



Planning Inspectorate

Hampshire Water Transfer and Water Recycling Project

- WA010002

Southern Water Services Limited

Section 51 advice regarding draft application documents

Issued on 22 October 2025

On 10 September 2025 Southern Water submitted the draft documents listed in the tables below for review by the Planning Inspectorate as part of its ['Pre-application Service'](#).

The advice recorded in the tables below relates solely to matters raised from the Planning Inspectorate's review of the draft application documents. The advice is limited by the maturity of the documentation provided by the applicant and the time available for consideration and is raised without prejudice to the acceptance decision, the decision about admission to the fast track procedure (where relevant) or the final decision about whether development consent should be granted. The applicant has been given the opportunity to comment on The Planning Inspectorate's draft record of advice before it was published.

General	
Ref No.	Comment or question
1.	<p>The Habitats Regulations Assessment (HRA) – Stage 2 Appropriate Assessment and Marine Conservation Zone (MCZ) – Stage 1 Assessment (the HRA and MCZ Report) refers at paragraph 1.3.5 to proposed development works that would require a marine licence, including pipeline installation under the Hermitage Stream and construction of the water recycling plant (WRP) sustainable urban drainage system (SuDS) outfall. It states that the Planning Act 2008 (PA2008) provides for a development consent order (dDCO) to include a deemed marine licence (DML).</p> <p>However, the draft DCO (dDCO), explanatory memorandum (EM) and Environmental Statement (ES) Description of the Proposed Development Chapter (the ES Project Description Chapter) submitted for draft document review make no reference to the requirement for a marine licence. The dDCO does not include drafting for a DML. It is unclear from the documents submitted as to the applicant's proposed approach to marine licensing. The Inspectorate advises that if a marine licence is needed, the proposed approach to securing the licence this should be reflected consistently in all relevant dDCO application documentation. If a DML is sought, the dDCO and EM drafting must be updated accordingly and the assessment required to support this must be provided. Any consultation with relevant consultation bodies in respect of this matter should be summarised in the relevant dDCO application documentation, including the status of any discussion or application for a marine licence.</p>

Draft development consent order (dDCO)		
Ref No.	Article/ Schedule/ Requirement	Comment or question
1.	Schedule 1	Multiple instances of 'as shown sheet' where the word 'on' is missing
2.	Schedule 1	No reference is made in Schedule 1 Authorised Development to the operational phase of the proposed development, for example the proposed output from the WRP (recycled and reject water) or the volume of recycled water transferred between the WRP, Havant Thicket Reservoir and Otterbourne Water Supply Works

Draft development consent order (dDCO)		
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		(WSW) during different operating scenarios. Nor is this discussed in the EM. Noting that the ES Project Description Chapter sets out these details as the basis of the assessment work, it should be confirmed if controls are required to restrict these matters and, if so, how these are proposed to be secured.
3.	Schedule 1	Works No. 6I, 6O, 6AI, 6AO, 7I & 7O are missing; assumed omitted to avoid the potential for confusion with numbering? If this is intentional then it should be clearly explained in the application.
4.		The number of Works where the activities are the same seem excessive. Areas and location are different. For example, Works 5A-E are virtually identical apart from which sheets they are shown on; the same can be said of Works 6A-AZ and 7A-AC. The Inspectorate suggest the applicant consider the most appropriate course of action to avoid confusion for stakeholders.
5.	Schedule 2	The EM states that design parameters for above ground infrastructure, including vertical limits of deviation (LoD), would be set out in Design Principles. Compliance with these would be secured through a requirement in Schedule 2. The draft Design Principles and draft wording of Schedule 2 have not been provided so it is not possible to provide substantive comment. However, the Inspectorate advises that the design parameters and LoD must be clearly specified and should be consistent with what has been assessed in the ES.
6.	Schedule 2A	This seems to imply that private property including dwellings could be subject to CA powers and should be clarified.
7.	Schedule 9	The protective provisions do not appear to include the requirements of all the statutory undertakers likely to be involved in the proposed development. The Inspectorate requests an update on protective provisions be given when the application is submitted.

