Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Hampshire Water Transfer and Water Recycling Project
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Date:	12 November 2026

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FULL TRANSCRIPT (with timecode)

00:00:06:05 - 00:00:12:27
Okay. It's now ten to twelve, and this hearing is now restarted.

00:00:15:07 - 00:00:24:08
So before we move on, are there any further submissions and... To be made on item three of the agenda?

00:00:27:12 - 00:00:29:07
Water Matters community, please.

00:00:29:12 - 00:01:11:23
Thank you. My name is Alex Ford. I'm here supporting the Water Matters community. I'm a professor of biology from the University of Portsmouth. I have twenty five years of experience of investigating environmental contaminants in the environment. And with other hats, I'm an elected board member of the International Panel of Chemical Pollution. I'm recently selected, to the College of Experts for the Office of Environmental Protection. I've published a lot on sewage discharges going out into our aquatic environments. Some of the things that we are finding include, ten to one thousand fold increases in pharmaceuticals and various contaminants of concern in the water, and in our wildlife off our coasts.

00:01:12:02 - 00:01:44:26
We've done a lot of work on PFAS in our environment. The PFAS levels in our marine mammals off the coast here are quite high. And in many of our fish and marine species, are above the European Food Standards Agency guidelines. And that is because of the PFAS is coming out of wastewater and treated sewage. I have three concerns regarding this project. One relates to the quality and the quantity of data that came from the pilot research scheme.

00:01:45:15 - 00:02:24:09
The second is the lack of modeling that took place for contaminants of concern, which we already mentioned earlier into the Hammont Thickett reservoir. And the third is how this information is being

presented to the public. Now I'm a a Portsmouth Water customer, and and I don't feel I've been consulted on this. So I don't think people in that area haven't been consulted either. But going to the first point, we know that reverse osmosis technologies are not good at getting rid of small molecules. And those smaller PFAS such as TFA, trifluoroacetic acid, which is one of the major concerns at the moment for those studying PFAS in the environment.

00:02:24:11 - 00:03:02:15
They are the thought to consider the largest body of the PFAS in the environment and the ones which are going up the highest in the human population and wildlife. They weren't monitored during the pilot scheme and many other short chain PFAS and small molecule compounds weren't monitored either. Now you've heard earlier that, despite our attempts to get the data, it wasn't forthcoming and we've only got a summary of that data. So the summary of the data has been already presented. But what I noticed when I look at the summary of the data is that in many circumstances, there wasn't very many samples taken.

00:03:02:17 - 00:03:25:29
In some cases, just two samples, six samples. That is not a very good, I think, body of data to assess how efficient this scheme is. You won't get seasonal differences and you won't get a difference in how the membranes are performing in terms extracting of some of those compounds out. I think that should be a concern for the Environment Agency and Portsmouth Water.

00:03:27:17 - 00:03:47:08
What also I find from the summary data is that the applicants appear to have treated when the contaminants were below the levels of detection, they treated at zero. So what that does, it deflates the averages or it shows that the chemical hasn't been

00:03:49:16 - 00:04:03:25
detected when it might be there, but it just might be the low... Below the levels of detection. It also increases the efficiency for which it's saying it can treat the process. That I consider misinformation.

00:04:15:14 - 00:04:50:14
So I'll just give an example of that. For example, if the levels of levels of detection were ten nanograms per liter, it's been counted as zero, but it might be nine or ten. But in the case of this, it might be zero. This is important because when Southern Water have tried to say, and they've said on many occasions that they think their treated water has got less chemicals in than the spring water or the drinking water, it can deflate the values of the treated water, but inflate the values of the spring water if they're treating the spring water data as at the limits of detection.

00:04:50:23 - 00:05:35:07
And I would consider, maybe the planning inspector look at that data more carefully as well as the environment agency. Many of those chemicals, which weren't detected were obviously not modeled. And there is concerns to which that those chemicals might increase, in the food chain and in the sediments within the reservoir. Whether they'll come to a level which is then a problem for the drinking water inspectorate, I think is also a concern because what do Portsmouth Water do? Because Portsmouth Water have already said, what happens if something goes wrong? I'm actually quite

concerned about what happens if it goes as planned given that quite a lot of these contaminants are getting through and it's not quite as efficient at getting some of some...

