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24th February 2026

Dear Sir/Madam,

S73 planning application to vary conditions 2, 3, 6 and 7 in relation to APP/24/00237 Proposed gas fuelled capacity mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/21/00809) in order to secure changes to the site layout and technology following transfer of ownership of the site on land at Hermitage Park, Harts Farm Way, Havant.

I have been instructed by EL (Havant) Ltd (the Applicant) to act as planning agent for the above planning submission.

In accordance with s73 of the Town and Country Planning Act 1990 (as amended) please find enclosed an application vary conditions 2, 3, 6 and 7 in relation to APP/24/00237:

Proposed gas fuelled capacity mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/21/00809) in order to secure changes to the site layout and technology following transfer of ownership of the site on land at Hermitage Park, Harts Farm Way, Havant.

This s73 application is seeking to further amend the site layout following transfer of ownership of the project back from the Applicant of APP/24/00237, Forsa Energy Gas Holdings Limited, to previous owners, EL (Havant) Ltd who were the Applicant on the originally approved scheme (APP/21/00809). All other factors considered as part of the original application remain relevant.

It is considered that a s73 application to amend the layout would be appropriate for the following reasons¹:

- The amendment can be facilitated through an amendment to a condition.
- The original planning permission description remains relevant.
- The amendment is not seeking to extend the time limit.

¹ Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor [2023] EWHC 176 (Admin) (27 January 2023)

- The amendment does not impact upon the previously approved biodiversity conclusions.

Planning History

Planning permission APP/21/00809 from Applicant EL (Havant) Ltd was approved on 19th January 2023 for a Proposed Gas fuelled Capacity Mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/17/00511 as amended by APP/18/01281) in order to secure a further three years to commence development following transfer of ownership of the site.

Planning permission APP/24/00237 from Applicant Forsa Energy Gas Holdings Ltd was approved on 26th July 2024 for a Proposed gas fuelled capacity mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/21/00809) in order to secure changes to the site layout and technology following transfer of ownership of the site.

The following conditions have since been discharged on APP/24/00237: Condition 3 (Tree survey) and Condition 4 (Soft landscaping scheme) were discharged on 12th June 2025; Condition 6 (LEMP) on 10th October 2025; and Condition 7 (CEMP) on 3rd November 2025,

The Applicant is seeking to vary conditions of the above consents in order to reflect changes within the proposed technology and guidance.

The Proposed Amendment

The principle reason for the proposed change is due to the reversal of ownership of the site from Forsa Energy Gas Holdings Ltd back to EL (Havant) Ltd. As set out in the Planning History section, EL (Havant) Ltd had secured planning permission for the development of 9 x standby generators and ancillary equipment in 2023 (APP/21/00809). Forsa Energy Gas Holdings Ltd then had planned to develop the project using a different technology choice and submitted a new planning application for 5 x standby generators and ancillary equipment which was approved in 2024 (APP/24/00237). The ownership of the project has since reverted back to EL (Havant) Ltd who are now proposing to construct and operate 8 x standby generators and ancillary equipment on the site. The total generation capacity would remain at 20MW. There would be no change to the operative part of the development.

A further reason for need for changes is that this technology is evolving and more effective and efficient technology is available as well as guidance and standards are coming into force. The use of smaller engines is better suited to the operation and maintenance procedures that EL (Havant) Ltd will implement on the site.

It should be noted that the redline boundary, the site entrance, security and lighting columns and the boundary (including gates) treatments would remain as previously approved. The landscaping scheme will also remain as consistent as possible with the previously approved plans. On this basis the external appearance of the site would not be materially different.

Table 1 identifies the physical changes in dimensions of the components

Table 1: Comparison of the dimensions of the equipment on the approved scheme and the proposed revised scheme.

Component	Approved dimensions (l x w x h)	Proposed dimensions (l x w x h)
Containerised engines	5 x units at 16.2m x 4.5m x 4.3m	8 x units at 15.2m x 3m x 3.5m
Stack Height of engines	5 x 12.8m (8.5m above the engine container)	8 x 8m (4.5m above the engine container)
33kv Transformer	1 x unit at 9.6m x 8.5m x 4.2m	1 unit at 5.4m x 4.4m x 4.7m
DNO Substation	1 x unit at 8.0m x 5.0m x 3.0m	1 unit at 6.7m x 6.3m x 3.5m
Back up generator	Not included	1 unit at 2.3m x 1.1m x 1.5m
11kv Transformer	Not included	1 unit at 2.4m x 2m x 1.8m
Switchroom container	1 x unit at 12.0m x 3.8m x 4.7m	1 unit at 12.1m x 4.9m x 2.9m
Gas Kiosk	1 x unit at 6.3m x 2.9m x 2.5m	1 unit at 5m x 2.5m x 2.5m
Oil tanks	2 x tanks 3.7m x 2.0m x 2.2m	2 x tanks 2.7m x 1.8m x 1.7m
Welfare Building	1 x cabin at 6.2m x 2.6m x 2.4m	1 cabin at 6.2m x 2.8m x 2.6m
Security Column	6 x columns at 6m height	6 x columns at 6m height
Palisade Fence	Around compound perimeter at 2.4m height	Around compound perimeter at 2.4m height