Draft development consent order (dDCO)		
Ref No.	Article/ Schedule/ Requirement	Comment or question
8.	Schedules 2, 3, 4, 5, 7, 8, 9, 10	This is a largely unfinished dDCO therefore the Inspectorate's ability to provide comment is limited. For example, most of the Schedules are missing so at this stage, we cannot comment on matters such as the Requirements (Schedule 2).
9.	Article 2(1)	The definition of environmental statement refers to Schedule 9 as the location of documents to be certified. Based on the submitted dDCO, the correct schedule is Schedule 10. The definition of environmental statement does not currently provide for updated iterations or errata documents that may be required during examination. The applicant should consider how this would be accommodated to ensure that all documents comprising the final ES would be identified.
10.	Article 2(1) Article 2(7) Article 6(3) Schedule 1	The phrasing "...materially new or materially different environmental effects in comparison with those reported in the environmental statement..." is considered weak. The applicant should amend this wording to "materially new or materially worse to those identified in the environmental statement". Materially different does not allow for a substantial change to be made which would result in a betterment of the scheme.
11.	Articles 3 & 4	The dDCO includes powers to construct and maintain the development but does not seem to include powers to operate or decommission the development or establish the life of the development. The powers in the dDCO should align with what has been assessed in the ES. The Inspectorate has provided comments on the ES Project Description Chapter below in relation to the approach to operation and decommissioning of the proposed development.
12.	Article 5	Ensures power to maintain drainage works rests with existing persons responsible unless by agreement otherwise. Need to explore what happens if the applicant alters drainage works that already rests within their authority and who ultimately has responsibility for the drainage, the applicant developer, the existing water authority, or are they legally one and the same.

Draft development consent order (dDCO)		
Ref No.	Article/ Schedule/ Requirement	Comment or question
13.	Article 6	This Article would set horizontal LoD by reference to the works' plans. As only a sample works' plan has been submitted for draft document review it is not possible for the Inspectorate to provide substantive comment on the operation of this provision. However, in general the Inspectorate advises that flexibility should be narrowed as far as possible and that the final LoD proposed should be fully justified. For example, it is not clear why it is possible to further reduce the LoD for Work No. 4(a) (35km pipeline) in some locations but not all.
14.	Article 8	The EM seems to suggest that any transfer of benefit of the dDCO would require SoS consent, but this is not identified in the dDCO.
15.	Article 10	This gives powers over all streets within the order limits and is not defined within the accompanying schedule, but Article 21 excludes these rights within private streets within the order limits. Is this a contradiction?
16.	Article 19 (2) & (8)	This might cause difficulties for the applicant (Southern Water) in relation to connections to their own apparatus.
17.	Article 20	This Article provides powers for the undertaker to carry out protective works to any building affected by the proposed development, including underpinning and strengthening. These works should be described in the ES Project Description Chapter and any likely significant effects arising should be assessed in the ES.
18.	Article 22	Seeks the power to remove human remains encountered during the works and change the existing legal process under Burial Act 1857 to notify and re-inter. Recently the SoS has been not agreeing to the inclusion of these powers for recent dDCOs as the existing process is not onerous in isolation (see The Gate Burton Energy Park Order 2024, The Tillbridge Solar Order 2025). However, for long linear schemes such as this it may be appropriate to request this power due to the presence of unforeseen burial grounds along the route.
19.	Article 23(1)	The wording of this Article is too wide-ranging, and with the incorrect balance, for the apparent intended purpose. The premise should be that tree preservation order (TPO) trees should not be felled or lopped, unless

Draft development consent order (dDCO)		
Ref No.	Article/ Schedule/ Requirement	Comment or question
		in certain circumstances. The applicant should consider rewording to limit the circumstances in which TPO trees can be felled, lopped or subject to cutting back of roots.
20.	Article 25	Includes parts from the Acquisition of Land Act 1981 relating to mineral rights over land acquired. EM seems to imply this is to avoid acquisition of mineral rights of affected parties but the specific reason for its inclusion needs to be clarified.
21.	Article 39	Seeks the power to acquire special category land and offset with replacement land. The location of the replacement land is not identified in any accompanying Schedules.
22.	Article 44(1)	<p>This Article seeks to disapply sections 28E and 28H of the Wildlife and Countryside Act 1981, relating to duties in relation to sites of special scientific interest (SSSI) and carrying out of duties by statutory undertakers, including notification to Natural England (NE) of operations likely to cause damage to a SSSI. The EM states that this is justified as the proposed development has been subject to extensive assessment and there would be suitable controls in an environmental management plan. It notes precedent in 2 made highway dDCOs.</p> <p>The Inspectorate notes that the precedent dDCOs disappplied section 28E and not section 28H. In respect of the A14 Cambridge to Huntingdon Improvement Scheme dDCO there was a requirement in the dDCO in respect of mitigating effects to the affected SSSI.</p> <p>The Inspectorate also notes that there is precedent in several other made dDCOs, including Lower Thames Crossing (LTC) and A417 Missing Link where the applicant's proposed disapplication of these provisions was removed. NE's advice on LTC was that the provisions should only be disapplied in exceptional circumstances. It referred to Annex C of the Planning Inspectorate's advice page NSIPs: Advice on working with public bodies in the infrastructure planning process, which states that: "In relation to applications where there may be potential impacts on SSSIs both the Secretary of State and Natural England have duties under the WCA. Under 28(1), the Secretary of State or minister must notify Natural England before authorising the carrying out of operations likely to damage the interest features of a SSSI." It considered that the application documents did</p>

