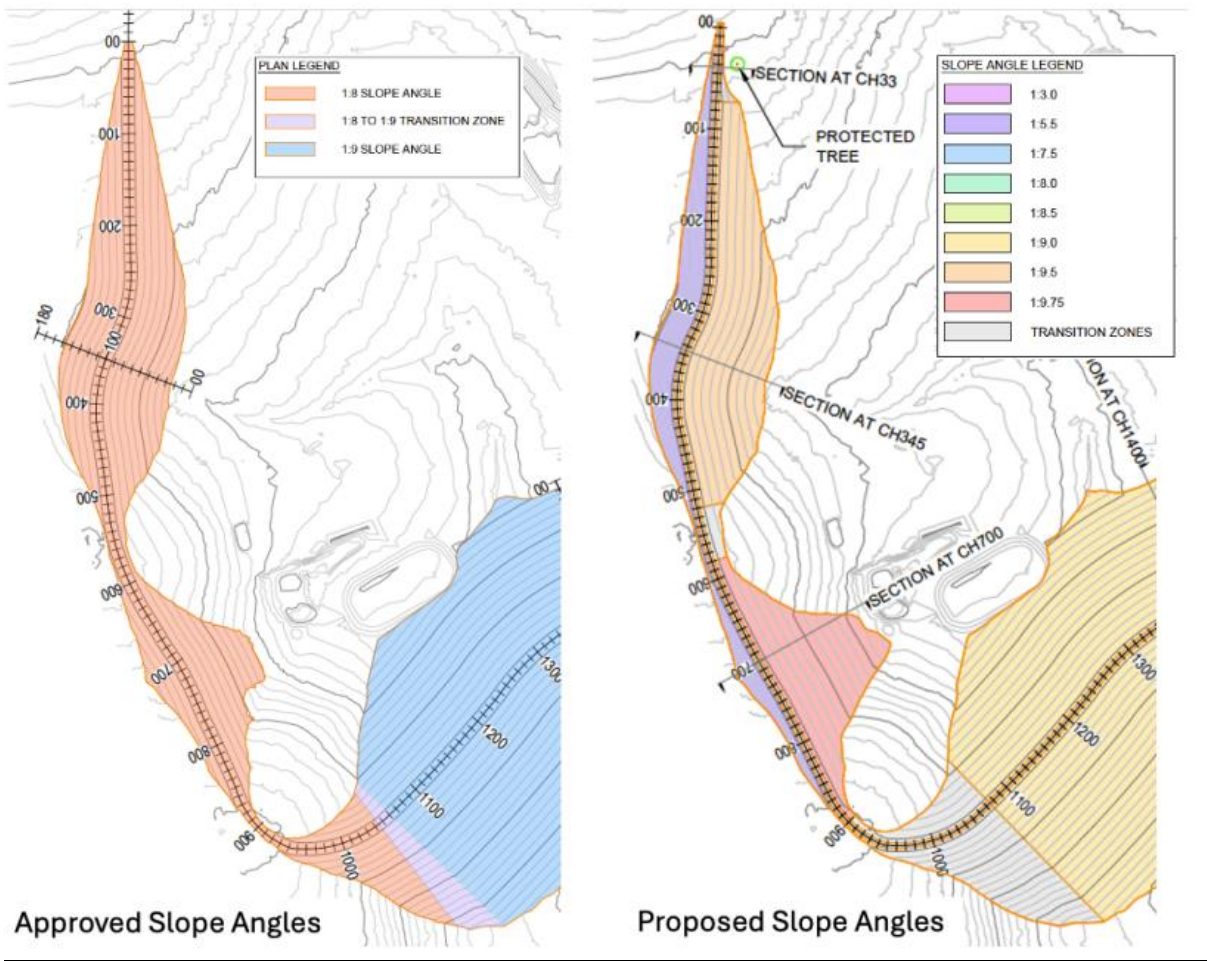
Figure 1: HTR Embankments



Changes in Slope Angles

- 3.5 The proposed NMAs to the slope angles are illustrated in Figure 2 below and summarised in Table 1. The amendments will comprise the following:
- i. 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.
 - 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. 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.
 - 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. As a result of these NMAs, 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.
 - v. Consequential non-material amendments, including alterations to fencing and gates, the viewing platform, reed beds and amphitheatre.

