

Hampshire Water Transfer and Water Recycling Project Statement of Reasons

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The Southern Water logo consists of three stylized, wavy blue lines of varying lengths, positioned to the right of the text 'Southern Water'.

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1 Executive Summary

- 1.1.1 The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs are to sections or paragraphs of this Statement.
- 1.1.2 The Application Glossary (Document reference 1.7, DCO Volume 1) sets out the abbreviations and definitions used in the Development Consent Order (the 'DCO') Application for the Hampshire Water Transfer and Water Recycling Project (HWTWRP or the 'Project'). For convenience, the relevant parts of the Application Glossary are also set out at the end of this Statement.

1.2 Section 2 – Introduction, Purpose and Structure of this Statement of Reasons

- 1.2.1 This Statement of Reasons has been prepared on behalf of Southern Water Services Limited (the Applicant) and forms part of the Application for a DCO submitted under section 37 of the Planning Act (PA) 2008 in respect of the Project.
- 1.2.2 The purpose of this Statement is to explain why it is necessary, proportionate and justifiable for the Applicant to seek powers of compulsory acquisition within the Application to acquire land, acquire or create rights over land, to extinguish or suspend rights over land, and to temporarily use land for the purposes of the Project. This Statement also explains why there is a compelling case in the public interest for the Applicant to be granted these powers.
- 1.2.3 This Statement has been prepared in accordance with the requirements of section 37(3)(d) of the PA 2008, Regulations 5(2)(h) and 5(2)(n) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (APFP Regulations), the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG, September 2013) ("the CA Guidance") and the Guidance on the Compulsory Purchase Process (updated 31 January 2025).
- 1.2.4 This Statement is one of a number of documents accompanying the Application and submitted to the Secretary of State and should be read in conjunction with those documents.

1.3 Section 3 – Description of the Project

- 1.3.1 The Project comprises the construction, operation and maintenance of the following components:
- Water Recycling Plant (WRP) and associated pumping stations.
 - Pipelines between Budds Farm Wastewater Treatment Works (WTW) and the WRP site.
 - Pipelines between the WRP site and Bedhampton Springs, connecting to pipelines being delivered by Portsmouth Water between Bedhampton Springs and Havant Thicket Reservoir.

- Pipeline between the WRP site and Otterbourne Water Supply Works (WSW).
- Above Ground Plant (AGP) comprising Intermediate Pumping Stations and Break Pressure Tanks located along the Pipeline between the WRP site and Otterbourne WSW.

1.3.2 The Project would also comprise use of the following infrastructure:

- Havant Thicket Reservoir (which has been consented separately by Portsmouth Water and is currently under construction) for the storage of recycled water.
- The existing Eastney Long Sea Outfall (LSO), Eastney Pumping Station (PS), and associated Eastney Transfer Tunnel (TT) for the release of reject water from the WRP site.
- Pipelines and other related works (which have been consented separately by Portsmouth Water) for the transfer of recycled water and source water between Bedhampton Springs and Havant Thicket Reservoir.

1.3.3 The construction and operation of the Project would be supported by other temporary and permanent works.

1.3.4 The Project will require the demolition, disassembly and/or temporary relocation of a number of small structures.

1.3.5 The Project is located within the Order Limits (as described below) and is the subject of the DCO Application. A detailed description of the Project can be found in ES Chapter 3 Description of the Proposed Development (Document Reference 6.1, DCO Volume 6).

1.3.6 The Project is set out in detail in Schedule 1 of the draft DCO (Document Reference 3.1, DCO Volume 3), where it is referred to as the “authorised development” and is divided into works packages. The areas in which each component may be constructed are shown on the Works Plans (Document Reference 2.3, DCO Volume 2).

1.4 Section 4 – The Order Land

1.4.1 The land within the Order Limits covers an area of approximately 659.85 hectares (ha). The Project is located within the administrative boundaries of Hampshire County Council (HCC), Havant Borough Council (HBC), Portsmouth City Council (PCC), Winchester City Council (WCC), Fareham Borough Council (FBC), Eastleigh Borough Council (EBC) and East Hampshire District Council (EHBC).

1.4.2 The land over which compulsory acquisition powers and temporary use powers are being sought is shown edged black and shaded pink, blue and yellow on the Land Plans (Document Reference 2.2, DCO Volume 2). This land is referred to as the "Order Land" in the draft DCO (Document Reference 3.1, DCO Volume 3).

1.5 Section 5 – Need for Compulsory Acquisition powers

1.5.1 The PA 2008 provides the statutory basis for a DCO including powers of compulsory acquisition.

- 1.5.2 Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 1.5.3 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is:
- required for the development to which the DCO relates;
 - required to facilitate or is incidental to that development; or
 - replacement land for commons, open spaces etc.
- 1.5.4 The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order.
- 1.5.5 The powers sought with the Application for the draft DCO are to:
- compulsorily acquire all interests in land, including freehold (Article 26 of the draft DCO) (Document Reference 3.1, DCO Volume 3), shown edged black and shaded pink on the Land Plans (Document Reference 2.2, DCO Volume 2);
 - compulsorily acquire all interests in land, including freehold in respect of subsoil only (Article 33 of the draft DCO) (Document Reference 3.1, DCO Volume 3);
 - compulsorily acquire existing rights, create new rights and impose restrictions over land (Article 29 of the draft DCO) (Document Reference 3.1, DCO Volume 3), shown edged black and shaded blue on the Land Plans (Document Reference 2.2, DCO Volume 2);
 - temporarily use land to permit construction or maintenance where the Applicant has not yet exercised powers of compulsory acquisition (Articles 37 and 38 of the draft DCO) (Document Reference 3.1, DCO Volume 3), shown edged black and shaded yellow on the Land Plans (Document Reference 2.2, DCO Volume 2); and
 - suspend rights (Article 30 of the draft DCO) (Document Reference 3.1, DCO Volume 3) and override of easements and other rights (Article 34 of the draft DCO) (Document Reference 3.1, DCO Volume 3), shown edged black and shaded pink, blue and yellow on the Land Plans (Document Reference 2.2, DCO Volume 2).
- 1.5.6 The Applicant considers that in the absence of these powers, the Project may not be assembled, undermining water supply resilience, environmental objectives and planned growth in an area already subject to serious water stress.
- 1.5.7 The Applicant has been seeking to acquire the relevant land, new rights and temporary use of land by voluntary agreement, in order to ensure implementation of the Project. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire:
- the land;

- the rights and other interests in, on and over the land;
- the temporary use of land; and
- secure the removal of matters affecting the land within the Order Limits that may impede the Project

by agreement wherever practicable.

- 1.5.8 In respect of the tunnelled sections of pipeline in urban areas (Section D, which extends from the WRP site to the ridge of Portsdown Hill and north of Portsdown Hill Road), and due to the number of land interests potentially affected, the Applicant's intention is to exercise the powers of compulsory acquisition instead of entering into individual easements with each landowner. This approach ensures that landowners are not required to enter into option agreements or deal with any administrative burdens in respect of their residential properties until the exact route of the pipeline is known. However, the Applicant will seek to agree compensation with each affected landowner once the detailed design and exact route of the pipeline is known post consent.
- 1.5.9 The approach of seeking powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land and rights by agreement, accords with paragraph 26 of the CA Guidance.
- 1.5.10 This Statement (alongside the Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4) sets out the position in relation to the negotiations undertaken to date with affected owners. The Pre-application Land and Rights Negotiations Tracker (Document (Reference 4.4, DCO Volume 4) will be updated during the Examination of the DCO Application.

1.6 Section 6 - Justification for the use of powers of Compulsory Acquisition

- 1.6.1 As noted above, under Section 122 of the PA 2008, a DCO which includes compulsory acquisition powers may be granted only if the conditions in Sections 122(2) and 122(3) are met. The conditions to be met are that:
- the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (Section 122(2)) (see Section 5 below); and
 - there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (Section 122(3)). The Secretary of State must be persuaded that the public benefits from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired (see Sections 6 and 7 below).
- 1.6.2 The CA guidance expands on these conditions at paragraphs 11 and 13. Paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the Applicant must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:

- that all reasonable alternatives to compulsory acquisition (including modifications to the Project) have been explored;
- that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate;
- that the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire;
- that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see the Funding Statement (Document Reference 4.2, DCO Volume 4); and
- that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.

1.6.3 This Statement, the Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4), the Planning Policy Statement (Document Reference 5.5, DCO Volume 5), the Case for the Project (Document Reference 5.6, DCO Volume 5), and the Explanatory Memorandum to the Draft Order (Document Reference 3.2, DCO Volume 3) set out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied (with the exception of the availability of funding, which is demonstrated in the Funding Statement (Document Reference 4.2, DCO Volume 4)).

1.6.4 In particular, these documents set out how the land will be used and demonstrate that the Project:

- meets an urgent need for crucial water supply resilience, as established in the National Policy Statement for Water Resources Infrastructure (NPSWRI), National Framework and the National Infrastructure Commission's Report¹;
- protects nationally and internationally recognised habitats, species and landscapes from risk of impact, and supports their long-term recovery;
- is a form of economic development across a large geographic sub-region projected to experience significant growth;
- reduces or mitigates adverse impacts to an acceptable degree; and
- complies with the NPSWRI and in accordance with other decision-making factors specified in Section 104 of the PA 2008.

1.7 Section 7 – Policy Support

1.7.1 Development consent is required for the Project as it is the subject of a Direction dated 31 May 2022 (and subsequently varied on 19 November 2024), made by the SoS under Sections 35(1) and 35ZA of the PA 2008.

1.7.2 Under the PA 2008 regime, the policy framework for examining and determining applications for development consent is provided by National Policy Statements

¹ <https://nic.org.uk/app/uploads/NIC-Preparing-for-a-Drier-Future-26-April-2018.pdf>

(‘NPSs’). The NPSs are the primary policy used by the relevant SoS to examine and determine DCO applications.

- 1.7.3 An updated NPS for water resources infrastructure was published by the Government on 8 July 2025. The updated NPS is therefore relevant policy for applications for development consent submitted and accepted for examination.
- 1.7.4 Section 104 of the PA 2008 requires the SoS to determine DCO applications in accordance with the relevant NPSs and appropriate marine policy documents (if any) having regard to: any local impact report produced by the relevant Local Planning Authority (LPA); any matters prescribed in relation to development of the description to which the application relates; and any other matters which the SoS thinks are both ‘important and relevant’ to their decision, unless this would:
- lead to the UK being in breach of its international obligations;
 - lead to the SoS being in breach of any statutory duty that applies to the SoS;
 - be unlawful by virtue of any enactment;
 - result in the adverse impacts of the development outweighing the benefits; or
 - result in any condition that is prescribed for deciding an application not being in accordance with the NPS.
- 1.7.5 As noted above, Section 104 of the PA 2008 sets out the matters that the SoS must have regard to in determining applications for NSIPs, which can include any other matters which the SoS thinks are “important and relevant” to their decision.
- 1.7.6 In the case of the Project, the Applicant considers that other matters that are important and relevant to the SoS’s decision include the Environment Agency’s National Framework for Water Resources 2025; policies contained within the National Planning Policy Framework (NPPF), revised in February 2025; the Planning Practice Guidance (PPG) and local development plan policies.
- 1.7.7 The series of advice pages published by the Planning Inspectorate to inform applicants, consultees, the public and others about a range of process matters in relation to the PA 2008 may also be relevant, in particular advice for applicants including:
- Nationally Significant Infrastructure Projects: Advice on the Preparation and Submission of Application Documents (July 2025).
 - Nationally Significant Infrastructure Projects: Advice on the Consultation Report (March 2025).
 - Nationally Significant Infrastructure Projects: Advice Note Fifteen: drafting Development Consent Orders (March 2025).
 - Nationally Significant Infrastructure Projects: Advice on working with public bodies in the infrastructure planning process (March 2025).
 - Nationally Significant Infrastructure Projects: Advice on Preparing Applications for Linear Projects (April 2025).
 - Nationally Significant Infrastructure Projects: Advice on Good Design (April 2025).

1.8 Section 8 - Special Considerations

Crown Land

- 1.8.1 There are Crown interests within the Order Limits. The draft DCO (Document Reference 3.1, DCO Volume 3) includes the standard article providing that the Order does not prejudicially affect any estate (etc.) of the Crown, and that the undertaker may not enter on or take any Crown land other than with the consent of the appropriate authority (Article 42).

Special Category Land – Open Space Land

- 1.8.2 There is open space land within the Order Limits.

Statutory undertakers

- 1.8.3 The Applicant has identified a number of statutory undertakers that own or operate land or apparatus within the Order Limits.
- 1.8.4 The draft DCO (Document Reference 3.1, DCO Volume 3) includes both protective provisions in respect of relevant types of statutory undertakers and bespoke protective provisions for some statutory undertakers (see Article 39 and Schedule 10), and the Applicant is seeking to agree the form of protective provisions with the relevant statutory undertakers, and other parties with apparatus.

1.9 Section 9 – Other Consents and Licences

- 1.9.1 The Applicant requires various other consents, as well as a DCO, in order to build and operate the Project. The Other Consents and Licences Position Statement (Document Reference 5.4, DCO Volume 5) sets out further detail on the additional consents required and when they will be applied for.
- 1.9.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Project proceeding.

1.10 Section 10 – Human Rights

- 1.10.1 In preparing the Application, the Applicant has considered the potential infringement of Convention rights (namely Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Article 8 of the ECHR) in consequence of the inclusion of compulsory acquisition powers within the Order. The Applicant considers that there would be very significant public benefits arising from the making of the Order for the Project.
- 1.10.2 Those benefits can only be realised if the Order includes compulsory acquisition powers, and the purpose for which the land is sought (to build and operate the Project) is legitimate. The Applicant considers, on balance, that the significant public benefits outweigh the effects on persons who own interests in relevant land or who may be affected by the Project.

- 1.10.3 The Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.