Draft development consent order (dDCO)		
Ref No.	Article/ Schedule/ Requirement	Comment or question
		<p>not provide sufficient certainty about works that could adversely affect SSSI features. It was also concerned that potential future SSSIs could not lawfully be treated as land within an SSSI at recommendation and decision stage, and therefore the statutory provisions should be retained to enable NE to have control over works on land if it were later designated. The ExA recommended that the sections disapplying these provisions were removed from the dDCO based on residual concern that there could be non-policy compliant adverse effects to a SSSI and that the applicant's mitigation did not fully ensure no harm to a potential SSSI notification. The sections were removed in the made dDCO.</p> <p>Noting the above, the Inspectorate does not consider that sufficient justification has been presented for including this provision. No precedent is given for the removal of section 28H and it is not explained why highways dDCOs provide a suitable precedent for a water infrastructure project in respect of section 28E. It is unclear which existing or potential SSSI(s) could be affected by the proposed development, the nature of the operations that could cause damage and if these have been subject to any assessment in the ES. It is also therefore not clear how potential impacts could be managed. The applicant should consider removing this provision from the dDCO or it should provide a clearer and more detailed justification for its inclusion based on the specific circumstances of the proposed development.</p>
23.	Article 44(1)	This Article also seeks to disapply several provisions relating to drainage including consents to be obtained from the Environment Agency (EA) and drainage bodies. The EM states that the requirement for separate consent would be replaced by protective provisions to be agreed with the relevant bodies and set out in Schedule 9 of the dDCO, which the applicant considers would be achieved during examination. No drafting is provided in Schedule 9 as submitted for draft document review.
24.	Article 47	Seeks to modify the Havant Thicket reservoir planning permission but is blank. The Inspectorate would have welcomed being given sight of this prior to submission of the application, as it is presumed to be novel and could have led to significant advice.

Draft dDCO explanatory memorandum

Ref No.		Comment or question
1.		The applicant should ensure that plots listed on the land plans are recorded in the dDCO
2.	Para 2	Implies operation of the development but the dDCO does not appear to seek this. Also does not imply the life of the development and duty to decommission at end of life.
3.	Para 5.5	Suggests compliance with the Design Principles is secured through Schedule 2 in the dDCO but this is currently blank.
4.	Para 8.1	Suggests power to operate but is not included in the dDCO.
5.	Para 8.4	Relates to Article 5 and seeks to clarify that applicant can alter existing drainage but not be responsible for its continued maintenance unless agreed.
6.	Para 8.13	Suggests SoS has power to consent transfer, but this is not explicitly written into the dDCO.
7.	Para 11.3	Relating to exemption of power to acquire mineral rights and need to ensure this is the case.
8.	Para 11.26	A drafting note is included to explain why potentially rights over special category land may be required.
9.	Para 12.19	Is blank but a drafting note explains that the applicant is awaiting agreement of the s106 conditions relating to the Havant Thicket reservoir so they can then determine which conditions to modify if required within this application.
10.	Para 12.22	Suggests protective provisions are included for a range of statutory undertakers but presently the dDCO is blank in this Schedule.
11.	Para 13	Explains that the Schedules are still to be populated.

