

Hampshire Water Transfer and Water Recycling Project Statutory Nuisance Statement

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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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Executive summary

1. This Statutory Nuisance Statement has been prepared on behalf of Southern Water Services Limited in support of an application for a Development Consent Order under the Planning Act 2008 for the Hampshire Water Transfer and Water Recycling Project. The Project is 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 during periods of drought.
2. The Statutory Nuisance Statement identifies the potential for the Project to cause “*statutory nuisance*” according to Section 79(1) of the Environmental Protection Act 1990. The provision of this Statement is required to be included in an application for development consent by virtue of regulation 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, if one or more of the matters listed in section 79(1) of the Environmental Protection Act 1990 is engaged.
3. It has been considered whether the Project would engage in matters that have the potential to constitute “*statutory nuisance*”. Matters have been screened to determine those that can be discounted and those that require assessment. Assessments conducted as part of the Environmental Impact Assessment and presented within the Environmental Statement (DCO Volume 6) have been used to inform the assessment of “*statutory nuisance*”. The potential for the Project to be in breach of Section 79(1) of the Environmental Protection Act 1990 relate to the following:
 - a. Matters that relate to dust, steam, smell or other effluvia arising on industrial, trade or business premises. This relates to ES Chapter 6 Air quality and odour, Volume I (Document reference 6.1, DCO Volume 6).
 - b. Matters that relate to artificial light emitted from premises. This relates to ES Chapter 13 Landscape and visual, Volume I (Document reference 6.1, DCO Volume 6).
 - c. Matters that relate to noise emitted. This relates to ES Chapter 15 Noise and vibration, Volume I (Document reference 6.1, DCO Volume 6).
4. It is concluded that the implementation of mitigation measures contained within the Outline Construction Environmental Management Plan (Document reference 7.1, DCO Volume 7), Operational Environmental Management Plan (Document reference 7.7, DCO Volume 7) and Design Principles Document (Document reference 5.11, DCO Volume 5) would ensure that the Project would not result in the potential for “*statutory nuisance*”.

1 Introduction

1.1 Purpose of the document

- 1.1.1 This document has been prepared on behalf of Southern Water Services Limited (hereafter referred to as ‘the Applicant’). The Applicant is proposing to develop the Hampshire Water Transfer and Water Recycling Project (hereafter referred to as the ‘Project’) through an application for a Development Consent Order (DCO), under the Planning Act 2008 (PA 2008) [1]. The Project is 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 drought conditions¹. Refer to section 1.2 for additional detail about the Project.
- 1.1.2 In May 2022, the Secretary of State made a Direction under Section 35(1) of the PA 2008 confirming the Project as a project of national significance. Therefore, the Applicant is required to submit a DCO application under the PA 2008 to seek consent for the Project.
- 1.1.3 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 [2] requires DCO applications to include a statement in respect to matters set out in Section 79(1) of the Environmental Protection Act (EPA) 1990 [3]. Section 5(2)(f) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 states:
- “(2) The application must be accompanied by—*
- (f) a statement whether the proposal engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990(2), and if so how the applicant proposes to mitigate or limit them;”*
- 1.1.4 This document presents the Statutory Nuisance Statement for the Project. It sets out the matters in Section 79(1) of the EPA 1990 in respect of statutory nuisance, the potential implications of the Project and how the Applicant proposes to mitigate or limit potential statutory nuisance.
- 1.1.5 This document should be read in conjunction with:
1. The Environmental Statement (ES) (DCO Volume 6); including ES Appendix 5.5 Commitments Register, Volume II (Document reference 6.2, DCO Volume 6)
 2. The Outline Construction Environmental Management Plan (CEMP) (Document reference 7.1, DCO Volume 7)
 3. The Operational Environmental Management Plan (OEMP) (Document reference 7.7, DCO Volume 7)
 4. The Design Principles Document (Document reference 5.11, DCO Volume 5)

¹ Droughts are naturally occurring events and are typically characterised by a prolonged period of abnormally low rainfall, leading to a shortage of water.