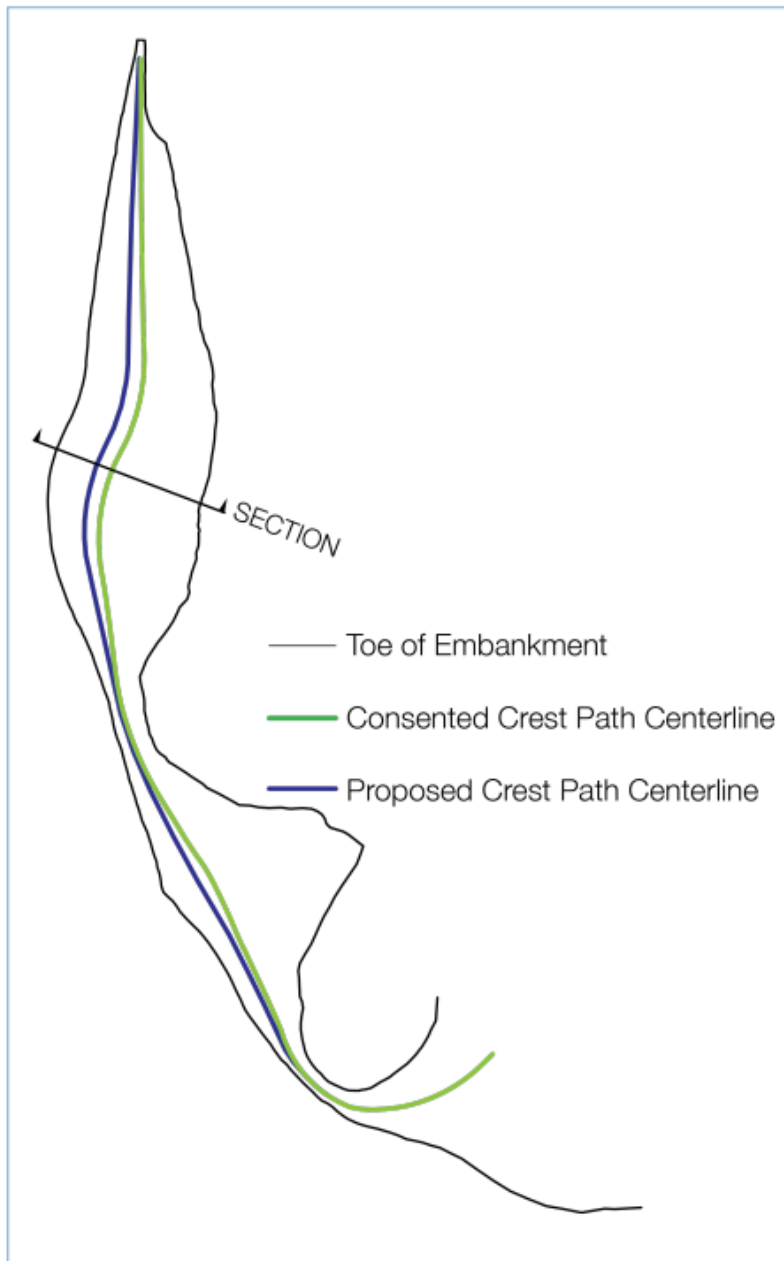
Figure 2: Approved and Proposed Slope Angles