Draft sample works plans and land plans		
Ref No.	Plan Name and Ref	Comment or question
1.	Land Plan	<p>The Inspectorate cannot provide detailed comments as the plans are not complete.</p> <p>If over 3 sheets a key plan will need to be included. Cover page will also need to be added to reference the document description, revision number and reference number.</p>
2.	Work Plans	The Inspectorate cannot provide detailed comments as the plans are not complete.

Draft habitats regulations assessment (HRA) report		
Ref No.	Paragraph/Section	Comment or question
1.	General	<p>The HRA and MCZ Report only includes the stage 2 assessment for adverse effects on integrity (AEol). The stage 1 screening report is a separate document, which has not been submitted for review, although the screening conclusions are summarised in section 3 of the HRA and MCZ Report. If separate reports for stage 1 and stage 2 of the HRA are submitted with the dDCO application, any cross-referencing between the reports should use specific paragraph numbers to ensure the relevant evidence can be located.</p>
2.	General	<p>For some impact pathways, the potential effects are described generally rather than being attributed to specific qualifying features of the European site. It must be clear which qualifying features screened in for LSE are being considered in the assessment and the AEol conclusion reached for each feature. If the impact pathway relates to all qualifying features of the European site this should be stated.</p>
3.	General	<p>In-combination effects have been considered in relation to emissions to air from the proposed development and other plans and projects in section 5.3 of the HRA and MCZ Report. However, the in-combination method and</p>

Draft habitats regulations assessment (HRA) report		
Ref No.	Paragraph/Section	Comment or question
		<p>a list of relevant plans and projects are not included. The Inspectorate advises that the HRA should explain the scope and method of the in-combination assessment, including any zone of influence (ZoI) that has been applied for the purpose of selecting plans and projects. An indication of whether the list has been agreed with relevant consultation bodies should be provided. Consideration should be given to plans and projects within the host local authority, as well as authorities within the defined ZoI(s), not just adjacent authorities. The conclusions should address AEoI from the proposed development alone or in combination with other plans and projects (unless all other impact pathways were screened out for the proposed development in combination in the HRA stage 1 assessment).</p>
4.	General	<p>A conclusion of no AEoI of several European sites including Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site and Solent Maritime Special Area of Conservation (SAC) is reached in respect of potential habitat loss and fragmentation arising from construction of trenchless crossings beneath the Hermitage Stream based on effects being temporary but the duration and recovery time from water degradation and smothering is not stated. This should be clarified.</p>
5.	General	<p>Paragraphs 5.3.141 to 5.3.157, 5.3.218 to 5.3.234 and 5.3.279 to 5.3.295 assess potential for AEoI of Chichester and Langstone Harbours SPA and Ramsar site and Solent Maritime SAC from waterborne pollution during operation arising from impacts associated with discharges into Havant Thicket Reservoir.</p> <p>The presentation of the modelling results and the implications for affected waterbodies leading to a conclusion of no change to nitrate levels and no deterioration from existing levels of dissolved oxygen in Langstone Harbour is difficult to follow due to the volume of information presented and apparent inconsistencies in the text. For example, at paragraph 5.3.142 it states that the modelling considered alternative scenarios with phosphorus treatment at the WRP but at paragraph 5.3.153 it states that this embedded mitigation is not represented in the outputs. Comparison of increased concentrations of water quality parameters between Hermitage Stream and Riders Lane Stream are made, noting the latter would be more affected but it is unclear why this is relevant to the conclusion if both watercourses flow into the European sites. The same information is repeated in the later paragraphs for the Ramsar site and Solent Maritime SAC.</p>