1.11 Section 11 – Further Information

- 1.11.1 Where powers of compulsory acquisition are exercised, owners of the relevant land or rights in land may be entitled to compensation under the Compensation Code, where a valid claim is made. Any dispute in respect of the compensation payable would be referred to and determined by the Lands Chamber of the Upper Tribunal.
- 1.11.2 Owners and occupiers of property affected by the Order who wish to negotiate a sale or discuss matters of compensation should contact Dalcour Maclaren by email at hwtwrp@dalcourmaclaren.com.
- 1.11.3 Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Levelling Up, Housing and Communities entitled "Compulsory Purchase and Compensation". Copies of these booklets are obtainable, free of charge, from: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

2 Introduction

2.1 Background

- 2.1.1 This Statement of Reasons (Document Reference 4.1, DCO Volume 4) has been prepared on behalf of the Applicant. It forms part of the Application for a DCO, that has been submitted to the SoS for Environment, Food and Rural Affairs (Defra), under Section 37 of the PA 2008 in respect of the Project.
- 2.1.2 The Applicant is Southern Water Services Limited, with company number 02366670. The Applicant supplies water and wastewater services to over four million customers in the South East. Its operations cover Hampshire, Kent, Isle of Wight and East and West Sussex, traversing over 700 miles of coastline, national parks, forests and national landscapes. The Applicant is a statutory water undertaker, responsible for the abstraction, treatment and supply of clean, safe drinking water. It has a statutory duty under section 37 of the Water Industry Act 1991 to supply water to customers.
- 2.1.3 The Applicant's supply area is divided into 14 water resource zones (WRZs). The WRZs are geographical areas where water resources are shared, meaning that all customers have the same risk of loss of supply. The 14 WRZs are grouped into three larger, sub-regional supply areas: the Western, Central and Eastern areas, enabling the Applicant to manage demand for water for customers within these WRZs both individually, and at a sub-regional level.
- 2.1.4 The Applicant's Western Area covers parts of Hampshire and the Isle of Wight and is divided into seven WRZs: Hampshire Andover, Hampshire Kingsclere, Hampshire Winchester, Hampshire Rural, Hampshire Southampton East, Hampshire Southampton West, and the Isle of Wight. The Project will provide crucial water supply resilience to the Applicant's Western Area, protecting nationally and internationally recognised chalk stream habitats, species and landscapes from risk of impact, and supporting their long-term recovery, whilst enabling housing and economic delivery across a large geographic sub-region projected to experience significant growth.
- 2.1.5 The Applicant is seeking development consent for the construction, operation and maintenance of the Project. Development consent is required for the Project as it is the subject of a Direction dated 31 May 2022 (and subsequently varied on 19 November 2024), made by the SoS under Sections 35(1) and 35ZA of the PA 2008. The DCO, if made by the SoS, would be known as the 'Hampshire Water Transfer and Water Recycling Project Development Consent Order 202*'.

2.2 Overview of the Project

- 2.2.1 The Project comprises the construction, operation and maintenance of the following components:
- WRP and associated pumping stations.
 - Pipelines between Budds Farm WTW and the WRP site.

- Pipelines between the WRP site and Bedhampton Springs, connecting to pipelines being delivered by Portsmouth Water between Bedhampton Springs and Havant Thicket Reservoir.
- Pipeline between the WRP site and Otterbourne WSW.
- AGP comprising Intermediate Pumping Stations and Break Pressure Tanks located along the Pipeline between the WRP site and Otterbourne WSW.

2.2.2 The Project would also comprise the use of the following infrastructure:

- Havant Thicket Reservoir (which has been consented separately by Portsmouth Water and is currently under construction) for the storage of recycled water.
- The existing Eastney LSO, Eastney PS, and associated Eastney TT for the release of reject water from the WRP site.
- Pipelines and other related works (which have been consented separately by Portsmouth Water) for the transfer of recycled water and source water between Bedhampton Springs and Havant Thicket Reservoir.

2.2.3 The construction and operation of the Project would be supported by other temporary and permanent works.

2.2.4 The Project will require the demolition, disassembly and/or temporary relocation of a number of small structures.

2.2.5 The Project is located within the Order Limits and is the subject of the DCO Application. A detailed description of the Project can be found in ES Chapter 3 Description of the Proposed Development (Document reference 6.1, DCO Volume 6).

2.2.6 The Project will deliver environmental mitigation to mitigate adverse impacts. Locations for environmental mitigation are within the Environmental Mitigation and Enhancement Areas (EMeAs) which are set out on the Works Plans (Document Reference 2.3, DCO Volume 2) and in the Design Principles Document (Document Reference 5.11, DCO Volume 5).

2.2.7 The Design Principles Document (Document Reference 5.11, DCO Volume 5) draws a distinction between 'environmental mitigation' and 'additional environmental enhancement'. Environmental mitigation means the Applicant's proposals to mitigate the potential adverse environmental effects of the Project that have been assessed and are reported in the ES (Document Reference Volume 6, Chapters 1-21). Such environmental mitigation can take a number of different forms including habitat creation to mitigate vegetation loss, improving or enhancing existing habitats or planting to screen AGP and provide landscape integration. In each case, the provision of the environmental mitigation is necessary to deliver the Project within the 'Rochdale Envelope' assessed in the ES. The Applicant is seeking appropriate powers of compulsory acquisition to safeguard the delivery of the environmental mitigation. The environmental mitigation is secured in the Design Principles Document (Document Reference 5.11, DCO Volume 5).

2.2.8 As well as environmental mitigation, the Project also seeks to provide additional environmental enhancement within the Order Limits, for example habitat improvements adjacent to construction working areas. These environmental

enhancements are not necessary for the delivery of the Project and therefore consent is sought to deliver these environmental enhancements, but these will only be implemented subject to securing agreements with landowners.

The purpose and structure of this document

- 2.2.9 The purpose of this document is to explain why it is necessary, proportionate and justifiable for the Applicant to seek powers of compulsory acquisition within the DCO Application to acquire land, acquire or create rights over land, to extinguish or suspend rights over land, and to temporarily use land for the purposes of the Project, and why there is a compelling case in the public interest for the Applicant to be granted these powers.
- 2.2.10 This document has been prepared in accordance with the requirements of section 37(3)(d) of the PA 2008, Regulations 5(2)(h) and 5(2)(n) of the APFP Regulations, the CA Guidance and the Guidance on the Compulsory Purchase Process (updated 31 January 2025).
- 2.2.11 This Statement should be read alongside the other DCO application documents that relate to the compulsory acquisition powers sought by the Applicant and the need for the Project, including:
- The draft DCO (Document Reference 3.1, DCO Volume 3);
 - Explanatory Memorandum to the Draft Order (Document Reference 3.2, DCO Volume 3);
 - Book of Reference (Document Reference 4.3, DCO Volume 4);
 - Funding Statement (Document Reference 4.2, DCO Volume 4);
 - Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4);
 - Land Plans (Document Reference 2.2, DCO Volume 2);
 - Crown Land Plans (Document Reference 2.5, DCO Volume 2);
 - Special Category Land Plans (Document Reference 2.6, DCO Volume 2)
 - Works Plans (Document Reference 2.3, DCO Volume 2);
 - Planning Policy Statement (Document Reference 5.5, DCO Volume 5);
 - Case for the Project (Document Reference 5.6, DCO Volume 5);
 - Design Principles Document (Document Reference 5.11, DCO Volume 5);
 - Design Approach Document (Document Reference 5.12, DCO Volume 5); and
 - Other Consents and Licences Position Statement (Document Reference 5.4, DCO Volume 5).

3 Description of the Project

3.1 The Project

3.1.1 The Project comprises the following main elements:

- Work Number (No.) 1 – the WRP;
- Work No. 2 - pipelines between the WRP (Work No. 1) and a pumping station at Budds Farm WTW (Work No. 5E);
- Work No. 3 – pipelines between the WRP (Work No. 1) and Bedhampton Springs;
- Work No. 4 – a pipeline between the WRP (Work No. 1) and Otterbourne WSW;
- Work No. 5 – a series of AGP comprising Intermediate Pumping Stations and BPTs located along the Pipeline between the WRP and Otterbourne WSW;
- Work No.6 - temporary construction compounds supporting the construction of the Project;
- Work No. 7 - environmental mitigation and additional environmental enhancement areas;
- Work No. 8 - highways and access works;
- Work Nos. 9A and 9B – relate to the permanent and temporary access arrangements for the AGP comprised in Work No. 5A; and
- Work No. 10 – invasive non-native species treatment plant.

3.1.2 There will also be further development works associated with the above elements of the Project.

3.1.3 A description of the elements of the Project and the Works Nos. is set out at Schedule 1 of the draft DCO (Document Reference 3.1, DCO Volume 3), referred to as the ‘authorised development’. The ancillary works required in connection with and subsidiary to the above elements of the Project is also detailed at Schedule 1 of the draft DCO (Document Reference 3.1, DCO Volume 3).

3.1.4 A more detailed description of the Project is provided at Chapter 3 ‘Description of the Proposed Development in the Environmental Statement (‘ES’) (Document Reference 6.1, DCO Volume 6), and the numbered works are shown on the Works Plans (Document Reference 2.3, DCO Volume 2).

3.2 Flexibility

3.2.1 The Applicant has undertaken extensive studies and assessments in order to obtain as much certainty as possible, however, a number of elements of detailed design for the Project cannot be confirmed until the tendering process for the design and construction of the Project has been completed.

3.2.2 The NPSWRI recognises that:

“...it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the

case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case” (paragraph 3.2.8).

- 3.2.3 According to paragraph 3.2.9 of the NPSWRI, “*where some details are still to be finalised, the Environmental Statement should, to the best of the applicant’s knowledge, assess the likely worst-case environmental effects of the Project to ensure that the impacts of the project, as it may be constructed, have been properly assessed*”.
- 3.2.4 This principle is known as the ‘Rochdale envelope’, in that whilst it is not necessary or possible in every case to specify the precise details of development, the information contained in the Environmental Statement should be sufficient to fully assess the project’s impact on the environment and establish clearly defined worst case parameters for the assessment. In assessing the environmental effects of the Project, the principle of the ‘Rochdale Envelope’ is therefore applied (in accordance with the Planning Inspectorate’s (2018) Advice Note Nine: Rochdale Envelope (Version 3) and the Planning Inspectorate’s (2025) Advice on Preparing Applications for Linear Projects in order for the assessment to be based on a worst case scenario while maintaining flexibility to address uncertainty of the Project.
- 3.2.5 The need for flexibility through the DCO is highlighted by the process of ‘direct procurement for customers’ (DPC) introduced by the Water Services Regulation Authority (Ofwat) in its 2019 price review. This involves water companies competitively tendering for a third party to design, build, finance, operate and maintain new water resources infrastructure projects. The Project has been confirmed as a project to which DPC applies. This procurement and delivery route has the potential to provide benefits for customers through innovation and lower whole life costs of projects. It is important to ensure that consenting provides sufficient opportunity to deliver these benefits through detailed design that would be undertaken once consent has been granted.
- 3.2.6 Particularly in light of the ‘first of its kind’ nature of the Project, its design incorporates a necessary degree of flexibility. This flexibility ensures that the Project can be refined following further investigation and engagement.
- 3.2.7 ES Chapter 3 Description of the Proposed Development (Document Reference 6.1, DCO Volume 6) specifies the various parameters assessed and these are secured by the draft DCO (Document Reference 3.1, DCO Volume 3) including through Article 7 which provides that the Project must be situated within the areas specified on the Works Plans (Document Reference 2.3, DCO Volume 2). A detailed design Requirement is contained within Schedule 2 of the draft DCO (Document Reference 3.1, DCO Volume 3).

3.3 Pipeline working width

- 3.3.1 A number of pipeline installation techniques are expected to be used to construct the pipelines required for the Project (the ‘Pipelines’). The land required to utilise these pipeline installation techniques has been included in the Order Land, so that the Order Land provides the required space for the construction of the relevant Pipeline.
- 3.3.2 The selection of the pipeline installation techniques and methodologies at environmentally sensitive locations has been subject to engagement with relevant

statutory consultees and other stakeholders to determine the most suitable pipeline installation technique at these locations.

- 3.3.3 The installation of most of the Pipeline would be constructed using trenched open-cut excavation in open and less constrained areas, such as fields. The maximum working width for trenched open-cut construction of the Pipelines would be 40m (secured through the Outline Construction Environmental Management Plan (CEMP) (Document Reference 7.1, DCO Volume 7).
- 3.3.4 Through the scheme development process, a reduced working width of 20m has been identified when intersecting sensitive constraints, including vegetation, roads and other features where required. This is secured through the Outline CEMP (Document Reference 7.1, DCO Volume 7).
- 3.3.1 Due to the need for storage areas for topsoil, upper subsoil and lower subsoil, it is not possible to use a reduced working width for the whole length of the Pipeline. This would require a significantly higher number of additional temporary construction compounds for storage and an increase in construction traffic. Where a reduced working width of 20m is used, there would be no space available to store excavated material. Therefore, in these areas, the Contractor may require the working width either side of the length where the width is reduced to be widened up to 50m for a maximum length of 42m (to be provided at one or the other end of a reduced working width or be split across each side of the reduced working width). This is to provide sufficient space for the storage of materials excavated along the pipeline route including the areas where there is a reduced working width. The need for widened working widths would be determined on a case-by-case basis and applied only where necessary to safely facilitate construction activities. These temporary widened widths would remain within the Order Limits and would be subject to the environmental control principles set out in the Outline CEMP (Document reference 7.1, DCO Volume 7).
- 3.3.2 The spatial limits within which each of the numbered works described in Schedule 1 to the draft DCO (Document Reference 3.1, DCO Volume 3) would be authorised are established in Article 7 of the draft DCO (Document Reference 3.1, DCO Volume 3). It does so by reference to the areas for those numbered works shown on the Works Plans (Document Reference 2.3, DCO Volume 2).
- 3.3.3 The purpose of this article is to provide the Applicant with a necessary but proportionate degree of flexibility when constructing the Project, reducing the risk that the Project as approved cannot later be implemented for reasons which, at the time the Application was made and the development consent was granted, could not reasonably have been foreseen. It also gives a proportionate amount of flexibility for the development of the detailed design of the Project, within the set limits.