Realignment of Crest Path

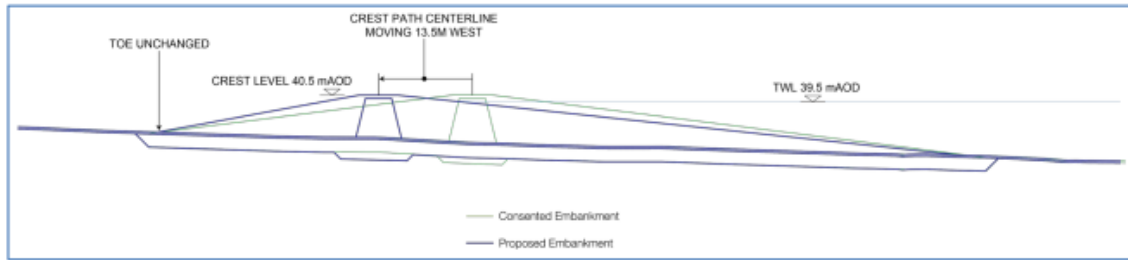
3.6 The proposed NMAs require the realignment of the crest path on the Western Embankment to account for the revised design as illustrated in Figure 3 below.

Figure 3: Illustration of Crest Path Realignment



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

Figure 4: Crest Path at Chainage 350



Amendments to Conditions 2 and 3 of the S73

- 3.9 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.

Condition 2

- 3.10 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 1:7 1:5.5 to 1:9 Inside slope: to range from 1:7 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

Condition 3

3.11 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

3.12 The NMA Application submission is supported by the following plans:

- Covering Letter
- Non-Material Amendment Application Form
- Planning Statement
- Statement of Conformity with the Environmental Statement.

Updated plans:

- HTR-GHD-ZZ-ZZ-DR-T-0021 P04 PLANNING STRATEGY KEY PLAN
- 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

4 Policy Considerations

National Planning Policy Framework (2021)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

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|------|---|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS14 | (Efficient Use of Resources) |
| CS15 | (Flood and Coastal Erosion) |
| CS16 | (High Quality Design) |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| CS18 | (Strategic Site Delivery) |
| CS19 | (Effective Provision of Infrastructure) |
| CS2 | (Employment) |
| CS20 | (Transport and Access Strategy) |

CS21	(Developer Requirements)
CS8	(Community Safety) DM10 (Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL 2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)
AL 6	(Havant Thicket Reservoir Pipeline)
DM18	(Protecting New Development from Pollution)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)
CP26	(Water Resources/Water Quality)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non-Statutory Consultations & Community Involvement

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

Section 96A applications are regulated by Article 10 of the Town and Country Planning Act (Development Management Procedure) (England) Order 2015 (DMPO) and notice must be given to any person (other than the Applicant) who is an owner of the land to which the application relates. However, there is no requirement in the DMPO for the LPA to publicise or undertake consultation with any person pursuant to an application under this Section.

Notwithstanding the legal position pertaining to the LPAs requirements for consultation, the applicant updated HTR Stakeholders of the intention to resubmit the current application. As a result of these notifications the Council received a total of **two letters** setting out why it was considered the changes amounted to material amendments.

The planning considerations Section (6) examines these representations below (paragraphs 6.31 to 6.32 Table 2).

6 Planning Considerations

(i) Legal Background

- 6.1 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".
- 6.2 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:
- 6.3 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.
- 6.4 *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 ..."*
- 6.5 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.
- 6.6 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".*
- 6.7 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.

- 6.8 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 the effect of the changes would be non-material in that their nature and substance would not create new planning considerations already assessed under the extant planning permission and the effect of the changes, individually or cumulatively, would be non-material, which was not consulted upon, assessed or debated at planning committee. The rationale for this conclusion is set out in the planning assessment below.