Draft habitats regulations assessment (HRA) report		
Ref No.	Paragraph/Section	Comment or question
		The Inspectorate advises that these sections would benefit from improved clarity and explanation of how the modelling outputs relate to the qualifying features being assessed. The applicant should also consider whether there could be consolidation of the text across the 3 European sites, whilst maintaining clear conclusions for each. The use of tables may assist.
6.	Paragraph 1.2.6	It states that no demolition is proposed as part of the proposed development. The Inspectorate notes, however, that the dDCO gives powers for demolition in several places (items (b)(i) and (viii) of the Ancillary Works in Schedule 1). This should be clarified and the HRA and MCZ Report amended as required.
7.	Section 2.5	Detailed information about how the Zol have been determined are stated to be presented in technical appendices forming part of the ES. These do not form part of the draft document review, so the Inspectorate is not able to provide substantive comments but would note that it should be clear how the Zol has been selected for the purposes of the HRA. Specific section and paragraph cross-referencing should be provided to aid the reader in locating HRA-related information that is not within the HRA and MCZ Report.
8.	Section 2.6 and Appendix A	Section 2.6 states that NE, the EA and the Marine Management Organisation (MMO) have been consulted throughout the HRA process, including review of draft reports. The HRA and MCZ Report states that comments received are included in Appendix A but appendices have not been submitted at draft document review stage. The Inspectorate advises that the dDCO application version of the HRA report should include evidence of agreement with relevant bodies including NE as the appropriate nature conservation body, as to the scope, methodologies, interpretation, and conclusions of the screening assessment.
9.	Paragraph 3.1.1 and table 3-1	The Inspectorate notes that HRA and MCZ assessment are separate processes subject to different legal tests. As such, it is not clear why Bembridge MCZ is included in the list of sites taken forward from HRA stage 1 screening assessment. The Inspectorate advises that screening conclusions relating to the MCZ are considered separately to avoid confusion for the reader.

Draft habitats regulations assessment (HRA) report		
Ref No.	Paragraph/Section	Comment or question
10.	Table 3-1	Table 3-1 provides a summary of the screening conclusions for likely significant effects (LSE), but no summary table is provided for stage 2 AEol conclusions. The Inspectorate refers the applicant to the Planning Inspectorate's advice page Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments , which requires a summary table of all European sites and qualifying features and each pathway of effect considered at each HRA stage for each phase of the proposed development. A summary table for stage 2 should be included in the HRA report accordingly.
11.	Table 3-1 and section 5.3	Table 3-1 states that spread of invasive non-native species (INNS) during operation is screened in as an impact pathway to several European sites but no supporting assessment is provided in section 5.3 of the HRA and MCZ Report. An assessment is only provided for the construction phase. This should be clarified and corrected as required.
12.	Paragraph 3.2.3	The HRA and MCZ Report refers to potential for several operational emergency scenarios to contribute to impact pathways to sediment scour, spread of INNS and waterborne pollution but states that these are operationally exceptional and not likely to occur, so are not considered further. The Inspectorate advises that if the possibility of these emergency scenarios occurring cannot be excluded, on a precautionary basis the HRA stage 2 assessment must consider these within relevant impact pathways to determine if there could be an AEol of the relevant European sites. Mitigation should be identified as needed.
13.	Paragraphs 3.2.4, 4.1.56, 4.1.60 and 5.3.85	The HRA and MCZ Report includes a placeholder pending completion of further work in relation to potential INNS pathways through waste streams and overflows at Otterbourne WSW and Chickenhall wastewater treatment works (WTW) during operation of the proposed development. The Inspectorate advises that the dDCO application version of the HRA and MCZ Report should be updated with full details of this impact pathway, including the stage 2 assessment conclusions and confirmation of mitigation proposed. It should explain the extent to which this has been agreed with relevant consultation bodies. If it is not possible to rule out AEol of the River Itchen SAC, a derogation case should be provided.

Draft habitats regulations assessment (HRA) report		
Ref No.	Paragraph/Section	Comment or question
		Reference is made to potential mitigation through design as part of upgrade works to the Otterbourne WSW. Based on information presented in the ES Project Description Chapter (see comment 12 on that document below), the Inspectorate understands that proposed upgrade works at Otterbourne WSW would be progressed separately to the dDCO. If these works form part of the mitigation for the proposed development, it must be clear how it is proposed to ensure they would be complete prior to the proposed development becoming operational.
14.	Section 4.1	Embedded and good practice measures proposed to avoid or minimise risks of impacts to the European sites, and qualifying habitats and species outside of the European sites and MCZ are described. In some instances, these appear to be broader or more generic measures rather than specific to the HRA or MCZ assessment, and the caveat “as far as reasonably practicable” is used. It should be clear which mitigation measures are relied upon to avoid AEol of the European sites assessed. Where measures are relied upon, it must be clear that they would be implemented to the extent required to avoid AEol and the Inspectorate advises that the use of caveats should be revisited in this regard.
15.	Paragraphs 4.1.13, 4.1.22, 5.3.90 to 5.3.101, 5.3.167 to 5.3.175 and Table 5-1	<p>The HRA and MCZ Report includes a placeholder pending confirmation of a mitigation strategy to address loss of functionally linked land (FLL) (to the Chichester and Langstone Harbour SPA and Ramsar site) at Solent wader and Brent goose sites (SWBGS) where the WRP would be located. A high-level summary of the proposal for delivery and maintenance of suitable habitat at a site on the edge of Chichester Harbour is set out. It is stated that NE is actively involved.</p> <p>The Inspectorate advises that the dDCO application version of the HRA and MCZ Report should more clearly set out, preferably using tables, the location and area of FLL at the SWBGS that would be temporarily and permanently affected by the proposed development, and the mitigation proposed. Clarification is needed, as in some instances the draft report suggests that W03G would be subject to permanent habitat loss but it appears that the reference should be to H08, and that W03G is FLL for Portsmouth Harbour SPA subject to temporary loss of feeding and roosting habitat address from paragraph 5.3.302 onwards of the report.</p>

