



Hampshire Water Transfer and Water Recycling Project – WA010002

Southern Water Services Limited Section 51 Advice Log

Version: 20 November 2025

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the Applicant (Southern Water Services Limited) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the Applicant during which s51 has been provided. The Applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The Applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

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Date of meeting	Meeting overview
<u>01/11/2024</u>	This advice was sent by email only for feedback on the Programme document.
<u>26/11/2024</u>	<ol style="list-style-type: none"> 1. Welcome and introductions <ol style="list-style-type: none"> a) Section 51 advice b) Security and protection of information policy 2. Ways of working 3. General project progress <ol style="list-style-type: none"> a) Consultation Update b) Engagement update c) Scheme development update d) EIA update 4. Draft DCO application overview 5. Supplementary components and Primary Service Features 6. Key issues 7. Next Steps 8. AOB
<u>19/03/2025</u>	<ol style="list-style-type: none"> 1. Welcome and introductions <ol style="list-style-type: none"> a. Section 51 advice b. Security and protection of information policy 2. Project Update 3. Spring 2025 consultation update 4. EIA update 5. Commitments Register template 6. Programme for sharing draft DCO docs / meeting lookaheads 7. Engagement update / issues logs 8. Next Steps 9. AOB

<u>15/07/2025</u>	<p>1. Welcome and introductions</p> <p>a) Section 51 advice</p> <p>b) Security and protection of information policy</p> <p>2. Project progress update</p> <p>3. Spring 2025 consultation feedback/AoCM</p> <p>4. EIA update</p> <p>5. Draft DCO documents/pre-application submission</p> <p>6. AOB</p> <p>a) Key issues</p> <p>b) Next meeting date</p>
<u>22/10/2025</u>	<p>Draft documents feedback</p>
<u>Email advice: 29/10/2025</u>	<p>Pre-application prospectus update</p>
<u>07/11/2025</u>	<p>Project progress update</p> <p>Draft DCO docs / pre-application submission</p> <p>1. General</p> <p>2. Draft DCO</p> <p>3. Draft Explanatory Memorandum</p> <p>4. Draft Works Plans (sample) and Draft Land plan (sample)</p> <p>5. Draft Habitats Regulations Assessment Report</p> <p>6. Draft Environmental Statement Chapter 3 (Description of Proposed Development)</p> <p>7. Draft Planning Policy Statement</p> <p>8. Draft Book of Reference (sample)</p> <p>9. Draft Pre-application Land and Rights Negotiation Tracker</p> <p>Consultation update</p> <p>Update on Natural England</p> <p>EIA update</p>

	Key issues & AOB
	Post-meeting note
<u>Email advice: 20/11/2025</u>	Adequacy of Consultation Milestone (AoCM) statement feedback

Hampshire Water Transfer and Water Recycling Project

- s51 Advice Library

Topic	Advice date: 01 November 2024
Feedback on Programme document	Your Programme Document's timeline seems to be missing the submission of draft documents to the Planning Inspectorate. This is a notable feature of the Standard tier of service, and we encourage you to make full use of it. Draft documents are usually submitted towards the end of the pre-application period, with sufficient time after the 6-week review period (before the full application submission) for you to respond to our feedback. Please advise when you intend to submit draft documents to us, update the timeline in your Programme Document, and publish the updated document to your project website.
Topic	Meeting date: 26 November 2024
Programme Document	The Inspectorate advised to add changes to the Programme document and that you do not need to use all 6 meetings if you don't need them but try to plan what you want from us in your meetings ie Inception, post draft documents etc. The programme document is a good way to schedule that in.
s35/Programme Document	The Inspectorate suggested that for transparency, the programme document should include the varied s35 direction.
Consultation Report	The Inspectorate advised to ensure any negative/positive feedback is captured in the consultation report. The Applicant understood and confirmed a summary of feedback will be published towards the end of the year. A 4-week public consultation is planned for early 2025.
s35	The Inspectorate advised the Applicant to ensure the Statutory Consultation reflects the varied s35 direction.
Application/Order limits	The Inspectorate advised that if changes are made to the draft Order Limits compared to the scoping boundary, it

