

From: [REDACTED]
To: [Hampshire Water Project](#)
Subject: Letter to Hampshire Water Project HWTWRP Team
Date: 09 June 2026 18:50:42
Attachments: [REDACTED]
[HWTWR - LETTER TO PLANNING INSPECTORATE - 9th JUNE 2026.docx](#)

Urgent Attention : Mr. Matthew Sheard, Planning Inspectorate

Dear Planning Inspectorate, Please find attached our comments on the HWTWR Project.

With Kind Regards,

[REDACTED]

[REDACTED]
On Behalf of SOSCA.org.uk
Save Our South Coast Alliance





The Planning Inspectorate – 9th June 2026

National Infrastructure Planning

(Via email to: HampshireWaterProject@planninginspectorate.gov.uk)

FOR THE URGENT ATTENTION of: Hampshire Water Project (HWTWRP) Team

Attention: Mr Matthew Sheard, Planning Inspectorate

Dear Planning Inspectorate,

Havant Thicket Water Recycling Project (HWTWRP)

Southern Water's failure to consult adequately under Sections 42, 47 and 48 of the Planning Act 2008

Save Our South Coast Alliance (SOSCA) has reviewed the **Rowlands Castle Parish Council (RCPC)** submission on the adequacy of Southern Water's consultation, and the accompanying **Inadequacy of Consultation Report**. We agree with RCPC's analysis. Their evidence supports the conclusion that there were **material failures** by Southern Water to comply with its consultation duties under the **Planning Act 2008** and the **Gunning Principles**, each of which is directly relevant to the Adequacy of Consultation test at the Acceptance stage.

Furthermore, the inadequacies identified by RCPC are **not confined to the Rowlands Castle area**. In our submission, **similar consultation concerns arise across a wider area** that will be **affected by the operation of** the HWTWRP scheme (including by the repurposing of the Havant Thicket Reservoir). This includes the substantial number of Portsmouth Water customers in West Sussex who would, in future, receive drinking water that has been mixed with recycled effluent. These West Sussex residents are, in our submission, among those most **"likely to be affected"** for the purposes of Gunning, **yet they were not consulted**.

To this end, if the Gunning Principles are properly applied, *"Southern Water's assessment [that] there was no legal requirement for West Sussex residents to be consulted"* is evidently wrong. This is further explained below.

Application of the Gunning Principles

The Gunning Principles are not a novel legal point. Recent adequacy of consultation representations have expressly invited PINS to consider the **Gunning/Sedley principles**, including representations from **WSSC** in its Adequacy of Consultation Representation for the **Gatwick Northern Runway DCO (TR020005)**. In that representation, WSSC and partner authorities urged PINS to consider: *"the extent to which the Applicant has complied with... the Gunning or Sedley principles governing a lawful consultation"*.

A lawful statutory consultation under the sections of the Planning Act mentioned in the heading must reach those who are **likely to be affected**, as interpreted under the well-known **Gunning Principles**. That consultation

obligation is not confined to residents living adjacent to construction works; it also extends to **all persons who are likely to be affected by the operation of the scheme.**

The Gunning Principles require that:

- proposals must be consulted at a **formative stage**;
- consultees must have **sufficient information** to give intelligent consideration;
- consultees must have **adequate time** to respond; and
- responses must receive **conscientious consideration.**

The Gunning Principles provide a **relevant public law lens** through which adequacy must be assessed. This position has also recently been reiterated on the applicant side. In the **Norwich to Tilbury DCO** Acceptance, the applicant itself accepted - through a series of **King's Counsel opinions (2022–25)** - the applicability of the Gunning Principles to the lawfulness of pre application consultation. This underlines that **the Gunning Principles are not an optional gloss**; they are a recognised part of the legal framework within which the **Planning Inspectorate is entitled, and in our submission should,** assess the Adequacy of Consultation for this scheme.