Section 55 of the TCPA

- 6.9 So far as the incorporation of a test of materiality within Section 55 itself is concerned, this is found both in relation to change of use and also for certain forms of operational development as follows:

- 6.10 *55 - Meaning of "development" and "new development"*

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land

(1A) For the purposes of this Act "building operations" includes: -

- (a) demolition of buildings.*
- (b) rebuilding.*
- (c) structural alterations of or additions to buildings; and*
- (d) other operations normally undertaken by a person carrying on business as a builder.*

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land: -

(a) The carrying out for the maintenance, improvement or other alteration of any building of works which: -

- (i) affect only the interior of the building, or*
- (ii) do not materially affect the external appearance of the building and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground.*

- 6.11 The correct approach to S55(2)(a) and what constitutes a "material affect (to) the external appearance of (a) building" for the purposes of subsection (ii), is a matter of fact and degree. The subsection was dealt with comprehensively in *Burroughs Day v Bristol City Council* [1996]1 PLR 78. Where it was stated as follows (LPA assessment of the changes as sought under this application in brackets).

- 6.12 What must be affected is "the external appearance", not merely "the exterior". The alteration must be one which affects the way in which the exterior of the building is or can be seen by an observer outside the building.
- A. Alterations which can be seen from any vantage point on the ground or in or on any neighbouring building or buildings would be capable of affecting the "external appearance" of the building in question. The external appearance must be "materially" affected. This involves a judgment as to the degree to which the particular alteration affects the external appearance.
- B. The effect must be more than de minimis. Whether the effect of an alteration is "material" or not must depend in part on the degree of visibility.
- C. Whether the external appearance of a building is "materially affected" is likely to depend on both the nature of the building and the nature of the alteration.
- 6.13 The approach taken to Section 55(2)(a) in *Burroughs Day v Bristol* is of assistance in the understanding of "non-material" in Section 96A. However, it is our contention that the best guidance is found in the courts' approach to identification of material considerations, set out in *Kides* above, appropriately modified to reflect the nature of Section 96A; whether the changes carry weight in the decision making process so as to tip the planning balance in a manner adverse to a grant.
- 6.14 Crucially, whether a change is "non-material" for the purposes of Section 96A is a matter of "**planning judgment**" for the local planning authority.

(ii) Planning Assessment of Proposed Amendments (as set out in paragraph 3.4 to 3.15)

(1) Changes in Slope Angles

- 6.15 In assessing the changes, the context of the approved outline (as amended) in respect of parameters set out in the extant planning permission and Condition 33 (requirement to accord with parameters of Table 2.2 of the Development Specification) therein has been considered. Whilst the rationale for the changes have been noted they do not form a determining set of factors in the assessment of materiality.
- 6.16 The proposed amendments to the slope angles are summarised as follows with officer commentary under each change and overall conclusion:
- i. Reduce the angle of the inside slopes of the Western Embankment.
Officer Comments: *The amendments will generally be below the water line and therefore not readily visible and therefore any visual impact will not be perceptible. There are consequential changes to the reed beds to be created adjacent to the Transition Zone though they remain similar in form as approved and subject to landscaping conditions discharge.*

- ii. Increase the angle of the outside slopes of the Western Embankment.
Officer Comments: *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. It must be noted that the embankment does not move any closer than approved and the angle change would not fundamentally alter the views and perception of the embankment from public vantage points.*

Whilst the slopes will be slightly steeper 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.

- 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
Officer Comments: *As a result of these NMAs, 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.
Officer Comments: *This change is considered non material as again the change in angle will not be perceptible and overall it would be considered positive as it results in the retention of a mature tree.*
- v. Consequential non-material amendments, including alterations to fencing and gates, the viewing platform, reed beds and amphitheatre.
Officer Comments: *these changes can be considered minor in comparison to the overall scale of the outline scheme. Further details of these changes will form part of the discharge of conditions. The principle of these elements has not been altered. 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.*

(2) Changes to the Crest Path

- 6.17 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 function, form and use of the path will remain as intended and approved.

Conclusions on (1) Slope Angle & (2) Crest Path Changes

- 6.18 It is considered that the proposed “*slope angle and crest path changes*” (headed (1) and (2) above) can be treated as non-material under S96 of the TCPA. When compared back to the environmental effects under the Hybrid planning permission as amended by the S73 consent, the detailed design 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 are capable of being consented via a S96A approval.
- 6.19 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.
- 6.20 It is noted that the hybrid application as amended 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.