00:05:35:09 - 00:06:06:05
Get rid of some of these contaminants as set. And I'll just quote a couple of examples. The water from our water recycling plant will actually be lower in nutrients and contaminants in the spring water itself. It takes everything out. It takes all the chemicals out. Our modeling predicts that our recycled water will be pure in many ways than spring water. It's almost just H2O. Now I consider this greenwashing and a bit of misinformation, and I think that's concerning. And one of the other things that you'll hear a lot is the fact that this technology is used around the world.

00:06:06:07 - 00:06:51:22
It's proven as safe. Now there hasn't been a single epidemiological study whether people on drinking recycled or non recycled water, is safe or not. We know that in Australia and in Texas and Singapore, if you look at the population, you take blood samples and urine samples, you will find PFAS in their blood as you will do in many parts of the UK. But, what's quite interesting about the Singapore example, which is probably the test case where they've had recycled water running now for over twenty years, where they've looked epidemiologically at the population, the people that do have the higher levels of PFAS do have more miscarriages and birth defects in the children.

00:06:52:06 - 00:07:23:15
But what was interesting, there was no significant differences between the ethnicities in Singapore. Now you you will have a a Malay population, a Chinese population, an Indian population in Singapore, and you would expect them to have potential different diets, but there isn't differences in their PFAS levels, which means that the PFAS might be coming from other sources, possibly water. I think that is a concern. These kind of questions haven't been asked of recycled water around the world.

00:07:23:20 - 00:07:33:24
It's constantly talked about as being safe. As an argument, it is used extensively in many countries, but whether it's safe, I don't think we can potentially answer that question.

00:07:35:09 - 00:07:37:21
So... And and that's all I have on that matter. Thank you.

00:07:39:18 - 00:07:43:28
Thank you. Are there any other submissions before I move to the applicant?

00:07:46:29 - 00:07:52:24
Gentleman in the audience, please. Can you just wait for the microphone?

00:07:57:16 - 00:07:59:23
Can I ask you to introduce yourself?

00:08:02:20 - 00:08:14:06

Doctor Martin Burton, Upper Chin Restoration Community Interest Company. I'm just... And a water resources management specialist, also former university lecturer, Southampton.

00:08:16:02 - 00:08:47:04
I'm just slightly concerned this discussion is going on to talking about PFAS, which is an emerging problem. But say at each on the Otterborn abstraction works, upstream of that are the Harestock and Morstead sewage treatment wastewater sewage treatment works. That water comes down the Itchen and is taken in at Otterburn, mixed with groundwater, and used for drinking water supply and distribution to people around Winchester.

00:08:47:29 - 00:09:24:07
So I have a concern that this discussion is moving into an area where and if you take the Thames, said that by the time the water gets to Greenwich, it's been through seven other people. So we all in this country we are all, almost all of us, drinking recycled wastewater. I just wish to make that comment and set this in context. This is an advanced form of treatment that is proposed, that's taken, it's better than Morstead and hairstock,

00:09:26:12 - 00:09:43:03
and so therefore, one could argue that in in in... At Otterborn, we are going to have lower standards potentially than the water coming from the proposed project. So I just wish to set that in context. It's... That's really important to me. Thank you.

00:09:44:16 - 00:09:49:05
Thank you. That's helpful. Is there anyone else before I move to the applicant?

00:09:50:23 - 00:09:54:23
Okay. Finally, moving to the applicant. Would you like to respond to some of those points?

00:09:55:01 - 00:10:28:02
Thank you, ma'am. Robby Owen, for the applicant, we would like to respond to some of those points. And can I immediately start by thanking doctor Burton for that most helpful intervention? Because the point I wanted to make before bringing in bringing in mister Greenwell again a very similar one, which is that you've got to look at the whole system here in terms of what Southern Water is proposing. No one's going to be drinking the water that would be in Havam Thicket reservoir with this project blended with spring water.