- 1.1.6 The Outline CEMP (Document reference 7.1, DCO Volume 7) sets out how the Project will avoid, reduce and mitigate effects on the environment and surrounding area during construction and includes standard procedures and tertiary (inexorable) or good practice mitigation measures. The OEMP (Document reference 7.7, DCO Volume 7) provides general and specific environmental mitigation for operational activities of the Project. The measures contained in the Outline CEMP (Document reference 7.1, DCO Volume 7) and OEMP (Document reference 7.7, DCO Volume 7) are secured by requirements in Schedule 2 to the draft DCO (Document reference 3.1, DCO Volume 3). Detailed CEMP(s) will be produced and submitted for approval in accordance with the requirement in Schedule 2 to the draft DCO (Document reference 3.1, DCO Volume 3).
- 1.1.7 The Design Principles Document (Document reference 5.11, DCO Volume 5) sets out forward looking measures which will set controls for the detailed design of the Project. Measures are split by General Design Principles, applicable to the entire Project, and Site-Specific Design Principles, where more site-specific detail is required or where a design commitment only applies to a particular site, or element of the Project.
- 1.1.8 The Commitments Register (ES Appendix 5.5 Commitments Register, Volume II (Document reference 6.2, DCO Volume 6)) is a 'live' document that captures all commitments made as part of the ES and confirms how each of those commitments are secured via the DCO (it is not in itself a control document and does not contain any commitments that are not captured and secured elsewhere). It will be updated post-consent, should the DCO be granted, to include additional or modified commitments. The register has been developed in accordance with Planning Inspectorate (2025) Nationally Significant Infrastructure Projects: Commitments Register [4] advice note and is to be used as a tool to demonstrate compliance with commitments.

1.2 Overview of the Project

- 1.2.1 The Project is in southern Hampshire, with parts located in and extending from Havant to Otterbourne. The location and extent of the Project's Order Limits is shown on the Works plans (Document reference 2.3, DCO Volume 2). The need for the Project is set out within the Case for the Project (Document reference 5.6, DCO Volume 5).
- 1.2.2 The Project would use an advanced treatment process to turn treated wastewater² from Budds Farm Wastewater Treatment Works (WTW) into purified recycled water³ at a Water Recycling Plant (WRP). The WRP site would be located near Budds Farm WTW, at a site south of Havant. The recycled water would then be transferred via pipelines to Havant Thicket Reservoir. This would supplement the source water⁴ proposed to be stored in the reservoir by Portsmouth Water. Two

² Wastewater* that has been treated to strict regulatory standards and is typically released to rivers or the sea.

* A combination of water from kitchens, bathrooms, sinks and taps (in domestic and non-domestic properties) and rainwater from roads and roofs, that is transported to, and cleaned at, a wastewater treatment works.

³ Purified water that has been produced by taking treated wastewater (see above) and removing remaining impurities using advanced treatment techniques.

⁴ Water that is used as a source for drinking water. This water is treated to strict regulatory standards at the Otterbourne WSW before being supplied to customers.

pipelines would connect the WRP site and Bedhampton Springs, transferring recycled water to Bedhampton Springs and source water back to the WRP site, before onwards transfer to the Otterbourne Water Supply Works (WSW), approximately 35km to the north-west. The transfer of recycled water and source water between Bedhampton Springs and Havant Thicket Reservoir would utilise Portsmouth Water's pipelines between these sites which are subject to a separate planning consent. At Otterbourne WSW, source water would be treated to strict drinking water standards ready for supply to homes and businesses. Reject water⁵ created during the water recycling process at the WRP site would be transferred via a pipeline to Budds Farm WTW site before utilising existing infrastructure at Budds Farm WTW to enable release via the existing Eastney Transfer Tunnel (TT), Eastney Pumping Station (PS) and Eastney Long Sea Outfall (LSO) operated by the Applicant.