3.4 Construction programme

- 3.4.1 The Project construction programme is anticipated to commence in 2028 and the Project will be constructed over approximately a five-year period.

4 The Order Land

4.1 The Order Land

- 4.1.1 The Order Limits are shown on Figure 1.1 Location of the Project and Order Limits, Volume III in the ES (Document Reference 6.3, DCO Volume 6). The Order Limits represent the extent of the area within which the development authorised by the DCO may be carried out. Compulsory acquisition and temporary use powers are not being sought over the entirety of the Order Limits. The Order Limits therefore cover a wider area than the Order Land.
- 4.1.2 The powers being sought in the draft DCO over the areas of the Order Limits that do not form part of the Order Land are set out in the Explanatory Memorandum to the Draft Order (Document Reference 3.2, DCO Volume 3).
- 4.1.3 The Order Land has been refined throughout the development processes that the Applicant has undertaken to date. A summary of the Order Land is provided below.
- 4.1.4 The land within the Order Limits totals approximately 659.85 ha and is located within the administrative boundaries of Hampshire County Council (HCC), Havant Borough Council (HBC), Portsmouth City Council (PCC), Winchester City Council (WCC), Fareham Borough Council (FBC), Eastleigh Borough Council (EBC) and East Hampshire District Council (EHBC).
- 4.1.5 The breakdown of components of the Project by host authority is as follows:

Table 4-1 Project Components

Project Component	Host Authority
WRP site	HBC and HCC
Pipelines between Budds Farm WTW and the WRP site	HBC and HCC
Pipelines between the WRP site and Bedhampton Springs	HBC and HCC
Pipeline between the WRP site and Otterbourne WSW	Section D - HBC, HCC, PCC and WCC Section E - WCC and HCC Section F - FBC and HCC Section G - WCC and HCC Section H - WCC and HCC Section J - WCC and HCC Section K - WCC and HCC

	Section L – EBC, WCC and HCC Section M - WCC and HCC
Use of Havant Thicket Reservoir for the storage of recycled water	HBC, EHDC and HCC
AGP	BPT/IPS-E - PCC IPS-F - FBC and HCC IPS-G - WCC and HCC BPT-K - WCC and HCC
INNS Treatment at Otterbourne WSW	WCC and HCC
Release from the Eastney Long SO	HBC, HCC and PCC

4.2 WRP

- 4.2.1 The WRP site is located approximately 300m north-west of Budds Farm WTW, to the north of Harts Farm Way, south of the A27 and west of the Hermitage Stream. The WRP is located at a former domestic landfill site, and the wider area is typified by light industrial units, as well as commercial and office space using steel framed construction. Its location is shown on Sheet 4 of the Works Plans (Document Reference 2.3, DCO Volume 2).
- 4.2.2 The WRP site would take in highly treated wastewater from Budds Farm WTW and use advanced treatment techniques to convert the treated wastewater into purified recycled water.

4.3 Pipelines between Budds Farm WTW and the WRP site

- 4.3.1 The works area for the Pipelines between Budds Farm WTW and the WRP site is shown on Sheet 4 of the Works Plans (Document Reference 2.3, DCO Volume 2). There would be two pipelines constructed between Budds Farm WTW and the WRP site: one to transfer treated wastewater from Budds Farm WTW to the WRP site and the other to transfer reject water from the WRP site to Budds Farm WTW. Reject water from the WRP does not require further treatment at Budds Farm WTW prior to release via the existing Eastney LSO.
- 4.3.2 As mentioned above, the Pipelines between Budds Farm WTW and the WRP site would be installed on the same route under the Hermitage Stream and Harts Farm Way and would be approximately 700m in length. The crown (top) of the Pipelines would be a minimum of 2.5m below the lowest point of the Hermitage Stream as set out in the Design Principles Document (Document Reference 5.11, DCO Volume 5). At this stage, there is flexibility in the final location of the Pipelines within the Order Limits as the exact location that the Pipelines would connect at

the WRP site and Budds Farm WTW will be determined at the detailed design stage.

- 4.3.3 ES Chapter 3 Description of the Proposed Development (Document Reference 6.1, DCO Volume 6) and the Design Principles Document (Document Reference 5.11, DCO Volume 5) set out further details on the parameters of the Pipelines.

4.4 Pipelines between the WRP site and Bedhampton Springs

- 4.4.1 The Pipelines between the WRP site and Bedhampton Springs would be approximately 750m in length. The Pipelines would commence at the WRP site and pass underneath the A27 and Mill Lane. From the boundary of the Bedhampton Springs site, the Pipelines would either be located above-ground or below-ground depending on the proximity to groundwater abstraction at Bedhampton Springs, which is located within a Source Protection Zone (SPZ1), and on operational access requirements. The Design Principles Document (Document reference 5.11, DCO Volume 5) controls the location that the Pipelines would be above-ground.
- 4.4.2 Where the Pipelines are installed underground, there would either be two pipelines within one single casing with a maximum external diameter of 2.83m, or two parallel pipelines within casings with maximum external diameters of 1.78m and 1.43m respectively. Where the Pipelines are installed above-ground, there would be two parallel pipelines with maximum external diameters of 1.4m and 1.2m respectively. The above-ground Pipelines would have a maximum height of 2m above-ground level, except at the crossing of Old Mill Dam, where the Pipelines would have a maximum height of 3m above-ground level.
- 4.4.3 Connection infrastructure would be developed at Bedhampton Springs to connect into Portsmouth Water's pipelines between Bedhampton Springs and Havant Thicket Reservoir.
- 4.4.4 The Havant Thicket Reservoir is a development proposed by Portsmouth Water that received planning permission in October 2021 (as amended). The Havant Thicket Reservoir will be constructed and operated by Portsmouth Water. Following the transfer of recycled water from the WRP site, the recycled water would be combined with water contained within the Havant Thicket Reservoir. The Project would use the Havant Thicket Reservoir for the storage of recycled water, before transfer to Otterbourne WSW.
- 4.4.5 At this stage, there is optionality in the configuration of the pipelines, which would be determined by the final design following the DCO consent.

4.5 Pipeline between the WRP site and Otterbourne WSW

- 4.5.1 An underground pipeline approximately 35km long would transfer approximately 90MI/d of source water from the WRP site to Otterbourne WSW at maximum operation. AGP would support the transfer of water from the WRP site to Otterbourne WSW. Further detail on the general parameters of the Pipeline between the WRP site and Otterbourne WSW is set out in ES Chapter 3 Description of the Proposed Development (Document Reference 6.1, DCO

Volume 6) and the Design Principles Document (Document reference 5.11, DCO Volume 5).

- 4.5.2 The diameter of each section of the Pipeline will be determined by the Contractor at the detailed design stage post DCO consent and would be informed by the hydraulic profile of the Pipeline and ensuring that the transfer from Havant Thicket Reservoir to Otterbourne WSW meets water quality requirements.
- 4.5.3 Where open-cut construction is used to install the Pipeline, the Pipeline would have a maximum external diameter of 1.4m. Where trenchless construction is used to install the Pipeline, the Pipeline would be located within a casing with a maximum external diameter of 2.83m, except Section D: The WRP site to Portsdown Hill of the Pipeline where a casing would have a maximum external diameter of 4m. These maximum external diameters have been used as the maximum parameters for the Pipeline from the WRP site to Otterbourne WSW for the ES.
- 4.5.4 Due to the length of the Pipeline, it has been divided into sections (Sections D to M), at suitable points along the route of the Pipeline informed, where appropriate, by local planning authority boundaries, roads and other geographical features such as watercourses.

4.6 Section D: The Water Recycling Plant site to Portsdown Hill

- 4.6.1 Section D is shown in Sheets 4 to 6 of the Works Plans (Document Reference 2.3, DCO Volume 2). Section D starts at the WRP site and ends where construction of the Pipeline would transition from tunnelling to open-cut construction north of Portsdown Hill Road (B2177). An access cover will be retained at the location of the tunnel shaft at the ridge of Portsdown Hill to provide access for maintenance and repair during the operational phase. This would be located in agricultural land to the north of Portsdown Hill Road (B2177) within land covered by construction compound E-1. An intermediate tunnel shaft would be located south of Portsdown Hill Road (B2177) and west of Gillman Road.

4.7 Section E: Portsdown Hill to Boarhunt

- 4.7.1 Section E is shown in Sheets 6 to 10 of the Works Plans (Document Reference 2.3, DCO Volume 2). At this stage, some options remain under consideration for the placement of construction compounds. There are two options for construction compound E-4 and two options for construction compound E-6. Only one option for each construction compound will be used.

4.8 Section F: Boarhunt to Crockerhill

- 4.8.1 Section F is shown in Sheets 10 to 12 of the Works Plans (Document Reference 2.3, DCO Volume 2). Section F comprises the section from the west of Boarhunt to the north of Crockerhill and intersects the River Wallington and Forest Lane. The remainder of Section F is located within agricultural land.

4.9 Section G: Crockerhill to Wickham

- 4.9.1 Section G is shown in Sheets 13 to 15 of the Works Plans (Document Reference 2.3, DCO Volume 2). Section G comprises the section from the boundary between FBC and WCC north of Crockerhill to Winchester Road (A334) north-west of Wickham. Section G would intersect Hoad's Hill (A32), Castle Farm Lane, the River Meon and part of this section would be located within Wickham Park Golf Club. The remaining parts of Section G would be located within agricultural land.
- 4.9.2 The Order Limits for Section G provide for optionality at the crossing of the River Meon and within Wickham Park Golf Club. There are two options for the trenchless construction in Section G at the River Meon to support the flexibility for routeing of the Pipeline. Only one of these options for trenchless construction would be developed.
- 4.9.3 This optionality is being retained so further consideration of the location of the Pipeline within the Limits of Deviation can be undertaken at the detailed design stage following DCO approval, to reduce effects on the operations of Wickham Park Golf Club during the construction phase.

4.10 Section H: Wickham to Shedfield

- 4.10.1 Section H is shown in Sheets 15 and 16 of the Works Plans (Document Reference 2.3, DCO Volume 2).
- 4.10.2 Section H comprises the section from Winchester Road (A334) north-west of Wickham to Winchester Road (B2177) north of Shedfield. Section H would intersect with a number of roads including Blind Lane, Pricketts Hill, High Street and Winchester Road (B2177). The remaining parts of Section H would mostly be located within agricultural land.

4.11 Section J: Shedfield to the River Hamble

- 4.11.1 Section J is shown in Sheets 16 to 18 of the Works Plans (Document Reference 2.3, DCO Volume 2).
- 4.11.2 Section J comprises the section from Winchester Road (B2177) north of Shedfield to Botley Road (B3035) north of Treefield Farm. Section J would intersect with St Anne's Lane, Little Bull Lane, Sandy Lane, Curdrige Lane and Botley Road (B3035). The remaining parts of Section J would be located within agricultural land.

4.12 Section K: The River Hamble to Lower Upham

- 4.12.1 Section K is shown in Sheets 18 to 21 of the Works Plans (Document Reference 2.3, DCO Volume 2).
- 4.12.2 Section K comprises the section from Botley Road (B3035) north of Treefield Farm to the boundary between WCC and EBC east of Ashbourne Stables. Section K intersects with the River Hamble, Winters Hill, Scivier's Lane, Alma Lane and Mortimers Lane (B3037). The Pipeline also intersects an area of parkland at Wintershill Hall. The remaining parts of Section K would be located within agricultural land.

4.13 Section L: Lower Upham to Brambridge

- 4.13.1 Section L is shown in Sheets 21 to 25 of the Works Plans (Document Reference 2.3, DCO Volume 2).
- 4.13.2 Section L comprises the section from east of Ashbourne Stables to Highbridge Road (B3335). Section L intersects with Stroudwood Lane, Bow Lake, Winchester Road (B3354) and Bishopstoke Lane. The remaining parts of Section L are primarily located within agricultural land.

4.14 Section M: Brambridge to Otterbourne Water Supply Works

- 4.14.1 Section M is shown in Sheets 25 and 26 of the Works Plans (Document Reference 2.3, DCO Volume 2). Section M intersects with the River Itchen and an upstream tributary of the River Itchen, which would be constructed using trenchless construction between construction compound M-2 and construction compound M-3.
- 4.14.2 To ensure access can be gained to construction compound M-3 located south of Otterbourne WSW, upgrades to existing access roads within and to the north of Otterbourne WSW may be required, and a new temporary road may need to be constructed to the east of the site. The Order Limits provide flexibility for these access options. This flexibility is sought due to requirements set out by the Security and Emergency Measures Direction that are expected to be implemented at Otterbourne WSW, which may mean construction vehicles are restricted from some areas of the operational site. These details are not currently known as the design of the upgrades to Otterbourne WSW are not yet progressed.

4.15 AGP

- 4.15.1 As mentioned, due to the length of the Pipeline from the WRP site to Otterbourne WSW, AGPs are required to support the transfer of source water to overcome the topography of the pipeline route. Along the Pipeline route there would be two IPSs, one BPT and one combined IPS and BPT.
- 4.15.2 A number of AGPs have been identified and further hydraulic assessment would be undertaken on the final route of the Pipeline within the Limits of Deviation to inform the detailed design when consent has been granted.
- 4.15.3 This would confirm the required configuration of AGP and may identify that all AGP set out in ES Chapter 3 Description of the Proposed Development (Document Reference 6.1, DCO Volume 6) are required. At this stage, all potential and described AGP are included and assessed as this represents the worst case AGP configuration for the Project.