00:10:28:04 - 00:10:58:25
No one's going be drinking that. The water will be drawn down and in Sbarro's taken by Southern Water will be sent to Osseborg Water Supply Works as we heard this morning and put through a very intensive, highly regulated treatment process, overseen rather by the drinking water inspectorate. Dissow with Portsmouth Water, it will go to their treatment works at Farlington. And therefore, it's important to bear that in mind.

00:10:58:27 - 00:11:38:29
Equally, I think we're taking out a context to some extent the various different parts of the overall system that will be regulated by the environment agency at Bud's Farm, at the water recycling plant

itself, and then the discharge into the reservoir. Those are each points that will be heavily regulated and are not aspects that you should be concerned through this examination in our view. Mr. Jobbins made perfectly fair points about Gateshead not displacing judgments as the acceptable use of land and in relation to the environmental impact assessment regulations.

00:11:39:01 - 00:12:08:09
We accept those points, but that doesn't take us away from the core principle that we're not here to second guess the job of the environment agency or the job of the drinking water inspectorate. And the final point by way of introduction before bringing in Mr. Greenwell is this, I've explained the engagement that Southern Water has done and will continue to do on this project and to deal with the perception of

00:12:11:11 - 00:12:34:15
drinking recycled water. But it's not at all helped, it has to be said, by a lot of misinformation that you read about. For example, allegations that this project would involve discharging effluent into the reservoir, just not helpful. So we are facing that difficulty, which we do our best with good grace to

00:12:36:12 - 00:12:39:18
deal with, but it makes the job harder.

00:12:41:06 - 00:12:48:29
Mr. Greenwell, would you like just to address some of the key points you heard from Tracy Beiney and I think from Alex Fordham, please?

00:12:51:00 - 00:13:25:02
It's Mr. Jonathan Greenwell for the applicant. There's a fair few points that were raised in the contributions we've had. I think starting with the and quality quantity of data that was gathered in relation to the pilot plant. So I've mentioned multiple of my previous responses that the sampling program itself associated with the pilot plant was designed with the support of international experts to try and draw from those more experienced areas.

00:13:25:04 - 00:14:03:12
And that's that's... I think it's been flagged that we can't measure absolutely every chemical in the world. Everything has to take a view on risk. So it draws from those other regions, draws from our knowledge of the catchment in order to design that sampling program. And that includes, as I mentioned, a selection of contaminants of a much in concern, but it also includes substances that can be used as indicators for the performance of the process when it's being piloted, as they sort of are more difficult to treat for some of the,

00:14:05:03 - 00:14:26:27
for some of the processes involved in that full advanced treatment process, or they're just typically present in wastewater flows in high concentrations. So an an of example that would be something like sucralose. It's an artificial sweetener, and it's persistent. So it's present in very high concentrations in wastewater and can be used as an effective indicator to show the efficacy of those combined treatment processes.

00:14:28:13 - 00:15:04:14
So this was a very novel and large dataset and includes a lot of parameters that aren't routinely measured in the UK in the water environment. So there are variations in the number of samples for some of those substances, and that's driven partly due to the availability of labs capable of doing those measurements for those substances, noting that they are novel. So in some circumstances, we had to use labs internationally. So shipping samples to the US, for example, to labs in those areas to operate these facilities already.

00:15:04:16 - 00:15:26:08
They have their accredited labs. They can do that testing. So... And then in some cases, because they are new such contaminants, accredited methods just don't exist for them in the water matrices we're talking about. And we are talking about wastewater. We're talking about clean water systems as well. And those are different matrices in labs that needs to be tested under different methods.

00:15:27:26 - 00:16:03:03
So the the summary dataset that's been provided, has already been the request to provide the underlying data. So that was the export from the sampling database that we keep as a result of all of those those values. It was pointed out that the nondetect values are logged as zeros and that that could provide a, inflated view of the removal of the process. The counterpoint is if you set all those values at the limit of detection, you do the other way around. So you say it's less good than it could be because because you haven't detected it, doesn't mean it's not there.

00:16:03:05 - 00:16:55:28
It also doesn't mean it is there. So often what's done is a middle ground where you take sort of half the limit of detection to provide a balanced view either way. And so that approach, as well as considering the limit of detection for the individual parameters, was incorporated into the screening process that's been undertaken, in our reporting to the environment agency and the ongoing discussions of the environmental quality standards and the permitting requirements. And then outside of that, when we talk about the chemical investigation program phase four data, that has been collected only at BuzzFarm wastewater treatment works at the inlet and at the outlet, and that data has been sent as is to the environment agency for their interpretation, an independent interpretation, not our interpretation of the hazards that may present to the downstream sources.