(3) Amendments to Conditions 2 and 3

- 6.21 As Officers have concluded that the changes are non-material the changes proposed to conditions 2 and 3 of the S73 consent are considered acceptable and align with what has been considered under this application. The full wording of the new conditions are set out in the Recommendation Section of the report.

(iii) EIA Statement of Conformity

- 6.22 The Applicant has submitted a technical note as part of this NMA application titled ‘Statement of Conformity with the Environmental Statement’. This technical note considers the amendments 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”).
- 6.23 Officers have considered the changes, which have been concluded above to be non-material for the reasons set out in the context of the extant permission. Overall it is considered the amendments would not give rise to new or materially different significant effects on the environment from those previously assessed. This conclusion is based on the following factors:
- 6.24 Impact on Historic Environment: 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. 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.

- 6.25 Ground conditions: 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. 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.
- 6.26 Air Quality: There will be no change to the significance of effects anticipated from air emission and dust sources during construction.
- 6.27 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.
- 6.28 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.
- 6.29 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.
- 6.30 In respect of the following ES Matters - ♦Population and human health ♦Traffic and transport ♦Material resources and waste. ♦Water (flows, quality and groundwater) ♦Climate Vulnerability to climate change ♦Cumulative and In Combination Effects – Officer's concur with the EIA state of conformity that 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.

(iv) Response to Third Party Objection / Comments

- 6.31 A detailed objection letters has been submitted in respect of the NMA. Officers have considered the comments in light of the legal background to NMA changes and statutory planning advice on such matters. The NMA is not an opportunity to revisit the principle of development or matters approved under the S73 scheme.

- 6.32 The matters raised are summarised (and not set out in full for reason of brevity) as follows with Officer comments in response. It is also noted the Applicants response to the 3rd party objection. However Officers have considered the comments on their merits as pertaining to the legal context.

Table 1 – Third Party Objection

Comment	LPA Response
Description of development is not full and does not mention crest path.	The NMA application supporting documents make it clear that the crest path will move west by up to 13.5m, as detailed in Paragraph 3.8 and shown on Figures 3 and 4 in the Applicant's Planning Statement. 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 an imperceptible amendment when considered in this context and is considered non-material.
The significance of the inner and outer embankment slope changes has not been fully considered, especially in the context of their impact on the western part of the site.	<p>The key consideration is whether the changes are material or not. Officers consider them to be non-material in this case.</p> <p>The significance of the changes has been set out in the NMA application documents and considered both the inner and outer embankment slope changes as set out in the Planning Statement and the Statement of Conformity with the ES.</p>
The drawings are of a technical nature and do not allow the lay person to understand the scope of the changes.	The drawings allow Officers to understand the nature of the changes in comparison with the Approved Scheme. The significance of the change has been considered and assessed and are held to be non-material as set out in Section 2 and 3.
<p>The LPA should consider the following before determining whether the changes are Non Material:</p> <ol style="list-style-type: none"> 1. Increasing the outer slope of the western embankment from 1 in 8 to a much steeper gradient of 1 in 5.5 changes the nature of the bank making it obvious it is a man-made structure. 	<p><u>Officer Response to Point 1:</u></p> <p>The issue as to whether the embankment is a man made structure or not is not relevant to the consideration of the NMA changes. It is whether the changes are perceptible or erode the principal consent in principle and description which it does not. No new material considerations would arise as result of the slope angle changes.</p> <p>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.</p>