5 Need for Compulsory Acquisition powers

5.1 Introduction

- 5.1.1 Powers contained within the draft DCO (Document Reference 3.1, DCO Volume 3) in addition to the statutory powers available to Southern Water under the Water Industry Act 1991 enable the acquisition of land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain the Project. In addition, the draft DCO contains powers sought for the possession and use of land on a temporary basis to facilitate the construction and maintenance of the Project. Where the necessary land and rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the draft DCO enables the acquisition of land and rights. These powers in the draft DCO relate to land within the Order Land only.
- 5.1.2 The Applicant has been seeking to acquire the majority of relevant land interests and other rights over land required by agreement, in order to allow for the construction and operation of the Project. Discussions with landowners are ongoing (see Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4)). The Applicant will continue to endeavour to acquire the land, rights and other interests by agreement wherever practicable. This approach of making the application for powers of compulsory acquisition in the Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Guidance.
- 5.1.3 In respect of the tunnelled sections of pipeline in urban areas (Section D, which extends from the WRP site to the ridge of Portsdown Hill and north of Portsdown Hill Road), and due to the number of land interests potentially affected, the Applicant's intention is to exercise the powers of compulsory acquisition instead of entering into individual easements with each landowner. This approach ensures that landowners are not required to enter into option agreements or deal with any administrative burdens in respect of their residential properties until the exact route of the pipeline is known. However, the Applicant will seek to agree compensation with each affected landowner once the detailed design and exact route of the pipeline is known post consent. This approach is consistent with that taken on other nationally significant tunnelled infrastructure projects authorised by DCOs, including water, transport and utility schemes in urban areas, where compulsory acquisition has been relied upon in preference to negotiating individual easements: see, for example, the Thames Tideway Tunnel Order 2014, the Silvertown Tunnel Order 2018, and the Northern Line Extension Order 2014. Further details are set out in the Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4).
- 5.1.4 Notwithstanding where an agreement is reached, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the DCO so as to protect against a scenario whereby contracts are not adhered to or otherwise set aside, for example: (i) freeholder owners of the land within the Order Limits (where agreement has been reached) do not comply with the terms of the completed option agreements; or (ii) the contracting party dies, is subject to divorce proceedings, or is declared insolvent. In those circumstances, it would be in the

public interest for the Project to proceed and the interests in question converted into a claim for compensation. The Applicant also needs powers to suspend rights and override easements and other rights within the Order Land to the extent that they would conflict with the Project.

- 5.1.5 There are a number of plots within the Land Plans (Document Reference 2.2, DCO Volume 2) for which ownership of various interests (identified in the Book of Reference (Document Reference 4.3, DCO Volume 4) is unknown. The statement “Unknown” is given in the Book of Reference (Document Reference 4.3, DCO Volume 4) when diligent inquiry has been carried out and it has still not been possible to obtain information. The Applicant has carried out searches and enquiries with the Land Registry, Land Interest Questionnaires, site visits and notices have been and will be erected on site to seek to identify unknown landowners or persons with an interest in the land.
- 5.1.6 The compulsory acquisition powers in the draft DCO will enable the Applicant to construct, operate, and maintain the Project, to mitigate impacts of the Project where necessary, and to ensure that access could be taken as necessary to facilitate the construction, operation and maintenance of the Project.

5.2 Enabling powers

- 5.2.1 Section 120(3) of the PA 2008 provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development. These include (amongst others):
- the acquisition of land, compulsorily or by agreement (paragraph 1);
 - the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement (paragraph 2);
 - the abrogation or modification of agreements relating to land (paragraph 3); and
 - the payment of compensation (paragraph 36).
- 5.2.2 Section 122 of the PA 2008 provides that a DCO may only include provision authorising the compulsory acquisition of land if the SoS is satisfied that the land is:
- required for the development to which the DCO relates;
 - required to facilitate or is incidental to that development; or
 - replacement land for commons, open spaces etc.
- 5.2.3 Further, it is also necessary for the SoS to be satisfied, in relation to the Application, that there is a compelling case in the public interest for the land to be acquired compulsorily. This is required by Section 122(3) of the PA 2008.
- 5.2.4 This Statement provides the information that will enable the SoS to comply with sections 120 and 122 of the PA 2008.
- 5.2.5 To ensure that the Project can be built, maintained and operated, and so that the Government's policies are met in relation to the timely provision of crucial water

supply resilience, the Applicant requires the acquisition of a number of property interests in third-party ownership, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish/suspend rights over land.

- 5.2.6 There are four categories of land powers included in the draft DCO (Document Reference 3.1, DCO Volume 3) – three of these are powers of compulsory acquisition of interests and the fourth is a power to occupy land temporarily. Each is introduced briefly below, followed by further information on the necessity of the powers sought and the purpose for which the Applicant requires the land.

5.3 Permanent Acquisition of Freehold

- 5.3.1 The areas of the Order Limits over which compulsory acquisition powers are sought in respect of all interests (including freehold) are shown edged black and shaded pink on the Land Plans (Document Reference 2.2, DCO Volume 2). This land is described in more detail in the Book of Reference (Document Reference 4.3, DCO Volume 4). The Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4) sets out the plots over which freehold acquisition is required and the purpose.

- 5.3.2 In summary, the areas in which freehold acquisition is sought are for part of Work Nos. 1, 5 and 10. The Applicant has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights, impose restrictions or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Project.

- 5.3.3 Article 26 of the draft DCO is relied upon for this purpose. The article reflects the terms of the source of the compulsory acquisition powers in section 122 of the 2008 Act, would provide the Applicant with the power to acquire so much of the Order Land as is required for the Project, or such land as is required because it facilitates or is incidental to that development.

5.4 Permanent Acquisition of Rights and Imposition of Restrictions

- 5.4.1 The land over which compulsory acquisition powers are sought for rights and the creation of new rights (including imposing restrictive covenants) is shown edged black and shaded blue on the Land Plans (Document Reference 2.2, DCO Volume 2). This land is described in more detail in the Book of Reference (Document Reference 4.3, DCO Volume 4). The Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4) sets out the plots over which new rights and restrictions are required. Schedule 5 to the draft DCO (Document Reference 3.1, DCO Volume 3) sets out the rights and restrictions being sought in respect of each plot. In summary, these are the areas required for Work Nos. 1, 2, 3, 4, 7, 8 and 9 being works relating to various pipelines from the WRP, access to infrastructure owned by Portsmouth Water, works for landscaping and environmental mitigation and works to facilitate access. Article 29 of the draft DCO (Document Reference 3.1, DCO Volume 3) is relied upon for this purpose.

- 5.4.2 It cannot yet be confirmed exactly where the Pipelines will be laid within the Limits of Deviation, or where only temporary possession would be sufficient during construction, as the exact alignment will be determined following the detailed design of the Project and ground investigations and other surveys along the route prior to the commencement of works. The exact location of access and landscaping and environmental mitigation works will also be confirmed at the detailed design stage. Compulsory acquisition powers are therefore being sought over the entire width of the Order Land to enable the Applicant to carry out the installation works with minimal inconvenience to affected landowners, and to allow for minor variances to the route to avoid potential engineering difficulties, or otherwise, to enable the construction of the Project within programme and with the minimum of disruption to landowners and the wider community.
- 5.4.3 There is also a need to impose restrictive covenants in relation to new rights required in connection with the construction, operation and maintenance of the Project.
- 5.4.4 The Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities Guidance on the Content of a Development Consent Order for Nationally Significant Infrastructure Projects (paragraph 011 Reference ID 04-011-20240430) advises that it may be appropriate to include a power to impose restrictive covenants over part of the land which is subject to compulsory acquisition or use under the DCO. Planning Inspectorate guidance in Advice Note 15 concerning the drafting of DCOs (paragraphs 24.1-24.3) states that before deciding whether or not such a power is justified the SoS will need to consider issues such as proportionality; the risk that use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants; or whether there is for example a policy of establishing a continuous protection zone for the infrastructure network which could be secured more efficiently with the benefit of this power.
- 5.4.5 The guidance states that the power to impose restrictive covenants over land above a buried cable or pipe, or where a slope contains artificial reinforcement has been granted in DCOs, and cites the Silvertown Tunnel Order 2018 as an example. The guidance advises that in order to enable the Secretary of State to consider whether the imposition of restrictive covenants is necessary for the purposes of implementing a DCO and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.
- 5.4.6 The Applicant has had regard to this guidance in preparing Schedule 5 to its draft DCO (Document Reference 3.1, DCO Volume 3) which sets out the restrictions being sought. Article 29 includes a power to impose restrictive covenants in relation to land over which new rights are acquired. These proposed restrictions are required to protect the apparatus from becoming exposed, damaged or built over; preventing the removal or damage to environmental mitigation works; preventing operations which may obstruct, interrupt or interfere with apparatus and the exercise of new rights required; ensuring that access for future maintenance can be facilitated and ensuring that land requirements are minimised so far as possible.

- 5.4.7 For pipelines constructed using open-cut construction methods, restrictions will be imposed to provide a protective strip of land either side of the entire alignment for the following reasons:
- Ensure space and access to enable maintenance and repair.
 - Protect the integrity of the pipeline from external influences, for example loading.
 - Protect third party assets from potential damage in the event of a burst.
- 5.4.8 The protective strip would restrict the landowner or occupier from undertaking certain activities that would restrict access to or affect the integrity of the pipeline. This includes restricting the following activities:
- Erecting, constructing or placing any building wall or other structure whether permanent or temporary.
 - Undertaking of any piling or percussive works.
 - Alteration of ground levels.
 - Planting of trees, shrubs or other species other than as set out by the Applicant's 'Guide to Tree Planting near Mains and Sewers' or other relevant standards.
 - Construction or laying of new pipe duct or cable across the pipeline at an angle of less than forty-five degrees formed by the pipeline and the new pipe duct or cable
- 5.4.9 Protective strips over the entire alignment of the Pipelines will be identified to allow access for maintenance and repair and to prevent activities that could adversely affect the function of the pipeline. These restrictions will prevent activities that could affect the quality or flow of water within the pipeline or that could endanger the integrity of the pipeline such as piling, percussive activities, tree planting or excessive loading (such as from the construction of buildings or structures) or from the removal of support.
- 5.4.10 The Applicant considers the imposition of such restrictions to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the Project.
- 5.4.11 For some sections of the pipeline there are areas that are not generally suited to open-cut excavation. Examples of these are where the pipeline crosses roads, railways, waterways, sensitive environmental areas, and other areas where construction could be restricted. The locations where trenchless construction methods are to be used in this Project are detailed and secured in the Outline CEMP (Document Reference 7.1, DCO Volume 7).

5.5 Temporary Possession

- 5.5.1 There will be situations where it will not be necessary for the Applicant to permanently acquire rights and interests but instead be authorised to temporarily possess and use land. The land over which powers of temporary possession only are sought is shown edged black and shaded yellow on the Land Plans (Document

Reference 2.2, DCO Volume 2). The Applicant is also seeking temporary use powers over all other land within the Order Land, in order to allow it to take temporary possession ahead of acquiring land or rights permanently (see further explanation at paragraph 5.5.3). The land over which these rights are sought is shown edged black and shaded pink or blue on the Land Plans (Document Reference 2.2, DCO Volume 2). This land is described in more detail in the Book of Reference (Document Reference 4.3, DCO Volume 4).

- 5.5.2 The reason for seeking temporary use powers over land shaded pink or blue is that it allows the Applicant to enter onto land for particular purposes (including site preparation works) in advance of any vesting of the permanently required land/rights. This enables the Applicant to compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Project.
- 5.5.3 Articles 37 and 38 of the draft DCO (Document Reference 3.1, DCO Volume 3) are relied upon in respect of all land within the Order Limits. Article 38 allows temporary possession of land for the purposes of maintaining the Project. As noted above, Article 37 permits temporary use in two ways in connection with the construction of the Project:
- First, the land identified in Schedule 7 to the draft DCO may only be temporarily possessed (i.e. the Applicant cannot acquire the land nor new rights over it), and possession can only be taken for the purposes set out in that Schedule for the particular plot. In summary, these are the areas required to facilitate access to the Works and provide temporary construction compounds. These areas are shown edged black and shaded yellow on the Land Plans (Document Reference 2.2, DCO Volume 2); and
 - Secondly, Article 37 permits the Applicant to take temporary possession of any other part of the Order Land where it has not yet exercised powers of compulsory acquisition - this will allow the Applicant (for instance) to initially take temporary possession of the whole width of the Pipelines. Once the Applicant has carried out detailed surveys and installed the relevant apparatus (such as the pipelines), the Applicant can then acquire new rights (pursuant to the powers set out above) within only a narrower strip in which permanent rights are required, within the wider working width. This phased approach to occupation and acquisition allows the permanent rights corridor to be defined after construction, and to be only that which is necessary for the operation, maintenance and protection of the as laid apparatus. Such an approach has precedent amongst other pipeline DCOs, including the Cambridge Waste Water Treatment Plant Relocation Order 2025, The HyNet Carbon Dioxide Pipeline Order 2024 and The Southampton to London Pipeline Development Consent Order 2020.
- 5.5.4 The Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4) sets out the latest position in relation to negotiation of voluntary agreements with landowners. The Pre-application Land and Rights Negotiations Tracker (Document (Reference 4.4, DCO Volume 4) will be updated during the Examination of the DCO Application.
- 5.5.5 Under Article 38, the Applicant is entitled to occupy the land for as long as necessary to carry out the relevant maintenance works. The Applicant must give

the landowner and any occupier not less than 28 days' notice and on completion of the maintenance works must remove all temporary works and restore the land to the satisfaction of the landowner.