00:16:56:20 - 00:17:29:26
So I think talking next about the modeling of the reservoir. So the modeling exercise has been a collaborative exercise between the applicant and Portsmouth Water, and it's been overseen by the water quality steering group, which is assembled panel of experts, and drinking water safety planners and, environmental experts as well, providing the contributions to make sure that that modeling is representative of all of the operational scenarios that are foreseen for that body of water.

00:17:30:03 - 00:18:30:08
And that does include drawdown events where the proportion of recycled water in the reservoir would be higher than in the normal scheme of operation. It also includes scenarios where commissioning of the reservoir is delayed and the reservoir is ultimately then filled using a mixture of recycled water and springs water rather than just the springs water, which is the original plan for the reservoir based on the timelines that are included in the modeling. I would note that that modeling addresses bulk

parameters broadly in terms of addressing the water framework directive classification from an ecological standpoint, but it also looks at mixing within the reservoir to understand what the composition of flows leaving the reservoir going both to Farlington and to Otterborne would look like in terms of its makeup between the different contributions to the reservoir.

00:18:31:02 - 00:19:07:05
That model does include the fact that the reservoir is an open system, so it is exposed to the environment. That means bird populations will be present and introducing their own contamination to the water. It includes the drainage catchment around the reservoir because there is agricultural land around the reservoir that would then drain into the reservoir. That is an additional source, of environmental input, as well as the springs and the recycled water. The recycled water composition that was used in the modeling is detailed in the modeling report.

00:19:07:07 - 00:19:37:07
That's in, appendix nineteen eleven of volume two of the environmental statements. That's application document two zero six, and that includes, parameters such as temperature, salinity, the alkalinity of the water as well. And those are all inputs that were included into the model in order to evaluate what the impact would be inside of the reservoir because they do all feed into the water framework directive classification.

00:19:40:08 - 00:19:46:04
I just confirmed this is the model you are going to be resubmitting at deadline one. Is that correct?

00:19:46:16 - 00:19:50:16
I'd have to defer to my colleague to defer. Yes. Yes. It is.

00:19:50:23 - 00:19:51:19
Thank you.

00:19:53:29 - 00:20:18:01
Maybe I'll just make a point. You were talking about the difficulties with deciding what to test and the difficulties in setting up an approach to to have accurate sampling results and how to present the data. Could you submit that together, that explanation together with the data themselves?

00:20:23:17 - 00:20:24:18
Just briefly.

00:20:24:28 - 00:20:47:15
I just didn't quite understand the to reference effluent. Certainly, in our representation, we called it recycled effluent, which until the very early stages of this project, it was the term used. And then it was determined that the public would find more it acceptable to talk about recycled water. So we've always talked about recycled effluent, not just effluent.

00:20:49:03 - 00:20:50:21
Thank you. Point is noted.

00:20:52:18 - 00:20:54:09
The applicant, please continue.

00:20:54:26 - 00:20:59:14
Robbie, only for the applicant. Mr. Biemer, were you wanting to say all the things or had you finished?

00:21:00:25 - 00:21:34:01
Mister Greenwald, the applicant. So effluent refers to flow leaving a wastewater treatment works that has no bearing on the water recycling plant. So in the terminology used in documentation, we have wastewater coming from the catchment, the sewer catchment that is. We have highly treated wastewater leaving BUDS Farm wastewater treatment works, and that is the water that is supplied to the water recycling plant. The water recycling plant then produces purified recycled water. Ethylane has no bearing on the recycled water.

00:21:34:03 - 00:21:36:23
It's not representative of what recycled water is.

00:21:38:15 - 00:21:51:22
Robby, over the applicant, may I suggest that in our post hearing note, we could include a glossary of what we think are the correct terms to use in all of this because I think it might assist the onward progression of this examination for us all to be speaking the same language.

00:21:53:10 - 00:21:54:16
Yes. That would be helpful.

