

Foreman Homes Ltd
Yarmouth House
1300 Parkway
Whiteley
Fareham
PO15 7AX

Date: 13th May 2026

Please ask for: Hannah Kersley

Tel: 01903 737856

Your Ref:

Our Ref: P/45/26/NMA

Dear Mr Carrington,

**Section 96A of the Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015
(as amended) - Article 10**

Non material amendment following the grant of P/153/21/RES relating to realignment of part of the road in the northern parcel to facilitate access to the consented site beyond
Land South of Summer Lane and West of Pagham Road Pagham

I refer to your recent application for a Non Material Minor Amendment.

Non-material amendments are considered to be those changes which are insignificant and do not change the intensity, form or description of the original planning permission. In regard to amendments to 'major' development, to be considered non-material, the works must not:

- materially change the overall appearance of the development;
- significantly increase the intensity of the development;
- result in significant additional material impact on amenity or infrastructure requirements;
- result in a change in application description, and;
- require amendment to a planning obligation.

This application seeks to update the approved plans, to include the realignment of part of the road in the northern parcel to facilitate access to the consented site to the west.

At present, the approved plans show this road to be part of the no-through access network to the residential properties in the northern parcel of P/153/21/RES. The amended road would include a new access to the adjoining residential site to the west. When approved in principle under P/140/16/OUT, and then in detail under P/153, this road was assessed on the basis that it was of a sufficient design to serve as access for the quantity of properties in this northern

parcel, with a potential access onto Horns Lane. It was not assessed on the basis of use as access by the neighbouring site, which now has consent. Therefore, it is considered that the use of this road as access to the neighbouring site is a material change to that which was assessed under P/140/16/OUT and P/153/21/RES, and is a material change to the use of the road. This therefore has a material impact on amenity and infrastructure requirements, and requires full review and assessment from the Local Highways Authority (LHA), WSCC Highways to ensure this change is acceptable.

It is noted that this access is shown under P/15/24/OUT and P/35/24/OUT for Land South of Summer Lane, which now has consent. It is not appropriate for the LPA to consider this as sufficient justification to allow this change under an NMA, as this change deviates from that assessed under the planning permissions for this specific site, and therefore a re-assessment is required.

Non-Material Amendment applications do not permit the undertaking of consultations, as the need for consultation makes the amendment material. As such, whilst a Transport Assessment has been provided to support this change, it cannot be assessed by the Local Planning Authority, and requires consultation with WSCC Highways to confirm they are satisfied with its findings.

In addition to the above, it is necessary to investigate the implications that this realignment would have on the Brent Geese Mitigation Plan as approved in association with P/153/21/RES. Within the Officers report for P/153/21/RES, it is stated 'The Appropriate Assessment (AA) undertaken at outline stage identified that dense tree planting should be present along the western boundary of the site in order to mitigate disturbance from the development upon Brent Geese foraging on fields neighbouring the development'. Accompanying plans showed the western boundary to be heavily planted to mitigate disturbance, and act as a mitigation barrier. The Officers report also made clear that this boundary treatment was to be provided at the earliest opportunity, and also consist of fencing to prevent dogs from entering the mitigation land. Condition 7, required the submission of a Mitigation Landscape Phasing Plan, showing details of this planting and its phasing. This 'Mitigation Landscape Phasing Plan - Rev H' was approved under P/117/25/DOC, in agreement with Natural England, and following the undertaking of an Appropriate Assessment Addendum.

The proposal would see the loss of part of this mitigation planting, rendering its purpose to protect the mitigation land to the west far less effective. As this mitigation measure is proposed to be lost in part, the LPA needs to be confident that this change does not impact the effectiveness of the Brent Geese Mitigation Plan. This would result in a need to consult the ADC Ecologist and Natural England, to ensure that this change does not significantly alter that which was agreed under the Appropriate Assessment, nor undermine the purposes of the plan.

As such, resultant of the realignment having a material change to the use of the road, incurring the need for a consultation with WSCC Highways; and resulting in a potential impact to the Brent Geese Mitigation Plan, this amendment cannot be accepted as a Non-Material Amendment. This change will therefore need to be considered under a Section 73 application, where relevant consultees can be consulted, and the full impacts to amenity, infrastructure and ecology can be assessed.

This application is therefore refused.

I trust this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC' followed by a flourish and a period.

Neil Crowther
Group Head of Planning