5.6 Land in which no compulsory acquisition powers are sought

- 5.6.1 There are areas within the Order Limits over which no compulsory acquisition powers or temporary use powers are sought, and which are shown as 'Grey Land' on the Land Plans (Document Reference 2.2, DCO Volume 2).
- 5.6.2 One such area where no compulsory acquisition or temporary use powers are sought includes in relation to the Applicant's ability to use the Havant Thicket Reservoir infrastructure for the Project. The Havant Thicket Reservoir infrastructure is being developed by Portsmouth Water pursuant to planning permissions granted by Havant Borough Council and East Hampshire District Council. Powers within the draft DCO (Document Reference 3.1, DCO Volume 3) put the Applicant's proposed use on a clear statutory footing and confirm the Applicant's existing powers in relation to this infrastructure. Article 5 of the draft DCO (Document Reference 3.1, DCO Volume 3) also ensures that the Applicant's use of the Havant Thicket Reservoir infrastructure under the draft DCO (Document Reference 3.1, DCO Volume 3) does not place Portsmouth Water, or the Applicant, in breach of planning control or Portsmouth Water in breach of any planning obligations. Furthermore, the exercise of the Applicant's functions under this article would be subject to appropriate environmental regulation. The Applicant and Portsmouth Water are able to enter into agreements relating to the Applicant's use and enjoyment of the Havant Thicket Reservoir infrastructure for the purposes of the Project. Further detail on the powers being sought in the draft DCO over these areas are set out in the Explanatory Memorandum to the Draft Order (Document Reference 3.2, DCO Volume 3).
- 5.6.3 The Applicant has identified a number of opportunities to provide additional environmental enhancements in and around the Project. While these are included in the Order Limits and development consent is sought for their implementation the Applicant does not consider that the powers of compulsory acquisition necessary to secure their delivery can be justified in the public interest. Therefore, the Applicant is not seeking such powers and the Applicant is not committing to their delivery. The delivery of such environmental enhancement is subject to reaching agreement with the landowners concerned. The additional environmental enhancements are described in the Design Principles Document (Document Reference 5.11, DCO Volume 5).

5.7 Other Rights and Powers

- 5.7.1 In addition, the Applicant has included powers to ensure that easements and other private rights identified as affecting the land are suspended or cease to have effect, so as to facilitate the construction and operation of the Project without hindrance. Furthermore, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to cease to have effect in order to facilitate the construction or operation of the Project. Article 30 of the draft DCO is relied upon

in respect of this land and applies in relation to land on which compulsory acquisition or temporary possession are proposed (that is, land shaded pink, blue or yellow on the Land Plans (Document Reference 2.2, DCO Volume 2). With respect to land shaded yellow, in respect of which temporary possession only is sought, Article 30(3) makes clear that any private rights or restrictive covenants are only suspended for as long as the Applicant is in lawful possession of the land (i.e. they would only be suspended temporarily).

5.7.2 The draft DCO (Document Reference 3.1, DCO Volume 3) also contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in Part 3 of the Book of Reference (Document Reference 4.3, DCO Volume 4):

- Article 11 - Street works: this article would confer authority on the Applicant to interfere with and execute works in or under any streets for the purposes of the authorised development;
- Article 16 - Temporary closure etc., of public rights of way: this article permits the Applicant to temporarily close, alter, divert or restrict the use of public rights of way for the purposes of the development, whilst ensuring that reasonable pedestrian access is maintained;
- Article 17 - Permanent diversion of public right of way – this article permits the Applicant to stop up public rights of way in connection with the purposes of the development, whilst ensuring that a replacement right of way is available for public use;
- Article 18 - Access to works: this article allows works accesses to public highways to be created. It gives the Applicant a general power to form means of access;
- Article 21 - Discharge of water: this article sets out the circumstances in which the Applicant is entitled to discharge water into a sewer, watercourse or drain, and its purpose is to establish statutory authority for doing so;
- Article 22 - Protective works to buildings: this article provides a power to monitor certain buildings and structures which may be affected by the authorised development. and to carry out protective works where necessary to mitigate the effects of such settlement;
- Article 23 - Authority to survey and investigate the land: this article gives the Applicant the power to enter certain land for the purpose of surveying and testing. It provides that the Applicant must give 14 days' notice before exercising the powers of entry, and that compensation is payable for any loss or damage caused;
- Article 25 - Felling or lopping of trees and hedgerows: this article would permit any tree or shrub that is within the Order Limits to be felled or lopped, or have its roots cut back by the Applicant if it is considered to obstruct the construction, operation or maintenance of the authorised development or endanger anyone using it. Compensation is payable for any loss or damage caused. The article also provides for trees subject to a tree preservation order;
- Article 27 - Compulsory acquisition of land: – incorporation of the minerals code: incorporates Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act

1981. It has been included within the draft DCO as mineral rights have been identified within the Order Limits and the mineral code provides a statutory process for dealing with the purchase of and compensation for minerals.

- Article 34 - Power to override easements and other rights: this article permits the Applicant to override easements and other rights such that land vested in the Applicant would be discharged from all rights, trusts and incidents to which it was previously subject at the point of vesting, together with the benefit of restrictive covenants and instances where land subject to third party rights is acquired by agreement rather than through compulsory acquisition; and

5.7.3 All the above-mentioned articles in the draft DCO (Document Reference 3.1, DCO Volume 3), which would provide powers enabling the Applicant to acquire land permanently or to use land temporarily, are required to enable the construction, operation, maintenance and decommissioning of the Project.

5.8 Conclusion on Compulsory Acquisition powers sought

5.8.1 The Applicant has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Project. However, it has not yet been possible to acquire all of these by agreement. In addition, the Applicant requires certain matters to be suspended, overridden or extinguished within the Order Land so as to ensure there are no impediments to the construction, operation and maintenance of the Project.

5.8.2 In the absence of powers of compulsory acquisition, the Order Land may not be assembled, uncertainty will continue to prevail and the Applicant considers that their objectives and Government policy objectives would not be achieved.

5.8.3 Whilst seeking compulsory purchase powers, the Applicant will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order Land that may impede the Project, wherever possible. This approach of making the application for powers of compulsory acquisition in the Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the CA Guidance.

5.8.4 The Applicant's justification for seeking compulsory purchase powers, in accordance with the provisions of the PA 2008, is to secure land, the temporary use of land, the rights and other interests required to enable them to construct, operate and maintain the Project within a reasonable commercial timeframe.

5.8.5 The inclusion of powers of compulsory acquisition in the Order is sought in order to ensure that this can be achieved. The relevant powers, and the land and interests sought together with the land required for temporary use, are no more than is required to facilitate the Project, its construction and future maintenance.

6 Justification for the use of powers of Compulsory Acquisition

- 6.1.1 As noted above, under Section 122 of the PA 2008, a DCO which includes compulsory acquisition powers may be granted only if the conditions in Sections 122(2) and 122(3) are met. The conditions to be met are that:
- the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (section 122(2)) (see ‘Use and quantum of the Order Limits’ below); and
 - there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (section 122(3)). The SoS must be persuaded that the public benefits from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired (see ‘Public Benefits’ and ‘Impacts and Private Loss’ below).
- 6.1.2 In respect of the Section 122(2) condition, the ‘Guidance related to procedures for the compulsory acquisition of land’ (at paragraph 11 of the CA Guidance) states that applicants should be able to demonstrate to the satisfaction of the SoS that the land in question is needed for the development for which consent is sought. The CA Guidance goes on to say that the SoS will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.
- 6.1.3 In respect of the Section 122(3) condition, the CA Guidance (at paragraph 13) states that the SoS will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that in determining where the balance of public interest lies, the SoS will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.
- 6.1.4 Further, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the SoS when justifying an order authorising compulsory acquisition. These are as follows:
- that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored - see ‘Alternatives to Compulsory Acquisition’ below in relation to how the Applicant has given regard to alternatives to compulsory acquisition;
 - that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the remainder of this section, and ‘Impacts and Private Loss’ below;
 - that the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire – Section 3 above describes the Project, and Section 5 alongside the Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4) that together provide the purposes for which areas are to be acquired or used;

- that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see 'Availability of funds for compensation' below in addition to the Funding Statement (Document Reference 4.2, DCO Volume 4); and
- that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected- see Section 10 below.

6.1.5 This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied.

6.2 Use and quantum of the Order Limits

6.2.1 At paragraph 11, the CA Guidance states that there must be no doubt in the decision maker's mind as to the purposes to which the land to be acquired is to be put. It should be demonstrated that the land is needed for the authorised scheme and that it is no more than is reasonably required for that scheme. Any land that is incidental to or is required to facilitate the development should also be limited to that which is no more than reasonably necessary and it should be made clear to the decision maker that this is the case.

6.2.2 In designing the Project and determining the land to be subject to compulsory acquisition and temporary possession powers, as demonstrated below, the Applicant has considered alternatives and modifications to the Project to minimise the potential land take. Further information on how the Order Limits have been designed can be located in the Scheme Development Report (Document Reference 5.10, DCO Volume 5).

6.2.3 Section 3 describes the Project and a summary of the Project for which land and rights over land within the Order Land are required. The Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4) summarises the land and rights over land within the Order Land required for the Project.

6.2.4 The proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant requires the land for the Project and can satisfy the conditions set out in section 122(2) of the PA 2008. The land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development.

6.2.5 The scope of the powers of compulsory acquisition proposed in respect of the land within the Order Land goes no further than is needed. All the land included within the Order Land is needed to achieve the identified purpose of delivering the Project. The Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4) shows the powers being applied over each plot (including the plots over which freehold acquisition is acquired), the requirement for each plot of land demonstrating the assessment that has been carried out on each plot, and the works for which each plot of land is required.

- 6.2.6 Steps have been taken to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary to deliver the benefits associated with the Project.

6.3 Public Benefits

- 6.3.1 Section 7 of this Statement and the Case for the Project (Document Reference 5.6, DCO Volume 5) set out the need for the Project which would ensure meaningful and timely contributions to UK water infrastructure and security of supply, whilst delivering value for money for consumers, which is critical on the path to secure water resilience. Without the Project, a significant and vital opportunity to develop a large-scale water infrastructure scheme will have been missed. Projections undertaken by Water Resources South East (WRSE) and the Applicant identify that, without action, there is an urgent and significant deficit of available supplies to customers, particularly when population growth, climate change and other challenges are taken into account.
- 6.3.2 The operation of the Project would reduce the requirement for water abstraction from the River Itchen Special Area of Conservation and Site of Special Scientific Interest which would help to maintain natural watercourse flow and contribute to the conservation objective of maintaining or restoring the structure and function of habitats and species. In Environmental Impact Assessment terms this represents a long term major beneficial effect.
- 6.3.3 The Project also contributes to meeting the UK Government's Water Framework Directive objectives, which aim for all water bodies to achieve "good ecological status." By supporting reduced abstractions, the Project supports compliance with abstraction licence conditions and enhances the resilience of local river systems.
- 6.3.4 In addition to meeting the urgent national need for secure and affordable water infrastructure, the Project will deliver other benefits, many of which have been maximised and will be delivered as a result of the Project's careful design.
- 6.3.5 The Project would also deliver other environmental benefits through the commitment to Biodiversity Net Gain and through the EMEAs along the pipeline routes delivering additional chalk grassland habitat, riverbank restoration, creation of wet woodland and creation of riparian grassland.
- 6.3.6 The provision of essential infrastructure to guarantee future supply of drinking water is expected to have a major beneficial impact on economic development in the South East England region. The Project also includes commitments through the Outline Skills and Employment Plan (Document Reference 7.9, DCO Volume 7) to help to maximise the opportunity the Project provides to local people and businesses, and will contribute (through the Skills and Employment Fund) to the construction of the Leigh Park Construction Training Academy which would provide training and ongoing opportunities for local residents.
- 6.3.7 The avoidance of a potential future water deficit in South East England would have a permanent beneficial health effect for the wider population. For vulnerable groups, who would be more likely to experience adverse health consequences in the event of a drinking water deficit, this beneficial effect is considered to be greater.

- 6.3.8 Further information in relation to these project benefits can be found in the Case for the Project (Document Reference 5.6, DCO Volume 5).

6.4 Impacts and Private Loss

- 6.4.1 In order to deliver the benefits of the Project set out above, the Applicant requires the use of compulsory acquisition powers. This will result in a private loss by those persons whose land or interests in land is compulsorily acquired. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code thereby minimising the private loss.
- 6.4.2 Compensation is payable for the compulsory acquisition of land or rights and for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
- 6.4.3 As shown in the Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4), the Applicant has taken pro-active steps to engage with the persons whose land and rights will be affected by the Project to understand the direct and indirect impacts on them and to try to reach a voluntary agreement. This has helped to shape the proposals and, where possible enabled changes to designs to minimise the private loss.
- 6.4.4 All relevant environmental impacts have been assessed and are reported on in the Application documents, most notably the Environmental Statement (Document Reference Volume 6, Chapters 1-21).
- 6.4.5 The Project as a whole would, in common with any national infrastructure project, result in some adverse effects to the environment and local community. It is considered that these adverse effects (considered individually or collectively) would not outweigh the important nationally significant benefits of meeting the critical and urgent need to build resilience in the water sector to address pressures on water supplies.
- 6.4.6 The public benefits associated with the Project are set out from paragraph 6.3.1 above. The Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. Compensation is payable to all affected landowners and occupiers.
- 6.4.7 There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Project. The extent of the Order Land is no more than is reasonably necessary for the construction, operation and maintenance of the Project and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

6.5 Alternatives to Compulsory Acquisition

- 6.5.1 The Project requires the acquisition of land and the acquisition / creation of rights to secure the land and rights needed to build and operate the Project. The Applicant has considered all reasonable alternatives to compulsory acquisition:

negotiated agreements, alternative sites and modifications to the Project have been considered prior to making the Application. Efforts to negotiate directly with landowners are ongoing, as described at 'Voluntary agreements with landowners' below.

- 6.5.2 The Applicant's use of compulsory acquisition powers is intended to be proportionate. Where practicable, lesser powers of temporary possession will be used.

6.6 Alternatives to the Project

- 6.6.1 The location and extent of land and rights have been carefully considered and designed in order to take the minimum amount of land required whilst ensuring that the Project continues to meet the project benefits. The land and rights sought are therefore proportionate and necessary.