00:21:56:28 - 00:21:59:03
Is that everything?

00:21:59:17 - 00:22:02:09
Apologies, ma'am. Yes, nothing else from the applicant. Thank you.

00:22:02:11 - 00:22:07:07
Okay. I'll take one more point, but after that, we are going to conclude the item.

00:22:08:16 - 00:22:41:21
Thank you. Tracy Feinley for water matters. Just wanted to come back on a couple of the points about the water quality modeling that's been submitted to the XA. We've really struggled with the modeling data. It was presented as a PDF instead of a spreadsheet. We had one of our members compile that into a one meter by one meter sellotape together on the floor of the lounge to actually try and interpret the data. That's not open and transparent. We would like to see the actual data presented as spreadsheets. There was reference to the fact that salinity and temperature were considered in the modeling.

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We can see that it was considered in the modeling, but there's no detailed discussion of what the modeling actually showed. And so our points made in our representation remain valid, and we would ask the XA to seek more information.

00:22:55:27 - 00:23:04:07
Thank you. It sounds reasonable to me to request this as a spreadsheet rather than PDF. Is the applicant willing to.....

00:23:04:14 - 00:23:21:16
The applicant. I haven't seen the data, let alone on how it's stored, but we will commit to making it available in as accessible a way as possible. Whether that is a spreadsheet or some other form, I can't say right now, but you get the point.

00:23:21:21 - 00:23:33:14
Thank you. And before I conclude the item, I would like to ask everybody who had made submission to put those in writing and submit them to us at deadline one.

00:23:35:27 - 00:24:00:11
That concludes item three on the agenda. We are moving now into item four, which covers regulatory roles, responsibilities, and compliance, and very much connects to what we have been discussing so far. But first, I'm going to read out national policy statement for water resources infrastructure section three point eight.

00:24:03:00 - 00:24:50:05
It covers matters related to environmental regulation. Section 3.8.3 states that in deciding an application, the examining authority and Secretary of State should focus on whether the development is an acceptable use of the land and on the impacts of that use rather than control of processes, emissions, or discharges themselves. The secretary of state should assess the potential impacts of the processes, emissions, or discharges to inform decision making, but should work on the assumption that in terms of the control and enforcement, the relevant pollution control or other consenting regime will be properly applied and enforced.

00:24:50:26 - 00:25:28:13
Decisions under the planning act should complement, but not duplicate, those taken under the relevant pollution control regime. This is to set the context. So my question to the applicant, NPS three point eight point three asks that the examining authority assesses the impacts while assuming the relevant regimes will be properly applied. So my question is about your document, a p p dash zero five five, other consents and licenses position statement.

00:25:29:24 - 00:25:53:24
Can the applicant provide an update on any material changes since that document was submitted specifically relating to the water environment, water quality, and public health. Now before I ask the applicant to respond, can I please take? Can we please take down the agenda? Because we have some people online who would like to see the proceedings better? Thank you.

00:25:59:00 - 00:26:35:01

Robby Owen for the applicant. In terms the application of document, other consents and licenses that you just referred to, there are only two elements, I think, by way of an update, which we've touched on already to a large extent, which is that since the application was submitted in May, the applicant has started pre application discussions with the environment agency in relation to the discharge permit That has been underway for some weeks now.

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And secondly, the applicant earlier this week commenced pre application discussions with the Environment Agency in relation to abstraction licensing.

00:26:49:17 - 00:27:10:26
Both those matters, in terms of the consents required, are obviously dealt with not only in that application document, but in the current version of the statement of common ground with the environment agency that you have. But there is no other update I've got to give you today except in those two respects.

00:27:12:24 - 00:27:43:28
Thank you. That's helpful. And please provide the updated document at deadline one. I would also like a clarification on the interfaces between the DCO, environmental permitting, drinking water regulation, and the off road rapid processes. Now unless the applicant can signpost me to where those interfaces are already clearly explained in the application documents, I propose that this is taken as an action point.

00:27:45:25 - 00:28:02:08
Robby over to the applicant. We're happy to do a note on those interfaces. It is something that is addressed in our application in a in a number of different respects. But if you'd like it brought together in a note, then we can we can certainly do that.