- 1.2.3 The Project comprises the construction, operation and maintenance of the following components:
1. WRP (Work Number 1) and associated pumping stations.
 2. Pipelines between Budds Farm WTW and the WRP site (Work Number 2).
 3. Pipelines between the WRP site and Bedhampton Springs (Work Number 3), connecting to pipelines being delivered by Portsmouth Water between Bedhampton Springs and Havant Thicket Reservoir.
 4. Pipeline between the WRP site and Otterbourne WSW (Work Number 4).
 5. Above Ground Plant (AGP) (Work Number 5) comprising Intermediate Pumping Stations and Break Pressure Tanks located along the Pipeline between the WRP site and Otterbourne WSW.
- 1.2.4 The Project would also comprise the use of the following infrastructure:
1. Havant Thicket Reservoir (which has been consented separately by Portsmouth Water and is currently under construction) for the storage of recycled water.
 2. The existing Eastney LSO, Eastney PS, and associated Eastney TT for the release of reject water from the WRP site.
 3. 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.
- 1.2.5 The construction and operation of the Project would be supported by other temporary and permanent works.
- 1.2.6 The Project will require the demolition, disassembly and/or temporary relocation of a number of small structures.
- 1.2.7 A detailed description of the Project can be found in ES Chapter 3 Description of the Proposed Development, Volume I (Document reference 6.1, DCO Volume 6).

⁵ During the water recycling process, reject water is produced. Reject water is water containing impurities removed from the treated wastewater.

1.3 Environmental Protection Act 1990

1.3.1 Section 79(1) of the EPA 1990 states:

“the following matters constitute “statutory nuisances” for the purposes of this Part, that is to say—

(a) any premises in such a state as to be prejudicial to health or a nuisance;

(b) smoke emitted from premises so as to be prejudicial to health or a nuisance;

(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;

(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;

(e) any accumulation or deposit which is prejudicial to health or a nuisance;

(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;

(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;

(g) noise emitted from premises so as to be prejudicial to health or a nuisance;

(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street;

(h) any other matter declared by any enactment to be a statutory nuisance;

and it shall be the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 80 below and, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint.”

1.3.2 Section 79(2) and subsequent subsections outline specific matters that are excluded from being classified as statutory nuisances, notwithstanding that they would otherwise fall within Section 79(1).

1.4 National Policy Statement for water resources infrastructure

1.4.1 Section 3.9 of the NPSWRI [5] states that local planning authorities have a duty under Part III of the EPA 1990 to:

“...inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve an abatement notice where satisfied of its existence, likely occurrence or recurrence.

“During the examination of DCO applications under the National Policy Statement, possible sources of nuisance under Section 79(1) of the Environmental Protection Act 1990 should be considered by the Examining

Authority. The Examining Authority should also consider how these sources of nuisance might be mitigated or limited so they can recommend appropriate requirements that the Secretary of State might include in any subsequent Development Consent Order”.

2 Potential to cause statutory nuisance

2.1 Screening of topics

- 2.1.1 Matters that have the potential to constitute “*statutory nuisance*” that are not applicable to the Project have been screened out of this document.
- 2.1.2 According to the EPA 1990 (as set out in section 1.3), “*statutory nuisance*” is defined as a condition that is either “*prejudicial to health*” or a “*nuisance*”. The outcomes of the Environmental Impact Assessment (EIA), presented within the ES (Document reference 6.1, DCO Volume 6) has informed the screening of topics to determine the potential to cause statutory nuisance. It is noted that the legal definition of what constitutes a statutory nuisance may differ from a ‘likely significant environmental effect’ under the Infrastructure Planning (EIA) Regulation 2017 [6].
- 2.1.3 Multiple paragraphs ((a), (b), (c), (e), (f), (fa), (h)) of Section 79(1) of the EPA 1990 are determined to be not applicable to the Project and therefore have been excluded from assessment in this document. The rationale for screening matters out are provided in Table 2-1.

Table 2-1 Rationale for screening matters out

Section 79(1) subsections of the EPA 1990	Rationale
(a)	<p>No premises associated with the Project would be in a state that might cause prejudice to health or constitute a nuisance. Measures to avoid, reduce and mitigate construction activities that have the potential to be prejudicial to health or create a nuisance are outlined in the Outline CEMP (Document reference 7.1, DCO Volume 7).</p> <p>The Design Principles Document (Document reference 5.11, DCO Volume 5) outlines the design commitments required of the Contractor to deliver a high-quality detailed design for permanent buildings, adhering to relevant standards. A core objective of the Design Principles Document (Document reference 5.11, DCO Volume 5) is to ensure safety, functionality, and accessibility, thereby promoting safety and security through design. Once in operation, regular maintenance of the Project and its components would be undertaken. ES Chapter 3 Description of the Proposed Development, Volume I (Document reference 6.1, DCO Volume 6), provides an overview on the maintenance of each design component.</p> <p>Throughout the construction and operation phases of the Project, it is not anticipated that premises associated with the Project would cause a nuisance or be prejudicial to health.</p>
(b)	<p>Bonfires and burning of waste material would be prohibited. There would be no smoke emitted as a result of the Project. Measures contained in the Outline CEMP (Document reference 7.1, DCO Volume 7) would ensure that dark smoke emissions from Non-Road Mobile Machinery (NRMM) and plant, including generators, would be appropriately managed.</p>