- 6.6.2 None of the alternatives or modifications considered for the Project would obviate the need for powers of compulsory acquisition powers and temporary possession over the Order Land.

- 6.6.3 The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, economic factors and the minimisation of environmental and visual impacts and land take.

- 6.6.4 Further details on the consideration of alternatives are set out in Chapter 4 Consideration of alternatives (Document Reference 6.1, DCO Volume 6) and the Scheme Development Report (Document Reference 5.10, DCO Volume 5). Seventeen sites for the WRP were initially identified that met the relevant criteria within the search radius of Budds Farm WTW, which was identified as the primary source for all the water recycling options as this site is the only WTW within the Applicant's western supply area that could provide the required volumes of treated wastewater at the Project's required maximum output. A similar site and route selection process took place for the pipeline routes and AGP having regard to environmental constraints and relevant planning policy. Further considerations included flood risk, ground conditions, ground contamination, historic environment and transport accessibility. Further information on the site and route selection process can be found in the Scheme Development Report (Document Reference 5.10, DCO Volume 5).

- 6.6.5 At this stage, design and assessment work is still ongoing. The Application is based on a preliminary design with the final detailed design being delivered by the Contractor post-consent – noting the need for appropriate flexibility as outlined above. The final design, delivered by the Contractor, would be in accordance with controls secured through the DCO.

6.7 Voluntary agreements with landowners

- 6.7.1 Details of the negotiations with landowners are set out in the Pre-application Land and Rights Negotiations Tracker (Document Reference 4.4, DCO Volume 4).

- 6.7.2 Negotiations for the purchase of land, rights and interests are ongoing in respect of the land and new rights required for the Project. Nevertheless, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft DCO, thereby ensuring that the Project can be constructed, operated and maintained.

6.8 Conclusion on Alternatives

- 6.8.1 The Applicant has undertaken a clear process to identify an appropriate site (with respect to the WRP), and an appropriate form and route for the relevant linear elements of the Project and has considered alternatives in doing so. None of the alternatives would provide the compelling benefits that the Project will or would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations.
- 6.8.2 The Applicant has retained some flexibility within the Project as explained above which will be refined as the detailed design progresses.
- 6.8.3 The Applicant is seeking to acquire the necessary land and rights by agreement. Whilst it will continue to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the land required to construct and operate the Project, in order to realise its significant public benefits.

6.9 Availability of funds for compensation

- 6.9.1 The Funding Statement (Document Reference 4.2, DCO Volume 4) confirms that the Project can be delivered and would not be prevented or delayed by difficulties in sourcing or securing the necessary funding, including funding for the acquisition of land, interests in land and rights over land, and the payment of any associated compensation.
- 6.9.2 The Applicant is not aware of any interests within the Order Limits in respect of which a person may be able to make a blight claim, but in the event this did occur the Applicant has access to sufficient funds to meet any compensation due.
- 6.9.3 The Applicant therefore considers that the SoS can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

7 Policy Support

7.1 Policy Documents

7.1.1 The application for the DCO is accompanied by a Planning Policy Statement (Document Reference 5.5, DCO Volume 5) and Chapter 2 of the ES Planning legislation and policy (Document Reference 6.1, DCO Volume 6) containing detailed analysis of the policy relevant to the Project. A summary of the key policy support is included below.

7.2 National Policy Statements

7.2.1 An application for development consent, in the form of a DCO must be submitted to the relevant Secretary of State pursuant to Section 37 of the PA 2008 for the Project. The Planning Inspectorate acts on behalf of the relevant SoS – in this case the SoS for Environment, Food and Rural Affairs. The Planning Inspectorate is responsible for examining the application and making a recommendation to the SoS who then makes the decision as to whether a DCO should be made authorising the construction and operation of the development in question.

7.2.2 Development consent is required for the Project as it is the subject of a Direction dated 31 May 2022 (and subsequently varied on 19 November 2024), made by the SoS under Sections 35(1) and 35ZA of the PA 2008.

7.2.3 Paragraph 1.1.4 of the NPSWRI states that “where a water resources infrastructure development is treated as a development for which development consent is required through section 35 of the Planning Act 2008 the National Policy Statement will apply unless otherwise stated in the section 35 direction”. There is nothing in the varied section 35 Direction that states otherwise. The NPSWRI therefore has effect in this case.

7.2.4 Paragraph 1.1.4 also confirms that “references in the National Policy Statement to nationally significant infrastructure projects will include projects of national significance designated under section 35”.

7.2.5 Section 104 of the PA 2008, which relates to decisions in cases where a National Policy Statement (NPS) has effect, is therefore engaged.

7.2.6 Section 104(2) requires that in deciding an application for development consent where a NPS has effect, the SoS “must have regard to:

- (a) any NPS which has effect in relation to development of the description to which the application relates;
- (aa) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;
- (b) any local impact report (within the meaning given by section 60(3)) submitted to the SoS before the deadline specified in a notice under section 60(2);
- (c) any matters prescribed in relation to development of the description to which the application relates, and

- (d) any other matters which the SoS thinks are both important and relevant to the SoS decision.”

7.2.7 Section 104(3) states that: “The Secretary of State must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) applies”.

7.2.8 These subsections relate to instances where the SoS finds that deciding an application in accordance with an NPS would lead to the SoS breaching their duties, would be unlawful by virtue of any enactment, where the SoS considers the adverse impact of a Project would outweigh its benefits, or where any condition prescribed for deciding an application otherwise than in accordance with the NPS is met.

7.3 NPSWRI

7.3.1 The NPSWRI was designated in 2023 and subsequently updated in July 2025. It has effect for the determination of the Project and engages Section 104 of the PA 2008 as outlined above.

7.3.2 The NPSWRI sets out the role of water resource management plans which water companies are required to prepare to set out how they will manage demand and develop water resources where necessary, in order to meet their water supply obligations.

7.3.3 Paragraph 1.4.6 of the NPSWRI states that, where a section 35 direction is made in relation to a project which has been identified as a preferred option in a final water resources management plan, the ‘need’ will not be revisited as part of the application for development consent.

7.3.4 The Project is identified as a key strategic scheme within the Final WRSE Regional Plan (June 2025). The Project is also identified as a preferred option in the Applicant’s emerging WRMP24.

7.3.5 Until WRMP24 is published, paragraph 1.4.7 of the NPSWRI is engaged, which states that: “Where a project that is not present in a final water resources management plan, development consent applicants will need to make the case for the need for the project on a case-by-case basis. They should demonstrate that they meet the need for nationally significant water resources infrastructure, as set out in section 2 and apply the assessment principles in the National Policy Statement.”.

7.3.6 Accordingly, a Case for the Project (Document reference 5.7, DCO Volume 5) has been prepared which sets out the need for the Project, as well as addressing value for money and the associated benefits and legacy of the Project. A summary of the Project need and benefits is set out in chapter 3 of the Planning Policy Statement (Document Reference 5.5, DCO Volume 5).

7.3.7 In setting the framework for applications and decisions for water resources infrastructure the NPSWRI sets out:

- Section 2 - Government policy and the urgent need for nationally significant water resources infrastructure;

- Section 3 - Assessment Principles against which applications are to be assessed, examined and determined; and
- Section 4 - Generic Impacts which set out policies on the potential construction and operational impacts of water resources infrastructure and the specific planning requirements to be met by applicants.

7.4 Marine policy documents

- 7.4.1 In accordance with s104(2)(aa) of the PA 2008, in deciding an application for development consent, the SoS must have regard to the appropriate marine policy documents where development would be capable of affecting any part of the UK marine area. The Project has limited interaction with the marine environment but would i) utilise the existing Eastney LSO for the release of reject water (via Budds Farm WTW) produced by the WRP site anticipated to result in very small changes in chemical composition compared to the existing releases, and ii) involve the construction of a SuDS outfall from the WRP site to the tidal Hermitage Stream.
- 7.4.2 The UK Marine Policy Statement (March 2011) (MPS) and South Inshore and South Offshore Marine Plan (July 2018) (which forms part of the South Marine plans documents) constitute the appropriate marine policy documents for the purposes of section 104(2)(aa) in this case. Paragraph 4.5.13 of the NPSWRI also notes that the SoS should also have regard to any relevant Shoreline Management Plans (SMP) - which for this Project area is SMP 13 (Selsey Bill to Hurst Spit) (December 2010).
- 7.4.3 The MPS was published in 2011 with the aim of contributing to the achievement of sustainable development in the UK marine area. Guidance to the MPS from 1 January 2021 (updated in September 2020) explains how references to EU law in the UK MPS should be interpreted from 1 January 2021 following the UK's withdrawal from the European Union.
- 7.4.4 Marine plans are prepared by the Marine Management Organisation under the provisions of the Marine and Coastal Access Act 2009. There are currently 11 marine plan areas in England, which deliver the high-level marine objectives set out in the UK MPS. They guide those who use and regulate the marine area to encourage sustainable development. While marine plans apply only in their area, if a proposed activity may affect the plan area, this should be acknowledged and considered in the application and decision making.
- 7.4.5 Paragraph 4.5.13 of the NPSWRI notes that: "in the event of a conflict between any of these marine policy documents and the National Policy Statement, the National Policy Statement prevails for the purposes of decision making given the national significance of the infrastructure".
- 7.4.6 An assessment against relevant marine policy is provided at chapter 5 of the Planning Policy Statement (Document Reference 5.5, DCO Volume 5).

7.5 Local Impact Reports

- 7.5.1 During the examination stage, host and neighbouring local authorities are invited to submit a Local Impact Report (LIR) which should give details of the likely impact

of a project on the local authority's area. Under section 104(2)(b) of the PA 2008, the examining authority and SoS must have regard to any LIR submitted before the deadline specified when deciding the application.

- 7.5.2 Through pre-application engagement the Applicant has sought to assist host authorities in understanding the role of LIRs alongside other written submissions into the examination, including Statements of Common Ground, Principal Areas of Disagreement Summary Statements and Relevant and Written Representations.

7.6 Other matters that are 'important and relevant'

- 7.6.1 As noted above, section 104 of the PA 2008 sets out the matters that the SoS must have regard to in determining applications for NSIPs, which can include any other matters which the SoS thinks are "important and relevant" to their decision.
- 7.6.2 Other matters that the SoS may consider important and relevant in decision making include the following:

7.7 The National Framework

- 7.7.1 The National Framework for Water Resources 2025 (NFWR2025), published in June 2025, replaced the National Framework for Water Resources 2020. It provides a strategic approach for water resources planning to enable actions to be identified and delivered to address England's long-term water needs. It sets out the scale of action required to ensure resilient water supplies while improving the environment.
- 7.7.2 The NFWR2025 makes it clear that "*without a sufficient, sustainable and resilient supply of water neither the environment, society nor the economy can function*" (page 30 of the NFWR2025 Summary Document) and sets out actions to meet society's water needs:
- "To recognise and reflect the fundamental role of water resources in planning and development
 - To deliver demand management reductions now
 - To deliver and maintain pace on the delivery of large infrastructure
 - Regional Water Resource Groups to identify, co-ordinate and facilitate delivery of solutions
 - To have greater collaborative water resources planning and delivery of solutions with other water using sectors
 - To tackle current unsustainable abstraction issues now and commit to deliver the Environmental Destination
 - To continue to innovate and develop new approaches to enhancing water resources."
- 7.7.3 It highlights that "water companies must continue to take a twin track approach, delivering new supplies and reducing water demand" and "in tandem they must deliver new supply options such as water recycling, desalination and new reservoirs".

7.8 Other national policy and guidance

- 7.8.1 National policy contained within other NPSs which do not have effect for the Project could also be relevant under section 104(2)(d). In this case, other NPSs are considered to have limited direct relevance to the Project. The NPS for Waste Water (2012) applies only to the construction or alteration of waste water treatment plants over a particular capacity and is not directly relevant for the Project. It does, however, highlight that waste water treatment infrastructure is essential for public health and a clean environment and the overall need for new infrastructure is likely to increase (in response to more stringent statutory requirements, population growth, adaptation to climate change, etc).
- 7.8.2 The NPPF (December 2024) and PPG (continuously updated since 2014) are important and relevant matters. The NPPF outlines the Government's planning policies for England, while the PPG provides guidance on how these are expected to be applied. The NPPF confirms at paragraph 5 that it does not contain specific policies for NSIPs. Some policies in the NPPF and the PPG are, however, likely to be important and relevant matters under Section 104(2)(d) of the PA 2008. A revised draft NPPF was published for consultation in February 2026.

7.9 Local Planning Policy

- 7.9.1 Paragraph 1.1.9 of the NPSWRI states that “other matters that the Examining Authority and the Secretary of State may consider both important and relevant to its decision-making may include development plan documents” though advises that “in the event of a conflict between these or any other documents and a National Policy Statement, the National Policy Statement prevails for purposes of decision making given the national significance of the infrastructure.”
- 7.9.2 NPS policies identify the national significance of the relevant infrastructure and include tests which allow for exceptions or special circumstances where potential impacts are outweighed.
- 7.9.3 Where local development plan policies relate to general issues, the starting policy tests will be those set out in the NPSWRI so are unlikely to be relevant to decision making (even where the policies are consistent and there is no direct conflict). Development plan policies are more likely to be relevant where they relate to planning designations or locally specific factors that are not replicated or addressed through assessment principles and generic impacts in the NPSs.
- 7.9.4 The local authorities defined as ‘host authorities’ for the purposes of section 43 of the PA 2008 are as follows:
- East Hampshire District Council;
 - Eastleigh Borough Council;
 - Fareham Borough Council;
 - Hampshire County Council;
 - Havant Borough Council;
 - Portsmouth City Council; and

- Winchester City Council.