	would be helpful for these to be clearly explained in the Application.
Draft documents	The Inspectorate requested that draft DCO docs are submitted as complete as possible as incomplete skeleton documents are difficult to provide any valuable feedback on. The Inspectorate highlighted Land Plans and Book of Reference as documents that should be complete if submitted for review. Time should be allocated for the Inspectorate to review the draft docs and for the Applicant to be able to assess and respond to/act upon any feedback provided.
Draft documents	The Inspectorate advised that it was preferable for the documents to be submitted altogether. The Inspectorate noted that the draft Habitats Regulations Assessment (HRA) Report was not listed in the Applicant's proposed draft documents for review; it confirmed that review of the HRA Report does form part of the standard tier service and that the Report can be reviewed if required.
Change Requests	The Inspectorate advised the Applicant to be aware of recent change requests, i.e. Mona, Byers Gill where there might not be enough time to complete the Examination such that you might be refused the change request.
Programme Document	The Inspectorate requested the updated Programme Document soon for review and highlighted that when more firm dates are known next year for draft docs this should be provided again. The Inspectorate envisages that this document is regularly updated to help both the Inspectorate and other bodies help plan resources accordingly.
HRA	The Inspectorate advised that it would be helpful to have an update on progress of the HRA work and engagement with relevant consultation bodies, including Natural England. The Applicant confirmed it would seek an update.
Water quality modelling	An update was provided on the progress of freshwater and marine water quality modelling, and engagement with relevant consultation bodies including the Environment Agency. Engagement has been good and discussions are ongoing about the approach to assessment under the Water Environmental Regulations (WER). The Inspectorate advised that it would be helpful to receive further updates on progress at future meetings and to understand how it is proposed to be addressed in the DCO application.
Environmental permitting	The Inspectorate welcomed confirmation from the Applicant that pre-application engagement on the environmental

	permit had started and that it was intended to submit the application concurrently with the DCO application.
Topic	Meeting date: 19 March 2025
s35 Direction	The Inspectorate noted that the Applicant has received the variation to the s35 Direction from the Secretary of State, and drew the Applicant's attention to other water infrastructure schemes which had requested variations where the Applicants would not be the undertaker taking the project forward. The Applicant commented that it does not anticipate that approach being required here.
Adequacy of Consultation Milestone (AoCM)	The Inspectorate welcomed the Applicant's confirmation that it had flagged the AoCM with the local authorities (LAs). The Inspectorate recommended that the Applicant receive a written statement or feedback from LAs on their AoC at that stage, although it recognises that this is not entirely in the Applicant's control, especially given the resourcing demands on LAs.
EIA – water quality modelling	The Inspectorate welcomed the Applicant's update on the ongoing modelling work and noted that the Applicant was in discussions with the Environment Agency (EA) and others. It confirmed that the environmental permit process is planned to run concurrently, with initial discussions having started. The Applicant confirmed it will submit a WER compliance assessment report with the DCO application. It proposes to include this as part of the Environmental Statement (ES), Water Environment Chapter. The Applicant's modelling currently shows that the Proposed Development would be compliant with the WER, however a higher concentration of phosphorus in the recycled water, and resulting increase in the reservoir when blended with spring water, means that additional phosphorus treatment measures might be needed, and the necessary provision for this will be included in the DCO. The Inspectorate asked what this would comprise, and the Applicant confirmed it is being developed and it would provide an update at the next meeting.
DCO – water environment	The Applicant explained that the DCO would likely have to make provision for the physical elements of the phosphorus treatment process but that it was not proposed to include provision for the regulatory requirements as they are covered by other legislation.
HRA and MCZ assessments	The Inspectorate welcomed confirmation that the Applicant was working with both Natural England (NE) and the Marine Management Organisation (MMO) on these assessments and requested an update on their feedback at the next project meeting. In particular, if NE or MMO had any