Draft habitats regulations assessment (HRA) report		
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		The Inspectorate refers the applicant to the Inspectorate's advice page Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments , which sets out the information required in respect of mitigation. The dDCO application version of the HRA Report must include this level of detail.
16.	Paragraphs 4.1.28 to 4.1.31, and 4.1.35	It is proposed that a fluid breakout management plan, water monitoring plan and temporary construction drainage strategy would be produced to manage risks from construction of tunnel shafts and trenchless installation activities resulting in hydrological change and waterborne pollution from runoff. The Inspectorate would expect outline versions of these plans to be submitted with the dDCO application.
17.	Paragraph 4.1.32	The HRA and MCZ Report should more clearly describe the proposed phosphorus reduction measures at the WRP. This could be by cross-reference to the ES Project Description Chapter. The Inspectorate has provided comments on this at ref no. 18 in that table.
18.	Paragraph 5.1.3	The HRA and MCZ Report states that conservation objectives are provided within the HRA stage 1 screening report, which has not been provided at the draft document review stage. The Inspectorate refers the applicant to Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments , which requires a copy of the citation and Natura 2000 data sheet for each European site to be provided as part of the HRA.
19.	Paragraphs 5.3.28 and 5.3.11	A placeholder is included stating that a seasonal restriction on trenchless installation works to avoid key spawning and migration periods of qualifying fish species of the River Itchen SAC and River Meon Compensatory SAC may be required pending the final assessment. This should be clarified, and if required the seasonal restriction should be demonstrably secured in the dDCO or other legal mechanism.
20.	Paragraph 5.3.29	The conclusion regarding AEol on the River Itchen SAC in relation to the otter qualifying feature could be more clearly presented. It reads as though the conclusion of no AEol is dependent upon securing a separate licence from NE that details mitigation. However, the Inspectorate understands that the conclusion would be no AEol based on surveys to date not identifying potential holt sites within 200m of the works, and preconstruction surveys would be undertaken to demonstrate no change in the baseline.

Draft habitats regulations assessment (HRA) report		
Ref No.	Paragraph/Section	Comment or question
21.	Paragraphs 5.3.80 to 5.3.81	This may be further described or cross-referenced in the HRA stage 1 assessment, but the Inspectorate advises that the dispersion modelling undertaken to support the conclusion of no AEol to the Atlantic salmon qualifying feature of the River Itchen SAC from hydrological change or waterborne pollution during operation should be included within the dDCO application. This should include the method used and the outcomes relative to the specified parameters.
22.	Paragraphs 5.3.108 to 5.3.109	The phrase “any potential impact on the Langstone Harbour would be muted by its connectivity with the sea” is used several times in the assessment of potential AEol of Chichester and Langstone Harbours SPA from hydrological change. The Inspectorate considers that this phrase lacks specificity in terms of explaining why impacts would be reduced; it advises a clearer evidence-based explanation should be provided.
23.	Paragraphs 5.3.305 and 5.3.324	A conclusion of no AEol of Portsmouth Harbour SPA and Ramsar site is reached in respect of potential habitat loss and fragmentation arising from construction of the pipeline based on effects being short term and reversible, but the duration of impacts and habitat restoration timescale is not stated. This should be clarified
24.	Section 6	The MCZ stage 1 assessment for Bembridge MCZ has been included as section of the HRA and MCZ Report. The Inspectorate is not aware of any reasons why the HRA and MCZ assessments should not be presented in one report but advises that as they are separate assessment processes subject to different legal tests the relevant information for the MCZ must be clearly set out to facilitate the competent authority's decision-making.
25.	Formatting	The paragraph numbering of section 5.3 restarts after paragraph 5.3.402. This should be corrected.
26.	Section 8	Section 8 References has not been populated. This should be corrected.