Section 79(1) subsections of the EPA 1990	Rationale
	Once in operation, emergency generators would be installed at the WRP site, IPS and BPT sites to supply electricity during power outages. Routine inspection and maintenance, including testing of emergency generators, in line with good practice guidelines and as outlined in the OEMP (Document reference 7.7, DCO Volume 7) would ensure appropriate mitigation. Therefore there would be no smoke emitted from premises that would be prejudicial to health or a nuisance.
(c)	Section 79(4) states that subsection (1)(c) only applies to private dwellings. The Project does not include private dwellings and therefore this matter is not applicable to the Project.
(e)	Accumulation or deposit associated with the Project are anticipated to be low. Measures contained in the Outline CEMP (Document reference 7.1, DCO Volume 7) would ensure that waste is managed appropriately and that sediment is appropriately managed during construction. As set out in ES Chapter 3 Description of the Proposed Development, Volume I (Document reference 6.1, DCO Volume 6), the AGP sites would generate waste. However given these sites would only be visited weekly for testing and planned maintenance, the volumes of waste generated would be negligible. Waste generated at the AGP sites would be discharged to cesspits within the AGP sites, which would be emptied by tankers. Therefore, accumulation or deposit would not be prejudicial to health or a nuisance during the construction or operation of the Project.
(f)	Animals would not be kept within the Order Limits for the purposes of the Project. Therefore, animals are not anticipated to cause a nuisance or be prejudicial to health during construction or operation of the Project.
(fa)	It is not anticipated that insects emanating from components or elements of the Project would occur. Measures contained in the Outline CEMP (Document reference 7.1, DCO Volume 7) would ensure proper good housekeeping and waste management across the Order Limits, including at temporary construction compounds. Once in operation, potential odour from the WRP site would be no worse than the existing treatment process at Budds Farm WTW which does not have any issues with insects being attracted to the odour of the treated effluent as to cause statutory nuisance. Furthermore, as set out in ES Chapter 3 Description of the Proposed Development, Volume I (Document reference 6.1, DCO Volume 6), routine maintenance would be required comprising monitoring, testing and the replacement of the WRP Site and its equipment. Therefore, insects emanating are not anticipated to cause a nuisance or be prejudicial to health during the construction or operation of the Project.
(h)	There would be no other matters or elements of the Project that could be considered to be a statutory nuisance.

2.1.4 Matters that have the potential to constitute “*statutory nuisance*” as a result of the Project and therefore have the possibility to fall within Section 79(1) of the EPA 1990 are:

1. (d), matters that relate to dust, steam, smell or other effluvia arising on industrial, trade or business premises. This relates to ES Chapter 6 Air quality and odour, Volume I (Document reference 6.1, DCO Volume 6).
 2. (fb), matters that relate to artificial light emitted from premises. This relates to ES Chapter 13 Landscape and visual, Volume I (Document reference 6.1, DCO Volume 6).
 3. (g) and (ga), matters that relate to noise emitted. This relates to ES Chapter 15 Noise and vibration, Volume I (Document reference 6.1, DCO Volume 6).
- 2.1.5 Sections 2.2 to 2.4 set out the activities that have the potential to cause “*statutory nuisance*” in accordance with the EPA 1990, as well as the measures to avoid, reduce and mitigate effects relating to these activities. Mitigation measures are embedded within the Project through the design (primary mitigation), committed good practice measures (tertiary mitigation) and additional measures (secondary mitigation).
- 2.1.6 The potential for “*statutory nuisance*” arising from maintenance of the Project has been considered within the operational assessment presented in sections 2.2 to 2.4. This approach is consistent with the EIA, presented within the ES (Document reference 6.1, DCO Volume 6).