	concerns regarding the principle of the assessment rather than matters of detail, these would need to be flagged as soon as possible.
Commitments register	The Inspectorate welcomed the Applicant's confirmation that it would prepare a commitments register for submission with the DCO application. The Inspectorate advised the Applicant to follow the Inspectorate's advice page on production of the register, as this would help it to produce an effective document. The Applicant confirmed that the advice page was being taken into consideration in preparation of the document. There were no examples of particularly good practice the Inspectorate could direct the Applicant to at present but the Inspectorate was content for the Applicant to look at other NSIPs for examples and adapt to suit its needs. The Inspectorate confirmed that the Applicant does not have to use the template in the advice pages but it is intended as a helpful example and can be adapted to suit.
Draft Documents	The Inspectorate confirmed it was comfortable with the Applicant's intention to take a streamlined approach and submit those documents where a review would be most useful for both parties. The Inspectorate confirmed that draft documents needed to be submitted all together, rather than in tranches as they are ready.
Draft documents	The Inspectorate advised that review of documents such as the issues tracker and commitments register is not particularly useful if they are unpopulated. However, it would not expect these to be fully complete at this stage; a sample of a couple of pages would be sufficient for the Inspectorate to provide helpful feedback.
Draft documents – DCO	The Inspectorate requested that the Applicant flag any particular areas of novel issues or drafting that it wants advice on at draft documents stage. It advised that where drafting is being used on the basis of its use in other projects, there still needs to be a justification of why it is applicable in this case, and noted that this has frequently been raised as an issue in examinations. The Inspectorate agreed that at draft document stage, it would be able to provide feedback on the principle of the approach to novel issues rather than the detailed drafting, if this is submitted by way of an explanatory note and/or early draft explanatory memorandum.
Draft documents – ES & HRA	The Inspectorate advised that it would only review and provide draft document feedback on the project description chapter of the ES. The Applicant could submit other introductory ES chapters for information but the Inspectorate

	would not review these. If the Applicant had specific questions about the alternatives ES chapter, the Inspectorate could review and provide draft document advice on these. The Inspectorate advised the Applicant to consider whether a review of the draft HRA reports would be beneficial, as this is offered as part of the pre-application service.
Programme document (PD)	The Inspectorate advised that it is a requirement for the Applicant to publish a public-facing PD on its website, with sufficient detail for the general public to understand the Applicant's intentions. The Inspectorate also noted that there do not appear to be many differences between the previous version of the PD and the recently published version; the PDs should reflect any changes over the course of the pre-application stage.
EA updates	The Inspectorate drew the Applicant's attention to a recent letter from the EA being sent to all NSIP Applicants relating to updated flood risk and coastal erosion data. The EA notes that further updates to data were expected to be published at the end of March 2025. The Inspectorate advised that flood risk data updates would need to be considered in the relevant DCO application documents, and any implications for the assessment work explained. The Inspectorate noted that the EA would be likely to raise any significant implications for the proposed development during pre-application discussions, if there were any.
Legislation and guidance update	The Inspectorate welcomed the Applicant's confirmation that it was reviewing recently issued advice on linear projects. It noted that the recent Planning and Infrastructure Bill may have further implications, and that the Applicant was aware of this. The Inspectorate drew the Applicant's attention to guidance published by Defra in December 2024 about application of the revised duty under s85 of the Countryside and Rights of Way Act. The Inspectorate noted that it would be of relevance where indirect effects were predicted to the South Downs National Park (SDNP). The Applicant was aware of the guidance and confirmed it is discussing landscape effects with SDNP Authority, but no significant concerns had been raised.
Topic	Meeting date: 15 July 2025
Project progress update	DCO application submission has been rescheduled to January 2026.
Spring 2025 consultation feedback/Adequacy	The applicant asked how comprehensive the AoCM should be. The Inspectorate advised that best practice is yet to emerge and recommended the applicant take note of the

of Consultation Milestone (AoCM)	<p>prospectus for guidance on the content, and the length of the document will depend on the number of consultations carried out and the nature of the project. The Inspectorate also advised the AoCM would be tested against the s55 checklist in a similar manner to the consultation report at acceptance.</p> <p>The Inspectorate advised that, in preparing their AoCM document, the applicant consider how they expect to benefit from the feedback provided. Understanding how consultation feedback impacted the project is important; an outline of the outcomes/actions from that feedback would be useful and would assist the Inspectorate in offering meaningful advice. Should many of the actions following their consultations be reserved to be confirmed in the consultation report, the Inspectorate's feedback on the adequacy of their consultation would be reduced. The applicant proposed providing a short summary of how they propose to respond to their consultation, rather than a comprehensive line by line in depth response to assist the review. The Inspectorate was content with the principal of this approach.</p>
Update on environmental matters	<p>The applicant provided an update on EIA progress and confirmed that coverage of environmental effects in its PEIR was comprehensive and the ongoing assessment work had resulted in a limited number or new or different material effects. Noise and vibration effects were reduced but it is exploring further mitigation for construction effects at 2 receptors.</p> <p>The applicant provided an update on Habitats Regulations Assessment (HRA), confirming it shared a draft of its HRA with NE, the EA and the MMO. The Inspectorate queried the applicant's status update, noting that it expects to include no adverse effects on integrity in the HRA but that it also refers to offsite being developed in discussion with landowners. This should include clarification of the European site(s) and qualifying features that are potentially affected (resulting in the need for compensation), the impact pathway(s) of concern, a summary of advice received from NE as the ANCB and an outline of the steps being taken to develop the derogations' case (if needed).</p> <p>The Inspectorate indicated that suggesting that AEol could not be excluded and that a derogations case would be needed. The Inspectorate advises the applicant to refer to its advice page: NSIPs: Advice on HRA and the National Policy Statement for water resources infrastructure for further guidance. The Inspectorate advised if compensatory measures are required under the Habitats Regulations then this would form part of a derogations' case, which would need to be submitted with the DCO application.</p>