Draft environmental statement (ES) project description chapter(s)		
Ref No.	Paragraph/Section	Comment or question
1.	General	The chapter contains repetition in several places, which the Inspectorate acknowledges is partly due to the linear nature of the pipeline component, and the applicant's approach to subdivide the works into pipeline sections. The outputs of the proposed WRP in different conditions are also described in multiple locations, and in some instances, there are discrepancies between the figures used for the minimum transfer outside of drought conditions (for example, paragraph 3.3.32 refers to 20 megalitres per day (ML/d) but paragraph 3.6.4 states 20 ML/d to 30 ML/d). To aid understanding, it would be beneficial to avoid repetition through consolidation of the text and to clarify the minimum and maximum outputs for example in a single table.
2.	General	Figures used in the ES Project Description Chapter should be legible and not blurred to aid the reader. For example, annotations on Graphic 3-10 are not fully legible when zoomed in. Automatically generated alt text descriptions have been added to images, which are not always accurate. For example, the alt text on Graphic 3-10 states it is a blueprint of a house. Care should be taken to ensure alt text is accurate.
3.	General	In several places, the ES Project Description Chapter indicates that flexibility would be retained for a component until detailed design stage, for example the connection point for pipeline between the WRP and Budds Farm WTW, the pipeline crossing at River Meon and Wickham Park Golf Club and the access road from Chalk Lane to intermediate pumping station (IPS)-F. The ES should justify the need for remaining flexibility and assess the worst-case parameters of the remaining options.
4.	General	In several places, the ES Project Description Chapter presents worst-case parameters used in the assessment work but describes these as "likely worst-case". The actual worst-case parameters must be specified and used as the basis for assessment. Any assumptions made in establishing these should be explained.
5.	General	The description of the nature and quantity of natural resources proposed to be used, and the estimate of expected residues and emissions in the ES Project Description Chapter lacks sufficient detail in several areas including water supply, requirements for energy and chemicals, and the composition of reject water. The Inspectorate reiterates the comments provided at ID 2.1.16 and 2.1.17 of the Scoping Opinion and advises that

Draft environmental statement (ES) project description chapter(s)		
Ref No.	Paragraph/Section	Comment or question
		full descriptions must be provided in the ES. If this is not in the project description, it should be detailed in the relevant aspect chapter with suitable cross-referencing.
6.	General	Various infrastructure components such as the construction compounds and IPS are named in the text by reference to the pipeline section (D to M). It would be helpful to readers if the same referencing system could be applied across the dDCO application documents.
7.	Paragraphs 3.1.16 to 3.1.17	The parameters and vertical LoD upon which the ES is based must be consistent with what is secured in the Design Principles and Schedule 2 of the dDCO.
8.	Paragraph 3.2.4	It states that no demolition is proposed as part of the proposed development. The Inspectorate notes, however, that the dDCO gives powers for demolition in several places (items (b)(i) and (viii) of the Ancillary Works in Schedule 1). This should be clarified. If demolition is proposed, the ES Project Description Chapter should describe the maximum parameters associated with this activity. An assessment of any likely significant effects should be provided in the ES. If no demolition is proposed, the dDCO should be amended accordingly.
9.	Paragraph 3.3.14	Surface water at the WRP is proposed to be attenuated and treated through SuDS. It is not specified if an outline drainage strategy would form part of the dDCO application although reference is made to outfall being designed in accordance with the Design Principles Document. The applicant should consider providing an outline drainage strategy, which clearly sets out the proposals for surface water during operation of the proposed development.
10.	Paragraph 3.3.31	The ES Project Description Chapter should clearly describe the environmental mitigation and enhancement proposed as part of Portsmouth Water's project based on the latest information in the public domain. It would be beneficial for an overlay plan showing the interaction of the proposed development with the Portsmouth Water project works to be submitted to aid understanding.