Defects in the HWTWRP Consultation

Against that legal background, **the consultation for HWTWRP was, in our submission, defective.** We agree with RCPC that adequate consultation was not done at the formative stage or at all. We agree with RCPC that **sufficient information** was not provided by Southern Water at appropriate times (or at all) to **enable intelligent consideration** by those **likely to be affected** by the operation of the scheme, including residents who would receive the recycled water at their taps. We agree with RCPC's conclusions that the evidence shows that **Southern Water did not give conscientious consideration** to the responses it received. We agree with RCPC's conclusions that appropriate **notice of the HWTWRP scheme was not posted at and around the Havant Thicket Reservoir; neither was any notice given to Portsmouth Water customers in West Sussex.** Most customers in West Sussex remain unaware of this planned fundamental change to their water supply, reflecting the very poor publicity generally associated with the consultations, and its absence in West Sussex.

In connection with this last point, the Planning Inspectorate should note that **Portsmouth Water customers (many of whom are resident across West Sussex)** who are supplied from the Havant Thicket reservoir **were never identified by Southern Water** in the consultation brochures **as a class "likely to be affected"**; they were therefore – as Southern Water has apparently accepted - **not consulted** - despite being **a large group materially affected by the proposed repurposing of the reservoir.** The change in the reservoir's intended operation was **never adequately presented to such group** – so they were given **no opportunity** to provide views at a **formative stage** or with **sufficient information** to give **intelligent consideration.**

In our submission, these matters amount to **material non-compliance** with the consultation duties imposed by **the Planning Act 2008**, including failures to comply with **section 42, section 47** and **section 48** and the **Gunning Principles.** In our submission, each of these failures separately renders the consultation materially inadequate for the purposes of the **Planning Act 2008 .**

SOSCA therefore respectfully submits that the statutory consultations undertaken by Southern Water were materially inadequate for the purposes of the Planning Act 2008, both for the reasons set out by RCPC and for the supplementary reasons summarised above.

We ask that the Planning Inspectorate, acting on behalf of the Secretary of State, take these matters fully into account when determining **Adequacy of Consultation** at this Acceptance stage.

Yours faithfully,



Save Our South Coast Alliance (SOSCA)

From: [Hampshire Water Project](#)
To: [SOSCA](#)
Cc: [Hampshire Water Project](#)
Subject: RE: Letter to Hampshire Water Project HWTWRP Team
Date: 10 June 2026 16:08:06
Attachments: [image004.png](#)
[image005.png](#)
[image008.png](#)
[image009.png](#)
[image001.png](#)

Good afternoon Ms Alexander

Thank you for your email and attachments.

The application above was submitted on 28 May 2026 and the acceptance decision must be taken on or before 25 June 2026. The decision will be published on the [project webpage of the National Infrastructure Planning website](#).

If the application is accepted, the following documents will also be published on the project webpage:

- The application documents (if they are not already published).
- Any Adequacy of Consultation Representations submitted by relevant local authorities.
- The Planning Inspectorate's acceptance checklist.

The acceptance tests

Section 55 of the Planning Act 2008 states that an application can be accepted provided:

- it is an application for an order granting development consent;
- that development consent is required for any of the development to which the application relates;
- the Applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure); and
- that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

The following must be considered when making the decision:

- a) The Consultation Report received with the application
- b) Any Adequacy of Consultation Representations received by the Planning Inspectorate from a local authority consultee.
- c) The extent to which the Applicant has had regard to government guidance.

If you have sent comments about the **Pre-application consultation**, these can be considered in addition to the statutorily required acceptance tests when making the decision about whether or not to accept the application. However, it will be for the decision maker (the Planning Inspectorate on behalf of the Secretary of State) to decide the weight to give to the views expressed based on the individual facts of the case.

If you have sent comments about the **merits of the Proposed Development** (e.g. setting out support for, or objection to, the principle of the Proposed Development) these cannot be considered at the acceptance stage. Should the application be accepted for Examination you will be able to submit your comments as a 'Relevant Representation' and register as an Interested Party. Your comments must be submitted on the 'Registration and Relevant Representation form' which will be made available on the project webpage of the National Infrastructure Planning website at the appropriate time.

Further information about registering as an Interested Party can be found in the Planning Inspectorate's Advice for members of the public: [How to register to have your say and make a relevant representation](#).

You may find it helpful to subscribe to [Get updates](#) by email on the progress of the above application.

Kind Regards



Rammiel Burnie (He/Him)
Case Officer
Planning Inspectorate
Telephone: 0303 444 5201
www.gov.uk/pins

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