	<p>Regarding its Marine Conservation zone (MCZ) assessment, the applicant stated that there was no change since the last meeting where it confirmed a Stage 2 assessment was not required. The Inspectorate advised that it would be helpful to have a further update at the next project update meeting.</p> <p>Action: The applicant agreed to provide clarification on its HRA to EST through a follow up meeting or email.</p>
Draft documents/pre-application submission	<p>The applicant asked whether the programme document is considered an application document as per the list online. The Inspectorate advised considering recently updated guidance as to which documents should form part of their submission, and the order to submit them in. This guidance includes the programme document as a submission document.</p> <p>The applicant confirmed that draft documents would be submitted in September 2025; rescheduled from July. Submitting its DCO application in January 2026 also allows time for draft document feedback to be reviewed and considered.</p> <p>The applicant asked whether other plans outside the land and works plans can be submitted in the draft document review.</p> <p>The Inspectorate confirmed only documents listed under the standard tier in the Prospectus would be reviewed. The applicant may seek specific advice on other documents that fall outside of the standard tier; feedback could be given at the discretion of the Inspectorate.</p> <p>The Inspectorate advised the applicant could submit a draft sample of their Pre-application Land and Rights Negotiation Tracker for review, along with a request for specific advice. The Inspectorate advised the applicant take note of approaches taken by other projects in pre-examination. The Inspectorate noted the applicant's programme document stated their Book of Reference (BoR) would not be submitted for review.</p> <p>The Inspectorate advised that a BoR was necessary to checking the draft DCO, as well as the land and work plans, and it could also prove useful to receive advice on the format of the BoR.</p> <p>The Inspectorate confirmed the applicant's Commitments Register could not be reviewed at the draft document stage, as it falls outside of the standard tier of service.</p> <p>The Inspectorate noted that the applicant intended to submit a Planning Policy Statement & Appendix (Policy Compliance) for review. The Inspectorate confirmed it would</p>

	not provide feedback on the policy compliance documents, as they fall outside of the standard tier of service.
Key Issues/AOB	The applicant highlighted the continued opposition from some landowners and communities local to the proposed scheme. The Inspectorate advised efforts should be made to resolve issues prior to submission, and for the applicant to prepare to receive relevant representations and submissions during Examination to that effect if not resolved.
Next meetings	The Inspectorate advised the project update meetings requested for September and October be rescheduled to align with the applicant's revised pre-application timeline, and an updated programme document, reflecting the evolution of the scheme, be submitted as soon as possible. The Inspectorate requests a clean and tracked change version be submitted to clearly highlight the changes made.
Submitting draft docs	The applicant asked how draft application document and AoCM submission. The Inspectorate refers to the updated guidance on submitting application documents and advises this be followed for draft documents and AoCM submission.
Topic	Advice date: 22 October 2025
Draft documents feedback	See draft documents feedback table published separately
Topic	Advice date: 29 October 2025
Pre-application prospectus update	<p>IMPORTANT INFORMATION ABOUT UPDATES TO OUR PRE-APPLICATION SERVICES</p> <p>Following a 6-month review of our services, our Pre-application Prospectus has been updated: 2024 Pre-application Prospectus. The update log at the bottom of the page summarises the changes and clarifications that have been applied.</p> <p>As an applicant with a live project at the pre-application stage of the process, please familiarise yourself with the update and consider how it might affect your pre-application programme and interaction with our services.</p> <p>Please note in particular:</p> <ul style="list-style-type: none"> the establishment of land and rights negotiations tracking as a primary service feature – this means it is now expected for all applicants to develop and share a land and right negotiations tracker in 1 of 2 available templates, irrespective of the service tier they have subscribed to