- 7.9.5 Emerging development plan policies can be relevant to the determination of the Project as the PA 2008 requires applicants to consult widely with local authorities and communities. The weight given to the emerging development plan policies depends on the stage of preparation of the emerging plan, the significance of unresolved objections, and the degree of consistency with the NPPF policies.
- 7.9.6 Regard has been given to the host authorities' relevant local plan policies and emerging policies, and this is set out in Appendix E of the Planning Policy Statement (Document Reference 5.5, DCO Volume 5), with a commentary on relevant policies set out at chapter 6 of the Planning Policy Statement (Document Reference 5.5, DCO Volume 5).

8 Special Considerations

- 8.1.1 This section provides information on parts of the Order Limits and to which special considerations apply under the PA 2008 – Crown Land and Open Space Land. There are no other relevant special considerations in respect of the Order Limits.
- 8.1.2 It also provides information on statutory undertakers and those with apparatus, and the protective provisions which apply.

8.2 Special Category Land – Crown Land

- 8.2.1 There are Crown interests within the Order Limits as shown on the Crown Land Plans (Document Reference 2.5, DCO Volume 2). The relevant Crown bodies are:
- a. Secretary Of State For Environment Food And Rural Affairs in relation to plots 01-003, 01-004, 01-005, 01-006, 01-007, 01-008, 01-018;
 - b. The Crown Estate Commissioners (Escheat) in relation to plot 03-038;
 - c. The King's Most Excellent Majesty In Right Of His Crown in relation to plots 04-018, 04-021, 04-022, 04-023, 04-025, 04-026, 04-027, 04-028, 04-029, 04-032;
 - d. Government Legal Department in relation to plots 04-087, 04-092, 04-093, 04-100; and
 - e. Secretary Of State For Defence in relation to plots 05-011, 05-012, 05-023, 05-024, 05-028, 05-029, 05-030, 05-031, 05-032, 05-033, 05-034, 05-035, 06-001, 06-002, 06-003, 06-004, 06-013, 06-014, 06-020, 06-021, 06-028, 06-057, 06-064, 06-065, 06-070, 06-072, 06-076, 06-077, 06-078, 06-079, 06-080, 06-081, 06-083, 06-084, 06-087, 06-088, 06-090, 06-091, 06-094, 06-096, 06-097a, 06-097b, 06-098, 06-099a, 06-099b, 06-101, 06-102a, 06-102b, 06-103, 06-104a, 06-104b, 06-105, 06-106, 07-001, 07-002, 07-003, 07-004, 07-005, 07-006, 07-007, 07-008, 08-001, 08-002, 08-003, 08-006, 08-007, 09-001, 09-002, 09-003, 09-004, 09-005, 09-006, 09-007, 10-001, 10-002, 10-003, 10-004, 10-005, 10-006, 10-007, 10-008, 10-009, 12-004, 12-007.
- 8.2.2 The draft DCO (Document Reference 3.1, DCO Volume 3) includes the standard article providing that the Order does not prejudicially affect any estate (etc.) of the Crown, and that the undertaker may not enter on or take any Crown land other than with the consent of the appropriate authority (Article 42). Articles permitting powers of compulsory acquisition (26 and 29) specifically provide that they are subject to Article 42. The Book of Reference (Document Reference 4.3, DCO Volume 4) also excludes interests belonging to the Crown in the description of the relevant plots.
- 8.2.3 The Applicant will obtain consent from the Crown bodies pursuant to section 135 of the PA 2008 following submission of the Application.

8.3 Special Category Land – Open Space

- 8.3.1 There is special category land within or affected by the Order Limits. This is shown on the Special Category Land Plan (Document Reference 2.6, DCO Volume 2)

and explained in Part 5 of the Book of Reference (Document Reference 4.3, DCO Volume 4);

- 8.3.2 The Order Limits include 32 plots comprising land which is open space land (as defined in section 19 of the Acquisition of Land Act 1981, as applied by section 132(12) of the PA 2008).
- 8.3.3 There is no Common Land or fuel or field garden allotments included within the Order Land.
- 8.3.4 The open space is located at Staunton Country Park (plots 01-003, 01-004, 01-005, 01-006, 01-007, 01-008, 01-019, 01-020, 01-022, 01-023 and 02-003), St Francis Church Havant (plot 02-013), Havant Rugby Football Club (plots 03-009, 03-010 and 03-011) land at and forming part of Hermitage Stream (plots 02-012, 02-014, 02-015, 02-016, 02-017, 02-018, 02-028, 02-030 and 03-002), Broadmarsh Coastal Park (plots 04-034 and 04-035), Big Ol' Hill Top, Portsdown Hill Portsmouth (plots 06-019, 06-027, 06-028, 06-030 and 06-036) and land at Otterbourne War Memorial (plot 26-001).
- 8.3.5 The Applicant is not seeking freehold acquisition powers over any of the open space land plots. Acquisition of rights and temporary possession powers are sought over 11 plots. No compulsory acquisition powers or temporary possession powers are being sought over the remaining 21 plots.
- 8.3.6 On that basis, section 132 (Commons, open spaces etc: compulsory acquisition of rights over land) of the PA 2008 will apply but only in relation to those plots where acquisition of rights powers are sought.
- 8.3.7 Section 132 of the PA 2008 make provision for special parliamentary procedure to apply where an Order authorises the compulsory acquisition rights over land, forming part of a common, open space or fuel or field garden allotment.
- 8.3.8 The draft DCO (Document Reference 3.1, DCO Volume 3) will engage s132 of the PA 2008 and would therefore be subject to special parliamentary procedure unless the SoS is satisfied that one of the following circumstances applies:
- The land to be burdened with the Order right will be no less advantageous than it was before to the owner, any person entitled to rights of common and the public (s132(3) of the PA 2008).
 - Replacement land will be given in exchange for the land to be compulsory acquired with the same rights, trusts and incidents (s132(4) of the PA 2008).
 - The land forms part of an open space and there is no suitable land to be given in exchange or any suitable exchange land is only available at prohibitive cost and there is a strong public interest for the development to be begun sooner than if subject to special parliamentary procedure (s132(4A) of the PA 2008).
 - The land forms part of an open space and the land is being acquired for a temporary (although possibly long-lived) purpose (s132(4B) of the PA 2008).
 - The land to be acquired does not exceed 200 square metres or is required for the widening or drainage of an existing highway and the giving of land in exchange is unnecessary (s132(5) of the PA 2008).
- 8.3.9 The Applicant's construction methodology is to install the pipeline under the open space land via a tunnel thereby avoiding surface disturbance.

- 8.3.10 No permanent above-ground infrastructure is proposed on the open space land and no permanent restriction on access or use is required that would interfere or restrict the exercise of any rights of the public.
- 8.3.11 Once the works are complete, the open space land, when burdened with the rights, will be no less advantageous than it was before to the public.
- 8.3.12 Part of the Order Land is located within Wickham Park Golf Club, which is not considered to form open space as it is not open to 'public recreation' as required by the definition of open space. Access is restricted by the club and is not available to the public as of right. Access may be restricted to specified groups of persons (such as club members or fee-paying members of the public) or denied to any person. Although there are public rights of way across the course, these in themselves do not make the surrounding land open space as defined in the PA 2008.

8.4 Statutory Undertakers' Land and Apparatus

- 8.4.1 The interests held by each statutory undertaker identified by the Applicant as having a right to keep or access apparatus within the Order Limits are identified in the Book of Reference (Document Reference 4.3, DCO Volume 4).
- 8.4.2 Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that matters set out in section 127(3) are satisfied. Those matters are:
- the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
 - if purchased, the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.
- 8.4.3 Section 127(5) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertaker's land by the creation of a new right over land to the extent that matters set out in section 127(6) are satisfied. Those matters are:
- the right can be purchased without serious detriment to the carrying on of the undertaking; or
 - any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of the other land belonging to or available for acquisition by them.
- 8.4.4 Article 39 of the draft DCO (Document Reference 3.1, DCO Volume 3) gives the Applicant the authority to acquire land and rights from statutory undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 10 which contains protective provisions for their benefit. The protective provisions provide adequate protection for statutory undertakers' assets. The Applicant therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition powers sought over the Order Land being

granted. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.

8.4.5 Section 138 of the PA 2008 applies if a DCO authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The draft DCO (Document Reference 3.1, DCO Volume 3) includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Project.

8.4.6 The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 10 to the draft DCO. The protective provisions set out constraints on the exercise of the powers in the DCO, with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Project (i.e. the development authorised by the DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.

8.4.7 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order Limits. Statutory undertakers and other apparatus owners that are known to have interest in or equipment on, in or over the Order Limits are included in the Book of Reference (Document Reference 4.3, DCO Volume 4). These include:

- AP Wireless II (UK) Limited;
- Openreach (British Telecommunications Public Limited Company);
- CityFibre Limited;
- Conrad Energy Limited;
- Cornerstone Telecommunications Infrastructure Limited;
- Environment Agency;
- ESP Electricity Limited;
- Esso Petroleum Company Limited;
- Exolum Pipeline System Ltd;
- GTC Pipelines Limited;
- Hampshire County Council (as Highway Authority);
- Havant Borough Council (as Highway Authority);
- Lumen Technologies UK Limited;
- National Gas Transmission PLC;
- National Grid Electricity Transmission PLC;
- National Highways Limited;
- NEOS Networks Limited;
- Network Rail Infrastructure Limited;
- On Tower UK 5 Limited;
- Orange Personal Communications Services Limited;

- Peak Gen Power 18 Limited;
- Portsmouth City Council;
- Portsmouth Water Limited;
- Scottish and Southern Energy Power Distribution Limited;
- Southern Electric Power Distribution PLC;
- Southern Gas Networks PLC;
- Southern Water Services Limited;
- The Wireless Asset Company Limited;
- Toob Limited;
- Virgin Media Limited;
- Vodafone Enterprise U.K.; and
- Vodafone Limited.

8.4.8 The Applicant is in discussions with the relevant statutory undertakers and owners of apparatus to agree the form of protective provisions and, where required, side agreements and asset protection agreement with the other parties contacted.

8.4.9 In any event, Part 1 and Part 2 of Schedule 10 to the draft DCO include standard protective provisions for the protection of electricity, gas, water and sewerage undertakers and for the protection of operators of electronic communications code networks, in order to ensure the assets of those parties receive adequate protection.

9 Other Consents and Licences

- 9.1.1 The Applicant requires various other consents, as well as a DCO, in order to construct, operate and maintain the Project. The Other Consents and Licences Position Statement (Document Reference 5.4, DCO Volume 5) sets out the additional consents required, the status and timeframe for each consent.
- 9.1.2 The key consents are identified below and reference should be made to the Other Consents and Licences Position Statement (Document Reference 5.4, DCO Volume 5) for the full list and the position as regards the need for and obtaining each consent:
- Air Quality – Mobile Plant Environmental Permit
 - Medium Combustion Permit
 - Building Regulation Approval
 - Licence under the Protection of Military Remains Act 1986
 - Protected Species Licence - Badger
 - European Protected Species Licence - Hazel Dormouse
 - European Protected Species Licence - Great crested newt
 - European Protected Species Licence: Bat, Water vole and Otter and Schedule 1 Birds
 - Minerals and Waste Environmental Permit
 - Standard rules mobile plant permit
 - Permit for Transport of Abnormal Indivisible Loads
 - Ordinary Watercourse Consent
 - Environmental Permit for water discharge activity
 - Abstraction Licence
 - Temporary abstraction licence
 - Trade Effluent Discharge consent
- 9.1.3 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Project proceeding.

10 Human Rights

10.1 Human Rights

- 10.1.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ('the Convention'). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 10.1.2 The following Articles of the Convention are relevant to the SoS's decision as to whether the Order should be made so as to include powers of compulsory acquisition.

10.2 Article 1 of the First Protocol to the Convention

- 10.2.1 This provides the right of everyone to the peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles.

10.3 Article 6

- 10.3.1 This entitles those affected by the powers sought in the Order to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision-making process.

10.4 Article 8

- 10.4.1 This protects private and family life, home and correspondence. No public authority can interfere with these rights except in accordance with the law, and so far as is necessary in the interest of national security, public safety or the economic well-being of the country.

10.5 Overview

- 10.5.1 The Secretary of State, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.
- 10.5.2 The Order has the potential to infringe the human rights of persons who own property or hold interests in the land within the Order Limits under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:
- the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and
 - the interference with the convention right is proportionate.
- 10.5.3 In relation to Article 1, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Order and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. The Applicant considers that there

would be very significant public benefits arising from the making of the Order for the Project (as set out in previous sections of this Statement and in the Case for the Project (Document Reference 5.6, DCO Volume 5) and the Planning Policy Statement (Document Reference 5.5, DCO Volume 5)). Those benefits can only be realised if the Order includes compulsory acquisition powers, and the purpose for which the land is sought (to build and operate the Project) is legitimate. The Applicant considers, on balance, that the significant public benefits outweigh the effects on persons who own interests in relevant land or who may be affected by the Project.

- 10.5.4 The Applicant therefore considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 10.5.5 In relation to Article 8, the Order Land includes residential dwelling-houses where the tunnelled sections of pipeline are located in urban areas. In addition, the Applicant is aware of the presence of mobile homes within the Order Land which may need to be relocated to facilitate construction of the Project. In the event that Article 8 rights are to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest. For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code. The Funding Statement (Document Reference. 4.2, DCO Volume 4) confirms the availability of funds to meet these liabilities.
- 10.5.6 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the PA 2008, which includes owners of land affected and those who may be able to make claims either under Sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973. The beneficiaries of rights overridden by the exercise of powers in the Order can make claims under Section 10 of the Compulsory Purchase Act 1965.
- 10.5.7 Following acceptance of the Application, 'relevant representations' can be made in response to the notice which the Applicant is obliged to give pursuant to Section 56 of the PA 2008. These are then considered during the examination of the Application by the examining authority, in any written representations procedure which the examining authority decides to hold or at any compulsory purchase hearing held under Section 92 of the PA 2008. There are further opportunities for affected persons to be involved in the examination process, including submitting detailed written representations, responding to matters raised by the examining authority and at other types of hearings that may be held.
- 10.5.8 Should the Order be made, any person aggrieved may challenge the Order in the High Court if they consider that the grounds for doing so are made out, pursuant to Section 118 of the PA 2008.
- 10.5.9 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber) to determine the compensation payable.
- 10.5.10 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Order of powers of compulsory

acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Section 6 and 7 of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.