2.2 Section 79(1)(d): dust, steam, smell or other effluvia

Construction

- 2.2.1 Construction activities have the potential to generate dust through demolition, earthworks, construction, and trackout activities, and to emit odours during the excavation of historic landfill sites (e.g. the WRP site). Construction equipment and traffic are also likely to produce emissions from NRMM and road vehicles associated with the Project. These emissions have the potential to impact nearby receptors. Steam is not anticipated to be generated as a result of the Project’s construction activities.
- 2.2.2 ES Chapter 6 Air quality and odour, Volume I (Document reference 6.1, DCO Volume 6), qualitatively assesses dust-producing activities during construction in accordance with IAQM (2024) guidance [7] using worst case construction activities. The worst case risk associated was determined to be low to medium risk in relation to demolition, earthworks and construction dust soiling impacts on people and property, although high risk for track out activities, and negligible to low risk in relation to human health impacts. The Outline CEMP (Document reference 7.1, DCO Volume 7) outlines measures to reduce and manage dust, such as the development and implementation of a Dust Management Plan that would be approved by the local planning authority(s) and monitoring measures relating to construction dust.
- 2.2.3 Department for Environment, Food and Rural Affairs technical guidance [8] states that emissions from NRMM on construction sites are unlikely to have a significant effect on local air quality, provided that relevant controls and management measures are implemented. A qualitative assessment of intensive construction activities at the WRP site, such as those associated with the construction of the WRP site and tunnel launch shaft, and along the Pipeline between the WRP site

and Otterbourne WSW, such as construction activities located at temporary construction compound E-1 (see ES Figure 1.1 Location of the Proposed Development and Order Limits, Volume III (Document reference 6.3, DCO Volume 6)) concluded that it would be unlikely that NRMM emissions would result in exceedances of the relevant Government air quality objectives. Measures contained in the Outline CEMP (Document reference 7.1, DCO Volume 7) require the Contractor to reduce NRMM pollutant emissions, through actions such as NRMM and plant maintenance, the use of fuel equivalent to ultralow sulphur diesel and the use of diesel machinery fitted with Diesel Particulate Filters.

- 2.2.4 During the excavation of the WRP site (a historic landfill site) and subsequent construction, ES Chapter 6 Air quality and odour, Volume I (Document reference, 6.1, DCO Volume 6) assessed the magnitude of odour effect at nearby receptors as slight adverse, and therefore not significant, in accordance with IAQM (2018) guidance [9]. Consequently, odour effects on nearby receptors are considered not significant. To reduce and control potential sources of odour emissions due to exposure of historic landfill waste, the Outline CEMP (Document reference 7.1, DCO Volume 7) requires the Contractor to implement odour control measures as needed during the earthworks programme at the WRP site, including the removal of all excavated landfill material from the site.
- 2.2.5 The construction road traffic emissions assessment screened construction phase road traffic flows for the traffic and transport study area against the IAQM and EPUK (2017) [10] screening criteria. At one location, along Harts Farm Way, the screening criteria was exceeded. However, as there is no relevant human exposure within 200m of this location, no further assessment was deemed necessary. Consequently, effects of construction generated traffic emissions on human receptors are considered not significant. Measures contained in the Outline CEMP (Document reference 7.1, DCO Volume 7) aim to reduce road construction vehicle pollutant emissions.
- 2.2.6 Implementation of mitigation measures contained in the Outline CEMP (Document reference 7.1, DCO Volume 7), would ensure that no statutory nuisance in relation to dust, steam, smell or other effluvia from the construction of the Project is expected to occur.

Operation

- 2.2.7 Air quality and odour effects during operation of the Project have been scoped out of the EIA on the basis that likely significant air quality or odour effects are not anticipated. Therefore, statutory nuisance from operational dust, steam, smell or other effluvia are not expected.