<p>2. Reducing the inner slope angle has disadvantages. On drawdown a gentler slope will mean that more of the slope which would normally be below water will be visible, and it will remain visible for longer. This will be especially significant when assessing the visual impact from the western and south-western crest road, the grass recreational area south of the planned visitor centre and even from the visitor centre itself. The visual impact assessment for the changes in slope should consider the visual impact during drawdown from these areas.</p> <p>3. Have the applicant and LPA considered if the changes in slope needed could have been less severe if Future Water had taken a more joined up approach and considered the embankment slope amendments alongside changing the southern access road to a single track road with passing places, as supported at the 2024 workshop by the majority of stakeholders. Space saved on the reduced width of the access road could be used to retain a gentler outer embankment slope more in keeping with the site contours, making it less obvious that it is a manmade bank, helping to protect the rural landscape.</p>	<p><u>Officer Response to Point 2</u></p> <p>In a draw down event it is accepted that the embankment will be visible. However these events will be temporary and not permanent.</p> <p>The Applicant makes it explicit at paragraph 5.4 of the Planning Statement, <i>“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”</i>.</p> <p>When the reservoir is drawn down the inner slopes will be gentler, but the overall appearance from public vantage points when seen in the context of the wider reservoir development will not be materially different from the consented development. The difference between the 1:9.5 and 1:9.75 inner slopes of the western embankment will be imperceptible from the approved inner slopes of the main embankment. To put this into context, when the reservoir is drawn down there will be an additional 25cm of the inner embankment visible for every meter that the reservoir is drawn down. Therefore, at full draw down the inner slopes of the western embankment will appear approximately 2.5m longer, which will be an imperceptible change in the context of the reservoir which is over 1500m east to west.</p> <p>The changes are therefore considered non-material in the context of the reservoir as a whole.</p> <p><u>Officer Response to Point 3</u></p> <p>Officers have considered the changes set out in the Application. Overall the conclusion is that the changes are non-material.</p> <p>The LPA cannot comment on alternative approaches to the engineering issue on the integrity of the embankment set out by the Applicant, as it is required to consider the application as submitted.</p> <p>Notwithstanding this, the Applicant has responded to this comment as follows:</p> <p><i>“The proposals for the Southern Access Road are continuing to be developed including consideration of whether a single lane road with passing places can be provided. Even with this, the space in this corridor is limited and with the key consideration being to limit development within the 15m stand off from the ancient woodland to the west, there is no space to move the toe of the embankment west. In any case, moving the embankment toe west by 2m would make an imperceptible difference to the gradient of the slope”</i>.</p> <p>Officer’s do not have any additional comments other than to concur on the issue of materiality of change and impact.</p>
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<p>3. We welcome the change to the northern end of the western embankment to save the mature oak.</p> <p>4. While we welcome the extension of the amphitheatre in the SW corner of the reservoir, we would have liked to have seen the local community involved in the design.</p> <p>5. Ornamental planting is proposed for the area adjacent to the amphitheatre (drawing HTR-GHD-ZZ-ZZ-DR-T-0007) with a high percentage of non-native species. We would like to see a higher percentage of native species planted there, to enhance biodiversity.</p>	<p>Notwithstanding this, the Applicant has responded to this comment as follows:</p> <p><i>“The proposals for the Southern Access Road are continuing to be developed including consideration of whether a single lane road with passing places can be provided. Even with this, the space in this corridor is limited and with the key consideration being to limit development within the 15m stand off from the ancient woodland to the west, there is no space to move the toe of the embankment west. In any case, moving the embankment toe west by 2m would make an imperceptible difference to the gradient of the slope”.</i></p> <p>Point 3 – Noted.</p> <p>Point 4 – The comments on the extension are noted and have been considered to be non-material changes. The comments in respect of community involvement in the design of the space are matters for the Applicant to consider when that phase is designed.</p> <p>Point 5 - These comments can be considered in the determination of the Condition 28 landscaping details.</p>
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7 Conclusions

- 7.1 It is concluded that the changes set out the details section of the report would not give rise to new or materially different environmental effects from those already assessed under the hybrid planning consent (as amended), and would not give rise to any other significant impacts. The changes when considered in the round fall within the scope of the outline planning permission and the description of development would not be affected.
- 7.2 The proposed amendments do not result in any floorspace totals exceeding the relevant caps set out in the approved Development Specification and associated planning conditions. When compared against the entire HTR site the proposed amendments are considered non-material. In addition, none of the other phases of

the permitted scheme are affected. Therefore, the changes, when considered in the context of the overall HTR site, are non-material in scale.