As shown in Table 1, some new equipment has been added into the proposed variation plan, such as the 11kv transformer and the back up generator. A separate access gate to the Distribution Network Operator (DNO) substation has also been included. The back up generator and access gate have been added in at the request of the DNO, Scottish and Southern Electricity Networks, in order to facilitate their operations.

As set out in NPPF, planning applications should be determined in accordance with the Local Plan. The 2024 planning consent was assessed against the Havant Borough Council Local Plan (Core Strategy) 2011. This remains the adopted Local Plan and therefore it remains the case that proposed development complies Local Plan policies.

In December 2024, a revised NPPF was published. Whilst the broad framework in relation to the environmental consideration of energy projects remains, there is a broadening of the definition to the need for the planning system to support the transition to net zero by 2050 and take full account of all climate impacts. It should help to support renewable and low carbon energy and associated infrastructure. Furthermore, the NPPF goes on to advise that LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

In January 2026, NPS EN-1 was updated and this overarching energy policy sets out the key role that rapid deployment of low carbon generation plays in meeting the Clean Power 2030 Mission, achieving net zero, and providing flexibility to the energy system to enable more renewables to operate across the grid network. There is a recognition that the switch to a grid network completely reliant on renewables will take some time to achieve and requires a period of transition where gas fuelled electricity generation is necessary and relied upon for back up:

This transformational approach tackles long-term problems to deliver growth that creates high-quality jobs across the UK and makes the most of the strengths of the Union. However, this transformation cannot be instantaneous. The use of unabated natural gas...fuels for...electricity...will still be needed during the transition to a net zero economy. This will enable secure, reliable, and affordable supplies of energy as we develop the means to address the carbon dioxide and other greenhouse gases associated with their use, including the development and deployment of low carbon alternatives.

The following section provides justification for the proposed changes to the planning consent together with updated supporting environmental reports to reflect the changes in the layout and have been summarised below. It also sets out the proposed changes to relevant conditions.

Condition 1: Commencement date

In accordance with statutory guidance this condition cannot be amended.

Condition 2: Approved plans

For the reasons as set out above it is suggested that the condition be amended as follows:

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

- *Site Location Plan - APPENDIX A1*
- *Site Layout Plan - APPENDIX A2*
- *Elevations Site Components – APPENDIX A3*
- *Elevations Containerised Engine – APPENDIX A4*
- *Elevations DNO Building – APPENDIX A5*
- *Elevations Palisade Fence – APPENDIX A6*
- *Elevations Security Column - APPENDIX A11 FE-01-601*
- *Covering Letter*
- *Noise Impact Assessment - APPENDIX B Revision 2, 12th January 2026*
- *Air Quality Assessment - APPENDIX C, 01.0183.003 v2, February 2026*
- *Preliminary Ecological Appraisal - APPENDIX D1 REV 3*
- *Shadow Habitat Regulations Assessment - APPENDIX D2*
- *Ecology Statement – APPENDIX D3*
- *Havant Visual Assessment - APPENDIX E1*
- *Visualisation - APPENDIX E2*
- *Visualisation - APPENDIX E3*
- *Flood Risk Assessment - APPENDIX F, version 4, February 2026*
- *Construction Environmental Management Plan - APPENDIX G2, v3, February 2026*
- *Construction Traffic Management Plan - APPENDIX H*
- *Tree Survey and Arboricultural Impact Assessment – APPENDIX I1, February 2026*
- *Tree Protection Plan – APPENDIX I2”*

Condition 3: Tree protection

A revised tree survey has been undertaken and is included in Appendix I. A reconfiguration of the site layout has been proposed which enables all trees to be retained. The site is constrained by the existence of both an existing pressurised sewage pipe, and a high pressure gas main, which has dictated much of the site layout. The location of these are shown on the tree protection plan, which has also been supplied as a separate document within Appendix I2. The majority of the site lies to the east of the trees, the development of which can take place away from all parts of the trees with plenty of space and poses no impact on the trees. Protective fencing must be used during construction to protect retained trees from the majority of site, as shown on the tree protection plan. Mitigation planting has been proposed and an improved rooting condition area that will be created. This will contribute towards biodiversity gains, as detailed within the landscaping documents submitted with the proposal. The location of the mitigation planting is close to the existing gas main, and as such will need to be agreed with Southern Gas Networks prior to installation, in line with their guidance.