Draft environmental statement (ES) project description chapter(s)		
Ref No.	Paragraph/Section	Comment or question
11.	Paragraph 3.3.34	The Inspectorate understands that due to the linear nature of the pipeline component of the proposed development, the applicant has decided to subdivide the description of works into sections D to M. The ES should explain how the dividing locations were determined; it should be clear that this has not been done in a way that could result in underreporting of assessment outcomes. It would be helpful to also label sections A to C in the chapters and on the plans to avoid confusion.
12.	Paragraph 3.3.61	Proposed upgrade works to Otterbourne WSW should be considered in the cumulative effects assessment where there is potential for significant cumulative effects during construction or operation of the proposed development. The ES should clarify if the proposed development is reliant upon the upgrade works being complete prior to it being commissioned, and any implications for the assessment if the programme is delayed.
13.	Paragraph 3.3.105 to 3.3.106	Reference is made to various utility connections being delivered through permitted development rights. These proposals should be assessed within the cumulative effects assessment where there is potential for likely significant cumulative effects.
14.	Paragraph 3.5.3	The applicant should ensure the core working hours for construction and the operations that may take place outside of the core working hours (as described in the ES Project Description Chapter) are consistent with what is specified in the dDCO and appropriately secured.
15.	Paragraph 3.5.12	A temporary cofferdam may be required to construct the SuDS outfall in the Hermitage Stream. Relevant parameters for any cofferdams, including maximum number, dimensions and duration of use, should be described in the ES.
16.	Paragraph 3.5.69	The Inspectorate would recommend submitting outline versions of the site waste management plan and materials management plan as part of the ES or outline construction environmental management plan.

Draft environmental statement (ES) project description chapter(s)		
Ref No.	Paragraph/Section	Comment or question
17.	Paragraphs 3.5.115 and 3.5.126	The ES should describe how any solid waste from the slurry tunnel boring machine would be disposed of, if this method is used.
18.	Paragraph 3.6.10	The ES should describe any relevant guidance relating to the determination of phosphorus levels in the recycled water, and confirm the status of the associated environmental permit application with the EA. The Inspectorate had understood from recent project update meetings that there was a potential for phosphorus treatment measures, for which the physical components would be included in the dDCO application. It is unclear from the ES Project Description Chapter if this is still the case and this should be clarified in the dDCO application version.
19.	Paragraph 3.6.22	It would be helpful to aid understanding if the ES included a figure to show the locations where the proposed 6m protective strip would be required in relation to pipeline installed by open-cut method, and where this would not be required due to use of trenchless methods.
20.	Paragraphs 3.6.39 to 3.6.41	Reject water from the WRP is proposed to be disposed of via the existing Eastney Long Sea Outfall (LSO). The ES should explain the nature of any operational powers sought in respect of the Eastney LSO. Any impact pathways arising from the exercise of such powers should be assessed in the ES where significant effects are likely to occur. The Inspectorate had understood from recent project update meetings that there was a potential change to the proposed development a described in the applicant's scoping report, wherein some physical works might be required to the Eastney LSO. It is unclear from the ES Project Description Chapter if this is still the case and this should be clarified in the dDCO application version.
21.	Paragraphs 3.7.4 to 3.7.7	It is stated that consent would not be sought for decommissioning in the dDCO as the operational life of the proposed development could extend beyond the assumed 100-year design life with further maintenance and repair. It is unclear from the ES Project Description Chapter if the ES would include an assessment of decommissioning; paragraph 3.7.7 states that the approach to assessment is set out in ES Chapter 5 EIA Approach and Methodology, which does not form part of the draft document review.

Draft environmental statement (ES) project description chapter(s)		
Ref No.	Paragraph/Section	Comment or question
		<p>The Inspectorate reiterates the comments provided at ID 2.2.1 of the adopted Scoping Opinion, which required an assessment of impacts resulting from decommissioning in each aspect chapter that is proportionate, and includes a description of the process and methods of decommissioning, land use requirements and estimated timescales. Regulation 14(3) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 states that the ES must be based on the most recent scoping opinion adopted so far as the proposed development remain materially the same as the proposed development which was subject to that opinion.</p>

Draft planning statement		
Ref No.	Paragraph/Section	Comment or question
1.	3.2.1	<p>The applicant is advised to include the reference for where the Environment Agency's quote is taken from; can the quote be read in context elsewhere in the application?</p>

Draft book of reference (BoR)		
Ref No.	Page/ Plot Ref	Comment or question
1.		<p>Appears to be incomplete as it is only 18 pages and could not be cross checked with the dDCO as the plot numbers could not be found.</p>