2.3 Section 79(1)(fb): artificial light

- 2.3.1 The Project is located within 5 metres of South Downs National Park (SDNP) at its closest point, much of which (including the Moore's International Dark Skies) holds International Dark Sky Reserve status. The approach for assessing likely significant landscape and visual effects within ES Chapter 13 Landscape and visual, Volume I (Document reference 6.1, DCO Volume 6), is based on principles set out in Guidelines for Landscape and Visual Impact Assessment Third edition

(GLVIA3) [11]. Impacts to landscape receptors are not considered to constitute prejudicial to health or cause a nuisance, and therefore have not been screened within this Statutory Nuisance Statement. Impacts on people (visual receptors), particularly residential receptors, are considered and assessed in the following paragraphs.

Construction

- 2.3.2 Construction activity may require the use of temporary artificial lighting to allow safe working outside of daylight hours and in areas restricted from natural light. This includes artificial lighting for task lighting and temporary construction compounds for safety and security which could increase the perception of development and activity in hours of darkness. Artificial lighting therefore has the potential to cause nuisance and impact visual receptors.
- 2.3.3 ES Chapter 13 Landscape and visual, Volume I (Document reference 6.1, DCO Volume 6), identifies likely significant adverse effects for several receptors during construction, including residential receptors. These effects are associated with artificial lighting and temporary construction activities, such as the presence of vehicles and signage.
- 2.3.4 Task lighting as required, may be perceptible within the relatively dark rural landscape including in views from some residential properties in rural areas. These effects would be temporary and will be managed through the implementation of mitigation measures outlined in the Outline CEMP (Document reference 7.1, DCO Volume 7). Mitigation will include measures to reduce light pollution (including backlight, up light and glare) which will reduce the potential for disturbance. As a result, the Project is not expected to give rise to artificial light that is a nuisance or is prejudicial to health. Therefore, it is not expected that the Project would cause statutory nuisance during construction.

Operation

- 2.3.5 Permanent artificial lighting would be required at the WRP site and AGP and therefore night-time lighting is scoped into the EIA. ES Chapter 13 Landscape and visual, Volume I (Document reference 6.1, DCO Volume 6), assesses the impact of permanent lighting causing light spill or sky glow to people (visual receptors), which includes residential receptors.
- 2.3.6 The Design Principles Document (Document reference 5.11, DCO Volume 5), which the Contractor would be required to follow, sets out principles to ensure that the Project's design avoids or minimises the impacts of artificial lighting on local communities, amenity, dark landscapes, nature conservation, and heritage locations (including impacts to the SDNP Dark Skies Area and Chichester Harbour National Landscape). ES Chapter 13 Landscape and visual, Volume I (Document reference 6.1, DCO Volume 6), identified no residential receptors that would experience likely significant residual adverse effects from artificial lighting during the operation of the Project.
- 2.3.7 Following implementation of design measures within the Design Principles Document (Document reference 5.11, DCO Volume 5) and mitigation measures

within the OEMP (Document reference 7.7, DCO Volume 7), it is not expected that the Project would cause statutory nuisance once operational.

2.4 Section 79(1)(g) and (ga): noise and vibration

2.4.1 The overarching approach taken to assess effects on residential receptors within ES Chapter 15 Noise and vibration, Volume I (Document reference 6.1, DCO Volume 6), accords with planning policy requirements to set thresholds for the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) for each identified impact. The threshold for significant effects (SOAEL) is set based on guidance regarding appropriate levels for use or enjoyment of property i.e. at a level which, if not exceeded, would be expected to avoid the noise or vibration from being found to be a nuisance.

Construction

2.4.2 The activities and methods used for constructing the Project, including the pipeline, WRP site, AGP and use of temporary construction compounds have the potential to cause temporary noise and vibration impacts on nearby receptors (i.e. disturbance/annoyance to occupants/users). Temporary vibration emitted by construction works can also damage nearby structures, which is classified as a permanent impact.

2.4.3 The approach taken to assess residential receptors within ES Chapter 15 Noise and vibration, Volume I (Document reference 6.1, DCO Volume 6) is based on thresholds for the LOAEL and SOAEL set out in and BS 5228-2 [12].

2.4.4 Airborne noise impacts are assessed using guidance including in BS 5228-1 [13]. ES Chapter 15 Noise and vibration, Volume I (Document reference 6.1, DCO Volume 6) concludes that, with tertiary and secondary mitigation secured within the Outline CEMP (Document reference 7.1, DCO Volume 7) and as summarised in paragraphs 2.4.5 and 2.4.6, residual adverse effects are not significant and therefore are not expected to cause a statutory nuisance.