APP/24/00237 was approved by Havant Borough Council on 12 June 2025 which discharged the requirements of condition 3 of APP/21/00809. Appendix I includes a revised tree survey which revises the requirements of condition 3 of APP/24/00237 and therefore it is suggested that condition 3 be amended to:

“The tree protection measures for trees off site on the western boundary as set out in Appendix I Tree Survey and Arboricultural Impact Assessment (Falkland Little, February 2026) shall be implemented prior to commencement of development and thereafter retained in the approved position.”

Condition 4: Soft Landscaping

The approved landscape and visual assessment is based on 2 viewpoints taken from (1) Harts Farm Way, opposite the entrance to the Havant Household Waste Recycling Centre and (2) Brockhampton Road where it crosses the M3. The approved report concludes with:

“In conclusion, the Proposed Development is located within an existing modern industrial landscape which is dominated by modern, man-made features including warehouses and factories.

Given the existing landscape, it is likely that the Proposed Development would become a negligible feature in the landscape when viewed in the existing context.

It is therefore concluded that landscape and visual effect should not be a reason for the refusal of this planning application.”

As set out in Table 1, the revised scheme is not materially different to the approved scheme in terms of visual impact with the main difference being 5 engines instead of 8. This is still 1 less than the original approved application (APP/21/00809) which had 9 stacks at 7.0m. The overall height would be lower than the approved scheme as the proposed engine containers are 3.5m high, with 8m stacks, compared to 4.3m, with 12.8m stacks, on the approved scheme. Given the lower overall height of the revised scheme, and no material difference to the equipment being proposed, it is not considered that there would be any changes to the reported impacts within the approved Appendix E1-E3 of APP/24/00237 and therefore the assessment would still stand for the revised scheme.

A landscape plan for the APP/24/00237 scheme was approved via a discharge of condition application for Condition 4 on 12th June 2025. However, this has not yet been revised for the proposed updated site layout so it is suggested that Condition 4 remain as per the original consent, with a requirement to supply the soft landscaping proposals prior to occupation.

Condition 5: Flood Risk Assessment

The revised Flood Risk Assessment (FRA) report (Amber Planning, February 2026) shows that, whilst the drainage layout has been changed to accommodate the revised layout, the proposed drainage scheme and attenuation pond remains as previously designed, which is of a scale suitable to sustainably manage site surface water run-off.

The proposed flood risk mitigation remains unchanged from the approved FRA and includes the following measures, detailed within Section 4.3 of the report:

- Raising of all on-site controls, critical infrastructure and entry points for services (gas / electricity / water) by 300mm above the maximum 200 year + climate change tidal flood level (e.g. to 3.87m AOD) to minimise any disruption caused by residual flooding;
- Raising of the crest level of the embankment surrounding the property to 4.34m AOD, placing it 600mm above the current tidal flood level and infill of the current low point within this embankment (NW boundary); and

- Flood resistant and resilient construction techniques to be incorporated within the development design (particularly any elements which have not been raised). This to extend up to 600mm above surrounding ground level, to minimise water ingress in the event of flooding. This design should be suited to salt water environments.

It should also be noted that since planning consent was granted, a Flood Risk Activities Permit has been obtained from the Environment Agency to implement the above mitigation measures (ref: EPR_AB3649MQ, dated February 2026). As such, condition 5 of planning consent APP/24/00237 remains applicable as currently worded and no amendments are recommended.

Condition 6: LEMP

The submitted LEMP, Landscape and Ecological Management Plan by The Ecology Co-Op. V2 received 21 August 2025, and approved by Havant Borough Council on 10 October 2025 (ref: APP/24/00237) remains appropriate and therefore it is suggested this condition should be amended to:

“The Landscape and Ecological Management Plan (The Ecology Co-Op. V2, August 2025) shall be implemented following completion of construction and thereafter retained in the approved position.”

Condition 7: CEMP

Condition 7 of the main consent required the submission and approval of a Construction Environmental Management Report. A discharge of condition application was submitted and approved by Havant Borough Council on 3 November 2025 (ref: APP/24/00237). Appendix G2 is a revised CEMP and reflects construction of the new layout but retains the principles and rationale of the previous CEMP. It is therefore proposed that this condition be varied to:

“The construction phase shall be carried out fully in accordance with the CEMP (Toucan Environment, February 2026) as approved unless otherwise agreed in writing by the Local Planning Authority.”

Other Matters

Noise

The accompanying noise report (PJA, January 2026) provides an updated assessment based on the revised site layout and plant arrangements. The predicted noise impacts from the updated scheme are calculated to be acceptably low and in line with those previously assessed for the earlier approved application at the site. Parker Jones Acoustics (PJA) produced both the noise assessment for the approved APP/24/00237 scheme in 2024 and this revised noise assessment. The results from this updated study remain consistent with the original assessment, confirming that the revised site layout does not introduce any materially increased noise impacts.