- 7.3 The proposed land uses will remain as approved under the hybrid consent. Within the context of this phase (subject to the NMA RMA application), the wider site and the entirety of the HTR application, these changes are considered to be non-material. No other changes are proposed to the permitted land uses themselves. The land uses have therefore merely been updated to reflect a revised parameter and layout and as such are non-material.
- 7.4 Applying the tests set out in paragraphs A to C above (Section “Legal Background” paragraph 6.12 page 12), the proposed changes (individually and cumulatively) are considered to be non-material and would not affect the purpose of the Embankment (at its western location) its functionality or design quality which was established by the hybrid planning consent which is not undermined, eroded or diminished.
- 7.5 The changes would not result in any new significant planning considerations which were not considered under the outline hybrid consent including impact on biodiversity, ecology, visual character, heritage assets, ancient woodland, and environmental impacts (including noise, daylight, sunlight and overshadowing, dominance or overbearing and outlook).
- 7.6 The proposal complies with the following key tests of whether an alteration to a planning permission is considered to represent a non-material amendment:
- The proposed changes are not significant in terms of their scale in relation to the original hybrid approval as there is no significant increase in footprint, height (which has been assessed) and floorspace.
 - The proposed changes would not result in a detrimental impact in either visual amenity or in terms of residential amenity (the space remains as per its original function).
 - The interest of a third party or the decision-making body that participated in or were informed of the original decision would not be disadvantaged (the LPA have responded to, considered and addressed the 3rd party comments and concluded that the changes be non-material).
- 7.7 To conclude, given the information presented above it is considered that the amendments to the proposed development will not give rise to any new or materially different significant environmental effects. As such it is considered that no further information under the EIA Regulations 2017 (as amended) is required.
- 7.8 It is the officer’s conclusion that the planning balance will not be altered ie Members/officers would not have refused rather than granted the permission on the basis of these alternative designs (as summarised above) – as such, the requested changes would not have weighed significantly in the decision making process either individually and cumulatively.

- 7.9 The changes are of a magnitude that they provide alternative and detailed design refinements and would not detract from the approved scheme, without having any demonstrable harm to the character and appearance (including any designated or non-designated heritage assets) of the surrounding area or the amenities of adjoining occupiers.
- 7.10 It is considered that the amended scheme under Section 96A would be the same "in substance" so as not as to constitute a "fundamental alteration" of, the already permitted scheme, in accordance with the *Wheatcroft* line of authority.

8 RECOMMENDATION

That the Development Manager be authorised to **GRANT A NON-MATERIAL AMENDMENT**.

Subject to the Amended Conditions below:

Condition 2 Amended to Read as follows:

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	Max 20 m high. Crest level 40.5 m AOD. Length 2,850m . Crest line position: +/- 20m horizontal range to accommodate any potential alignment change. Outer toe (edge): +/- 2 m horizontal range. <u>Western Embankment and Transition Zone</u> Outside slope: to range from 1:5.5 to 1:9 Inside slope: to range from 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.	Outline

Element	Parameters	Level of Detail
	<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.	
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. Staircase detail along alignment of The Avenue joining pedestrian access from Staunton Country Park with viewing area at the crest.	Fixed
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

Element	Parameters	Level of Detail
Bird Hide	Maximum envelope of 9 m x 20 m and maximum height of 5 m.	Outline
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.

Condition 3 Amended to Read as follows:

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

Drawings

HTR-GHD-ZZ-ZZ-DR-T-0001 P07 RESERVOIR OUTLINE MASTERPLAN
HTR-GHD-ZZ-ZZ-DR-T-0021 P04 PLANNING STRATEGY KEY PLAN
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 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 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 P02 MAIN EMBANKMENT PROPOSED SITE LAYOUT
HTR-COF-EM-RE-DR-GE-4003 P03 MAIN EMBANKMENT CROSS-SECTIONS
HTR-GHD-ZZ-ZZ-DR-T-0013 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 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.