2.4.5 The Outline CEMP (Document reference 7.1, DCO Volume 7) includes a commitment that the Contractor will demonstrate employment of Best Practicable Means and prepare a Noise and Vibration Management Plan (NVMP) post-consent, before the commencement of construction. The NVMP will include Best Practicable Means to manage and monitor noise and vibration impacts and proposals for applications for prior consent under Section 61 of the Control of Pollution Act 1974 (CoPA) [14]. To satisfy local planning authorities that the methods and proposed mitigation measures demonstrate the adoption of sufficient mitigation to reduce noise and vibration impacts, the NVMP and Section 61 consent application will consider and apply additional noise and vibration mitigation measures where relevant and practicable. These measures are currently anticipated to include consideration of the following mitigation measures:

1. Introducing additional working hour restrictions, such as restricting construction works from taking place after 13:00 on Saturdays for activities in certain locations.
2. Selecting quieter plant, equipment or working methods.

3. Using additional silencers, screening and/or enclosures.
4. Reducing intensity of works (e.g. use fewer items of noisy equipment such as circular saws or pneumatic breakers) during noise sensitive periods.
5. Interspersing of noisy works between quieter works to provide periods of respite.
6. Phasing of the works to ensure that the noisiest operations are performed during the least sensitive times and vice-versa.
7. Reviewing the construction programme to reduce the duration of the works at the closest approach to properties where practicable to give periods of respite.

2.4.6 To reduce noise effects from trenchless construction works to below the SOAEL, the Outline CEMP (Document reference 7.1, DCO Volume 7) secures a potential measure that will be used if required: the installation of a temporary acoustic enclosure over the trenchless crossing equipment, which will be included in the NVMP if required.

2.4.7 ES Chapter 15 Noise and vibration, Volume I (Document reference 6.1, DCO Volume 6) considers construction vibration impacts for both damage to buildings and annoyance to occupiers, based on criteria for Peak Particle Velocity and Vibration Dose Value within BS 5228-2 [12] and BS 6472-1 [15] respectively. Following Best Practicable Means and identified secondary mitigation secured within the Outline CEMP (Document reference 7.1, DCO Volume 7), if required, it is unlikely that construction vibration would cause a statutory nuisance. Where necessary and practicable, the following secondary mitigation will be included in the NVMP:

1. Use of low-vibration methods of shaft excavation.
2. Use of low-vibration or non-vibratory ground compaction methods.

2.4.8 If consent under Section 61 of the CoPA is not obtained, the local planning authority(s) may regulate construction noise and vibration impacts by serving an abatement notice under Section 60 of the CoPA.

2.4.9 ES Chapter 15 Noise and vibration, Volume I (Document reference 6.1, DCO Volume 6), along with the measures contained in the Outline CEMP (Document reference 7.1, DCO Volume 7), the NVMP and anticipated compliance with a Section 61 agreement under the CoPA, collectively demonstrate that Best Practical Means would be implemented to mitigate remaining likely significant residual adverse construction noise and vibration effects. Therefore, with the implementation of these mitigation measures, it is considered that statutory nuisance from construction noise and vibration is not expected to occur.

Operation

2.4.10 ES Chapter 15 Noise and vibration, Volume I (Document reference 6.1, DCO Volume 6), assesses operational noise effects on residential noise and vibration sensitive receptors using the guidance set out in BS 4142+A1:2019 [16].

2.4.11 Once operational, likely significant adverse noise effects are predicted at some residential receptors where noise levels would exceed the SOAEL and thresholds set out in the World Health Organisation Guidelines for Community Noise without

secondary mitigation. The Contractor would be required to incorporate mitigation into the design process in line with the Design Principles Document (Document reference 5.11, DCO Volume 5) to ensure that operational noise effects at receptors are not significant. The mitigation hierarchy to be applied is identified in the Design Principles Document (Document reference 5.11, DCO Volume 5). Example mitigation measures options that could be included into the development of the design are as follows:

1. Selection of quieter plant
2. Silencers
3. Enclosing items of noisy outdoor plant
4. Upgraded acoustic enclosures
5. Upgraded building fabric
6. Installation of acoustic roller shutter doors
7. Adjustment of site layout to place buildings between source and receiver
8. Noise screens/barriers

2.4.12 The OEMP (Document reference 7.7, DCO Volume 7) secures the operation of an EMS by the Contractor, based on the requirements of ISO 14001:2015, which will include procedures for dealing with complaints.