Air Quality

The air quality assessment has been revised (Isopleth, January 2026) based on the revised scheme and have been compared to the results of both APP/24/00237 and APP/21/00809. Isopleth completed the air quality assessment for the approved APP/24/00237 scheme in 2024 so the results from this updated assessment should remain consistent. The detailed air quality modelling results show that the revised scheme air emissions would not be materially different to either of the approved scheme APP/21/00809 or APP/24/00237 and present a slight overall betterment due to improvements in baseline air quality values.

Ecology

The Ecology Statement (Envance, February 2026) provided with this s73 application has reviewed the approved ecology documentation:

- The Ecology Co-op (2024a) Preliminary Ecological Appraisal (PEA) dated 24th February 2024;
- The Ecology Co-op (2024b) Habitats Regulations Assessment (HRA) dated 24th January 2024;
- The Ecology Co-op (2024c) Landscape and Ecological Management Plan (LEMP) dated 11th March 2025.
- The Ecology Co-op (2024d) Ecological Assessment dated 29th May 2024.

A site walkover was also conducted to confirm if anything had changed in the baseline conditions.

The biodiversity enhancement measures originally proposed within the approved scheme, including a reptile hibernacula, bird boxes and bee bank have all been incorporated into the revised layout.

The Ecology Statement demonstrates that very little has changed from an ecological perspective on the site and the proposed changes to the layout are not anticipated to give rise to additional impacts to protected species. Therefore no further ecological mitigation measures are proposed.

Summary

In conclusion, the revised layout retains the redline boundary and the proposed description of APP/24/00237 . The revised layout seeks to the availability of more technically advanced and efficient equipment. It is predicted that all factors and conditions associated with APP/24/00237 can still be complied with and there are no other impacts which are likely to affect the local environment or community. It is therefore, respectfully suggested that this s73 application should be approved.

The following table sets out a summary of proposed changes to environmental mitigation measures due to the physical changes set out in Table 2.

Table 2: Comparison of the environmental mitigation measures in the approved scheme with those recommended for the revised scheme.

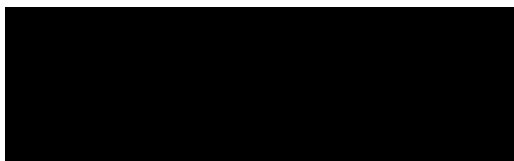
Environmental mitigation measures	Approved Scheme – mitigation measures	Revised Scheme - summary of changes
Noise	No specific mitigation during operation required. Mitigation during construction to be managed as per the Construction Noise and Vibration Assessment issued by PJA on APP/21/00809 (February 2022).	Predicted noise levels from revised scheme are lower than approved scheme. Construction mitigation to be managed as per the proposed scheme.
Air Quality	Lean burn engines, stack height of 12.8m	Predicted air emissions are not materially different from the approved scheme therefore there is no change in mitigation proposed.
Ecology	Inclusion of bee bank, bat and bird boxes and reptile hibernacula.	Inclusion of bee bank, bat and bird boxes and reptile hibernacula.

	Reasonable avoidance measures during construction to be taken as set out in the CEMP.	Reasonable avoidance measures during construction to be taken as set out in the CEMP.
Tree Protection Areas	Required the removal of G9 and some impact on the root protection area of G8. Mitigation proposed the planting of 3 x hawthorn and 2 x wild pears.	No tree removal required. Some impact on the root protection areas of G8 and G9. Mitigation proposed the planting of 3 x hawthorn and 2 x blackthorn. All mitigation planting to be agreed with the gas transporter due to proximity with the gas mains.
Flood Risk/Drainage	Raise all on site-controls, critical infrastructure by 300mm. Raise crest level surrounding the property to 4.34 AOD. Incorporate flood resistant and resilient measures into the design by extending equipment 600mm above surrounding ground level.	Raise all on site-controls, critical infrastructure by 300mm. Raise crest level surrounding the property to 4.34 AOD. Incorporate flood resistant and resilient measures into the design by extending equipment 600mm above surrounding ground level. The site includes flood protection measures to comply with approved FRAP - EPR_AB3649MQ.
Landscaping	Hedgerow and tree planting along southern boundary. Wild meadow seed mix planted in the tree root protection area.	Updated landscape design to be based on the same principles as those in the approved landscaping plan.

These supporting reports demonstrate that the potential impacts of the revised development would have no material difference to the previously approved development. It is therefore concluded that the proposed development would still have an acceptable impact and would provide the benefit of important energy infrastructure within the Borough and continues to be in conformity with the Local Plan.

Please do not hesitate to contact me, as the Applicant's planning agent, if you require any further information or clarification.

Yours sincerely



Clive Fagg MRTPI