10.6 Conclusion on Human Rights

- 10.6.1 The Applicant considers that there would be very significant public benefit arising from the making of the Order for the Project. That benefit can only be realised if the Order includes compulsory acquisition powers, and the purpose for which the land is sought (to build and operate the Project) is legitimate.
- 10.6.2 The Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition. The Applicant considers that it would, therefore, be appropriate and proportionate for the SoS to make the Order, including the compulsory acquisition powers sought.

11 Further Information

11.1 Negotiations

- 11.1.1 Owners and occupiers of property affected by the Order who wish to negotiate a sale or discuss matters of compensation should contact Dalcour Maclaren by email at hwtwrp@dalcourmaclaren.com.

11.2 Compensation

- 11.2.1 Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation". Copies of these booklets are obtainable, free of charge, from: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

- Booklet No. 1 - Compulsory Purchase Procedure;
- Booklet No. 2 - Compensation to Business Owners and Occupiers;
- Booklet No. 3 - Compensation to Agricultural Owners and Occupiers; and
- Booklet No. 4 - Compensation for Residential Owners and Occupiers.

12 Conclusion

- 12.1.1 The Applicant submits, for the reasons detailed in this Statement, that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Project meets the conditions in sections 122(2) and 122(3) of the PA 2008, as well as the considerations in the CA Guidance.
- 12.1.2 The acquisition of land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is no more than is reasonably required to facilitate or is incidental to the Project. The land identified to be subject to compulsory acquisition is no more than is reasonably necessary and proportionate for these purposes. This is demonstrated in the draft DCO (Document Reference 3.1, DCO Volume 3), the Works Plans (Document Reference 2.3, DCO Volume 2) and in other documents accompanying the Application, including in this Statement of Reasons.
- 12.1.3 There is a compelling case in the public interest for the inclusion of compulsory acquisition powers in the Order. The Project meets an urgent need for supply and is an essential part of increasing the resilience of the water industry, helping the UK to meet its goals. The Project is compliant with the NPSWRI and additionally, with other decision-making factors specified in section 104 of the PA 2008. It also provides social and economic benefits for the local area.
- 12.1.4 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Project and the support for it found in policy, as well as the suitability of the Order Land, compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified in the circumstances of the Project.
- 12.1.5 The Applicant has sought to acquire the required land interests and the rights to occupy land temporarily by voluntary agreement and will continue to do so going forward. The powers of compulsory acquisition and to occupy land are required to provide certainty that the Project (which will make an important contribution to the UK's water industry) can be constructed, maintained and operated.
- 12.1.6 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose as detailed in this Statement and is necessary and proportionate. The Applicant considers that the substantial public benefits from the proposed compulsory acquisition would outweigh the private loss that would be suffered by those whose land or interests will be acquired, and therefore justifies interference with such land or rights.
- 12.1.7 The requisite funds are available to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition as demonstrated in the Funding Statement (Document Reference 4.2, DCO Volume 4).

13 Glossary

Table 13-1 Glossary

Term	Definition
Above Ground Plant (AGP)	This collectively refers to the intermediate pumping stations and Break Pressure Tanks.
APFP Regulations	The Applications: Prescribed Forms and Procedure Regulations 2009.
Applicant	Southern Water Services Limited.
Application (or DCO Application)	The application for a DCO made to the SoS under Section 37 of the PA 2008 in respect of the Project because the Project is a project of national significance for which development consent is required further to the Section 35 Direction.
Biodiversity Net Gain (BNG)	This is an approach to development that delivers measurable improvements that delivers a net gain for biodiversity by creating or enhancing habitats.
Break Pressure Tank (BPT)	BPTs are anticipated to be required at high points along the pipeline route. Water is pumped to BPTs, where it then flows onwards using gravity from the tank. This reduces the amount of energy required to transfer water. BPTs reduce the overall maximum pressure in the pipeline system associated with changes in flow rate as a result of topography.
Budds Farm Wastewater Treatment Works (WTW)	<p>An existing Southern Water site that treats wastewater from the Applicant's customers prior to release into the Solent from the Eastney Long Sea Outfall. The Project would utilise highly treated wastewater from the Budds Farm WTW to produce recycled water at the Water Recycling Plant site. Reject water would be transferred from the Water Recycling Plant back to Budds Farm WTW where a connection would be made for onwards transfer to the existing Eastney Transfer Tunnel, Eastney Pumping Station and Eastney Long Sea Outfall for discharge into the Solent.</p> <p>Chemical filter washing at the Water Recycling Plant site would generate process waste that would be discharged via the foul sewer network to Budds Farm WTW.</p>
CA Guidance	The 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG, September 2013)
Development Consent Order (DCO)	A statutory order which provides consent for a project and means that a range of other consents, such as planning permission and listed building consent, will not be required. A DCO can also include powers authorising the compulsory acquisition and temporary possession of land and rights over land which is the subject of an application. A draft DCO is submitted by the Applicant as part of its Application.

Term	Definition
Eastney Long Sea Outfall (LSO)	An existing Southern Water infrastructure component used to release treated wastewater from Budds Farm WTW. No works to the Eastney LSO are proposed as part of the Project, however reject water produced from the Water Recycling Plant will be released from the Eastney LSO using the Eastney Transfer Tunnel and Eastney Pumping Station.
Eastney Pumping Station (PS)	An existing Southern Water infrastructure component. No works are proposed to it as part of the Project. The Eastney PS receives treated wastewater flows, via gravity, from Budds Farm WTW and pumps it out via the Eastney Long SO. This pumping station also receives storm flows from the Eastney catchment area. Reject water from the proposed Water Recycling Plant will be released from the Eastney Long SO using the Eastney PS and Eastney Transfer Tunnel.
Eastney Transfer Tunnel (TT)	<p>An existing Southern Water infrastructure component. The Eastney TT connects the Budds Farm WTW final effluent channel via a shaft located at Budds Farm WTW to the Eastney PS to release treated wastewater. Reject water from the Water Recycling Plant will be released from the Eastney Long SO using the Eastney Pumping Station and Eastney TT.</p> <p>A new connection point to the Eastney TT, located at Budds Farm WTW, is required. No additional works to the Eastney TT are proposed as part of the Project.</p>
Environmental Impact Assessment (EIA)	EIA is a process for identifying the likely significant environmental effects (beneficial and adverse) of a Proposed Development to inform the decision-making process by the Secretary of State when determining an application for a Development Consent Order.
Environmental Mitigation and Enhancement Areas (EMEA)	The 'Environment Mitigation and Enhancement Areas' are shown on the Works Plans (Document reference 2.3, DCO Volume 2). The EMEAs will deliver environmental mitigation to mitigate adverse impacts and provide environmental enhancement within the Order Limits. The environmental enhancements that are not associated with environmental mitigation will only be implemented subject to securing agreements with landowners. EMEAs are in addition to the commitment to reinstate vegetation removed to facilitate construction throughout the Order Limits.
Hampshire Water Transfer and Water Recycling Project (HWTWRP)	This is the name of the Project, that is the Strategic Resource Option being delivered as part of the Water For Life Hampshire programme. A water supply scheme comprising a combination of both water transfer and water recycling technology that would play a major role in making up the shortfall in water supply across the Hampshire supply area, especially in a drought.
Havant Thicket Reservoir	The Havant Thicket Reservoir is a development under construction by Portsmouth Water that has planning permission granted by the relevant local planning authorities. Following the transfer of recycled water from the

Term	Definition
	Water Recycling Plant site, the recycled water would be combined with water contained within the Havant Thicket Reservoir. The Project would use the Havant Thicket Reservoir for the storage of recycled water, before transfer to Otterbourne Water Supply Works.
Land Plans	The plans showing the land that is required for the Project, and the land over which interests or rights in land are sought as part of the Order.
Limits of Deviation for Pipeline	<p>The 'Limits of Deviation for Pipeline' represent the area within the Order Limits that the pipeline could be permanently located once constructed. These are shown on the Works Plans (Document reference 2.3, DCO Volume 2).</p> <p>The Limits of Deviation for Pipeline does not represent the construction working area for the pipeline.</p>
Order	The Southern Water Services Limited (Hampshire Water Transfer and Water Recycling Project) Development Consent Order – the name of the DCO for the Project.
Order Land	The 'Order Land' represents the land within the Order Limits over which compulsory acquisition or temporary possession powers may be sought for the construction, operation, maintenance or decommissioning of the Project.
Order Limits	The 'Order Limits' represent the extent of the area within which the Project, authorised by the Development Consent Order, may be carried out, including the permanent and temporary land needed for construction, operation and maintenance activities. The Order Limits are shown on the Works plans (Document reference 2.3, DCO Volume 2) and Land plans (Document reference 2.2, DCO Volume 2).
Otterbourne Water Supply Works (WSW)	An existing Southern Water site. The Project would transfer source water from Havant Thicket Reservoir to Otterbourne WSW. The source water would be treated to strict regulatory standards at Otterbourne WSW prior to being supplied to customers.
PA 2008	The Planning Act 2008 which is the legislation in relation to applications for NSIPs, including pre- application consultation and publicity, the examination of applications and decision making by the Secretary of State.
Pipelines between Budds Farm WTW and the Water Recycling Plant site	Two pipelines between Budds Farm Wastewater Treatment Works and the Water Recycling Plant site: one to transfer treated wastewater from Budds Farm Wastewater Treatment Works to the Water Recycling Plant site and the other to transfer reject water from the Water Recycling Plant site to Budds Farm Wastewater Treatment Works. The Pipelines would connect to the existing treated wastewater release infrastructure and the reject water would be released via the existing Eastney Long Sea Outfall using the existing Eastney Transfer Tunnel and Eastney Pumping Station. The development required to connect into the

Term	Definition
	<p>existing treated wastewater infrastructure would form part of this component of the Project.</p> <p>The Pipelines would be installed on the same route under the Hermitage Stream and Harts Farm Way and would be approximately 700m in length.</p> <p>The Pipelines would transfer a maximum flow of approximately 82Ml/d of treated wastewater to the Water Recycling Plant site. The pipeline from the Water Recycling Plant site to Budds Farm Wastewater Treatment Works would be sized for the same transfer capacity of approximately 82Ml/d as it may be necessary to return the maximum volume of water being treated back to Budds Farm Wastewater Treatment Works.</p>
<p>Pipelines between the Water Recycling Plant site and Bedhampton Springs</p>	<p>The Pipelines would transfer recycled water from the Water Recycling Plant site to Bedhampton Springs, and source water from Bedhampton Springs back to the Water Recycling Plant site (before transfer to Otterbourne Water Supply Works).</p> <p>The Pipelines, connecting to pipelines being delivered by Portsmouth Water between Bedhampton Springs and Havant Thicket Reservoir, would enable the transfer at maximum operation of approximately 60Ml/d of recycled water from the Water Recycling Plant site to Havant Thicket Reservoir and approximately 90Ml/d of source water from Havant Thicket Reservoir to the Water Recycling Plant site, for onward transfer to Otterbourne Water Supply Works.</p>
<p>Pipeline between the Water Recycling Plant site and Otterbourne Water Supply Works</p>	<p>An underground pipeline approximately 35km long would transfer up to approximately 90Ml/d of source water at maximum operation, from the Water Recycling Plant site to Otterbourne WSW. AGP would support the transfer of water from the Water Recycling Plant site to Otterbourne WSW.</p> <p>Due to the length of the Pipeline, it has been divided into sections:</p> <ul style="list-style-type: none"> • Section D: The Water Recycling Plant site to Portsdown Hill • Section E: Portsdown Hill to Boarhunt • Section F: Boarhunt to Crockerhill • Section G: Crockerhill to Wickham • Section H: Wickham to Shedfield • Section J: Shedfield to the River Hamble

Term	Definition
	<ul style="list-style-type: none"> • Section K: The River Hamble to Lower Upham • Section L: Lower Upham to Brambridge <p>Section M: Brambridge to Otterbourne Water Supply Works.</p>
Project	The Hampshire Water Transfer and Water Recycling Project, as described in Chapter 3: Description of the Proposed Development (Document Reference 6.1, DCO Volume 6).
Special Area of Conservation (SAC)	Area(s) of protected habitat(s) and species as defined in the European Union Habitats Directive (92/43/EEC).
SoS	The Secretary of State – the decision maker for DCO applications and head of Government department. In this case the Secretary of State for Environment, Food and Rural Affairs
Site of Special Scientific Interest (SSSI)	A nationally site designated by Natural England as an area of special interest by reason of any of its flora, fauna, geological or physiographical features. SSSI are legally protected under the Wildlife and Countryside Act 1981 (as amended).
Water Recycling Plant (WRP)	The WRP would receive a total maximum volume of approximately 82Ml/d of treated wastewater from Budds Farm WTW. This would provide a maximum output of approximately 60Ml/d of recycled water. Approximately 22Ml/d of reject water is produced from the water recycling process and would be combined with the existing Budds Farm WTW treated wastewater flows (that are generated by the existing operation of Budds Farm WTW), and released via the existing Eastney TT, Eastney PS, and Eastney LSO operated by the Applicant.
Water Recycling Plant (WRP) site	The site containing the WRP. Located at a site north-west of Budds Farm WTW.
Work No.	Work number, a component of the Project, described at Schedule 1 to the draft DCO (Document Reference 3.1, DCO Volume 3)
Works Plans	The Works Plans show the spatial extent of the works that are detailed in Schedule 1 of the draft DCO (Document Reference 3.1, DCO Volume 3) to be consented and operated by the DCO when made.



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The logo graphic for Southern Water, featuring three stylized white waves of varying lengths, with the longest wave on the right.