2.4.13 Vibration effects during operation of the Project have been scoped out of the EIA on the basis that vibration levels at source (i.e. at AGPs) would be at a magnitude less than what would be anticipated to give rise to likely significant vibration effects at sensitive receptors and primary and tertiary mitigation measures identified in section 15.4 of ES Chapter 15 Noise and vibration, Volume I (Document reference 6.1, DCO Volume 6), would ensure that vibration transmitted into the ground from the pumps would be negligible. Therefore, statutory nuisance from operational vibration is not expected.

2.4.14 Following the implementation of mitigation, no operational likely significant noise effects would occur. Therefore, it is not anticipated that statutory nuisance would arise in respect to operational noise and vibration matters.

3 Conclusion

3.1 Conclusion

- 3.1.1 This document reports on the requirements under Section 79(1) of the EPA 1990 regarding “*statutory nuisance*” and evaluates the potential for the Project to be prejudicial to health or a nuisance.
- 3.1.2 The implementation of mitigation measures outlined within the ES (Document reference 6.1, DCO Volume 6), which are secured in the Outline CEMP (Document reference 7.1, DCO Volume 7), OEMP (Document reference 7.7, DCO Volume 7), and the Design Principles Document (Document reference 5.11, DCO Volume 5) will prevent impacts such that statutory nuisances are not anticipated during the construction, operation and maintenance of the Project, as defined under the EPA 1990.

Glossary

Term	Definition
Contractor	The Applicant or a person appointed by the Applicant or by anyone else having the benefit of part or all of the Development Consent Order to carry out any construction element of the Project or to operate the Project.
Lowest Observed Adverse Effect Level (LOAEL)	As defined in Noise Policy Statement for England – <i>“The level above which adverse effects on health and quality of life can be detected”</i> .
Significant Observed Adverse Effect Level (SOAEL)	As defined in Noise Policy Statement for England – <i>“The level above which significant adverse effects on health and quality of life occur”</i> .
Secondary mitigation	Measures or actions to prevent or minimise any remaining significant adverse environmental effects of the Project identified through the EIA process. For example, reptile translocation will be undertaken to mitigate for the potential killing or injury of common reptile species by the permanent loss of suitable habitat at the WRP site.
Statutory nuisance	Matters constitute statutory nuisance that may cause prejudicial to health or a nuisance according to Section 79(1) of the Environmental Protection Act 1990
Task lighting	Artificial lighting specifically provided to illuminate a particular work area or activity on a construction site.
Tertiary mitigation	Standard industry good practice measures or actions to reduce impacts, regardless of the design process and Environmental Impact Assessment. These include actions that will be undertaken to meet existing legislative requirements, and/or actions that are considered to be standard good practice used to manage commonly occurring environmental effects. For example, considerate contractors’ practices that manage activities which have potential nuisance and environmental effects, such as the spillage of fuels, oils or other chemicals.
Project	This refers to the Hampshire Water Transfer and Water Recycling Project, that is the name of the Strategic Resource Option project 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.

Abbreviations

Term	Definition
AGP	Above Ground Plant
AQMA	Air Quality Management Area
BS	British Standards
CEMP	Construction Environmental Management Plan
CoPA 1974	Control of Pollution Act 1974
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EMS	Environmental Management System
EPA 1990	Environmental Protection Act 1990
EPUK	Environmental Protection UK
ES	Environmental Statement
GLVIA	Guidelines for Landscape and Visual Impact Assessment
IAQM	Institute of Air Quality Management
LEMP	Landscape and Ecological Management Plan
LSO	Long Sea Outfall
NO ₂	Nitrogen Dioxide
NRMM	Non-Road Mobile Machinery
NVMP	Noise and Vibration Management Plan
OEMP	Operational Environmental Management Plan
PS	Pumping Station
SDNP	South Downs National Park
TT	Transfer Tunnel
WRP	Water Recycling Plant
WSW	Water Supply Works
WTW	Wastewater Treatment Works

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