	<ul style="list-style-type: none"> clarified expectations of applicants when preparing to interact with the Inspectorate at meetings – including clarified rights for the Inspectorate to delay or refuse service where pre-meeting expectations are not upheld e.g. an updated programme document or issues tracker is not provided, on time, to inform a meeting agenda <p>You will be used to supplying the Inspectorate's case team with certain documents ahead of project update meetings. The suite of documents has expanded, so in future, 10 working days ahead of any project update meeting, please provide the following:</p> <ul style="list-style-type: none"> up-to-date Programmed Document up-to-date Issues Tracker up-to-date Land and Rights Negotiation Tracker draft agenda any material to support the agenda, such as a presentation slide pack <p>Templates for these documents can be found in our published Prospectus; please use them if these documents are yet to be created.</p>
Topic	Advice date: 7 November 2025
Draft document review/pre-application submission	<p>General The Inspectorate advised that if slides are provided to the Planning Inspectorate to aide preparation for the meeting these are subject to FOI and EIR requests for information, as are all documents held by the Planning Inspectorate.</p> <p>The applicant sought clarification on advice provided by the Inspectorate in its review of draft application documents.</p> <p>Draft Development Consent Order (dDCO) The Inspectorate advised the applicant to make clear in the draft DCO that they do not intend to compulsorily acquire dwellings.</p> <p>It is also important that the considerations of upgrade or refurbishment have been correctly signposted in the draft DCO and other documents. Empty schedules regarding land plots in the draft DCO need to be completed.</p> <p>Draft Explanatory Memorandum The Planning Inspectorate outlined the need to signpost to relevant parts of the Environmental Statement to aid the necessary acceptance checks when the application is submitted.</p>

<p>Draft Works Plans (sample) and Draft Land plan (sample)</p> <p>The Inspectorate outlined the need for the Book of Reference and draft DCO to be complete – even if not in their final form – to allow checks against the relevant regulations to be carried out. Skeleton documents can lack the necessary information to cross check plans with other related documents, thereby reducing the Inspectorate's ability to provide valuable feedback.</p> <p>Plans should be consistent across the application e.g. sheet 2 of the Land Plans should cover the same area as sheet 2 of the Work Plans</p> <p>Draft HRA Report</p> <p>The applicant sought clarification of the Inspectorate's HRA Ref. 12, and further advice on the approach it should take to assess operational emergency scenarios. In response to the Inspectorate, the applicant clarified that these scenarios were not part of the proposed operational works and would be extremely unlikely, and that NE had not raised concerns with the applicant's approach to exclude this pathway from assessment. The Inspectorate stated that it would discuss this matter internally and provide post-meeting advice.</p> <p>Regarding HRA Ref. 16, the applicant stated that it would not be submitting outline management plans. The Inspectorate advised it would need to be clear that proposed measures were feasible and that if the application were accepted for examination, this matter might be an area of questioning by the ExA.</p> <p>Draft Environmental Statement Chapter 3 (Description of Proposed Development)</p> <p>Regarding ES Ref. 3, the applicant confirmed that it could include more detail about why extra flexibility is sought for the identified components.</p> <p>The Inspectorate outlined that extra cross referencing would be helpful.</p> <p>Draft Book of Reference (sample)</p> <p>The book of reference should begin with a section on how to read the document on its own and in conjunction with other application documents, such as the dDCO.</p> <p>Draft Pre-application Land and Rights Negotiation Tracker</p>	
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	Recently, the Inspectorate updated their pre-application prospectus with two Land and Rights Negotiation Trackers The tracker does not have to be complete at Acceptance but a detailed version is useful, and could be requested by the ExA, at Examination.
Key Issues	Would be useful to quantify definitions of the emergency risks. Framework needed to mitigate any potential emergency failures. Documents mentioned on slide 28 need to be named in a more concise manner.
Post-Meeting Note	The Inspectorate advised that the applicant could consider two approaches to this matter in the HRA. It could demonstrate in the HRA report that NE agreed that further assessment of the operational emergency scenarios is not required, or it could identify mitigation proposed to address risks associated with the scenarios and/ or remediation as part of an assessment at stage 2.
Topic	Advice date: 20 November 2025
Adequacy of Consultation Milestone (AoCM) statement feedback	Having reviewed the AoCM, the Planning Inspectorate considers that the applicant has set out their approach to consultation clearly, summarising their activities to date including the Statement of Community Consultation (SoCC). The applicant is advised to include evidence with its application that s44 category persons were consulted, along with copies of notices/letters sent to s42 consultees. Paragraph 6.1.6 mentions two councils not being able to confirm the applicant had consulted under s48 and the applicant details how this was resolved. The applicant is advised to include evidence of this resolution in their application.