00:28:02:10 - 00:28:34:24
Yes. That... I I would like that in a clear manner. Now turning to the environment agency. Turning to the wider regulatory framework. Could the environment agency briefly explain its regulatory role in relation to the operation of the water recycling plant and the associated discharges, including the discharge of recycled water to the Havant reservoir and the discharge via the East Neelong sea outfall and the related monitoring requirements.

00:28:37:16 - 00:29:14:17
Thank you, Sierra Clark, for the Environment Agency. I was proposing to start with some high level commentary on the Environment Agency's role, and then I will hand over to Mr. O'Callaghan, who perhaps will go into a bit more detail about how that will be applied in the context of the proposed development. So as set out within the agency's relevant representation, the environment agency is responsible for protecting and improving the environment as well as contributing to sustainable development. The agency is an environmental regulator as well as an environmental operator and an adviser.

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In the context of the water environment, the Environment Agency both regulates and advises on matters relating to water quality, hydrology, flood risk, groundwater, land contamination and compliance with relevant environmental legislation. There are clearly a number of regimes that the Environment Agency is responsible for. We thought it would be helpful just to highlight those that appears to us to be of most relevance to this application. And those two regimes are firstly, the Abstraction and Impoundment Licensing Regime, which is operated under the Water Resources Act nineteen ninety one and alongside that with the Water Resources Abstraction and Impounding Regulations two thousand and six The second regime, which has been the subject of much discussion already this morning, is the regime under the environmental permitting, England and Wales Regulations twenty sixteen.

00:30:13:25 - 00:30:22:21
So there are a number of permits that this application will require. And perhaps I can hand over at this point to Mr. O'Callaghan. Can you explain a bit more about how that will all be?

00:30:24:19 - 00:30:41:28
Rich, O'Callaghan, Environment Agency. So if I begin with the discharge permit, and then I'll move on to the abstraction licensing. So the applicant has already mentioned that there are pre application conversations already underway around that discharge permit.

00:30:43:16 - 00:31:22:15
We have reviewed what that discharge permit requirement might be already, and that has already fed into some of our advice around the readiness of this scheme to progress. And I think that's covered within our statement of common ground, and it's also covered within the summary of the consents. And our current view is that we haven't seen anything that would indicate that a permit for a discharge to the Havant Thicket reservoir or through the Longsea outfall cannot be granted.

00:31:23:07 - 00:31:56:28
That is not to say that it is definite that a permit will be granted. We cannot predetermine any application that we receive. And I would emphasize again that we are yet to actually receive a discharge permit application. So that covers the discharge permit. Happy to cover more detail as needed on that. In terms of the abstraction license, so it's a similar position, although I would say that discussions with the applicant around the abstraction license are lagging behind where the discharge permit discussions have been.

00:31:57:27 - 00:32:43:06
And we've already touched on today how some of the proposed changes to the regulatory framework and how that might impact on the environment agency role could affect some of that process. But again, similarly, in terms of what we've seen to date, there is nothing that we have seen that indicates that we would not be able to grant abstraction licenses whilst there are questions that still remain over exactly what that license might look like, whether that is a single license for Southern Water, whether there might need to be two abstraction licenses for each water company with an interest.

00:32:44:05 - 00:32:59:05

So there there there are elements that will need resolving, but we have the interaction set up to to continue those conversations and go through our normal processes to assess those applications as and when they arrive.

00:33:00:27 - 00:33:05:24
Thank you. That's very helpful. You have answered the following question that I had.

00:33:09:07 - 00:33:42:25
I've got a question that we've touched on under item three, but just for transparency, I'm going to ask it again. For emerging contaminants for which there's currently no applicable standard, quality standard, or other established environmental standard. Can the environment agency explain how those would be addressed for the environmental permitting regime and where new evidence, standards, or guidance emerged during operation, whether monitoring treatment requirements or discharge limits would be reviewed?

00:33:46:27 - 00:34:17:15
So in terms of substances that there is no environmental quality standard for, I don't think we are in a position to condition anything around those. And I do think there is something here to recognize. It's been touched on. But some of the challenges around emergent substances or PFAS or any of those groups of chemicals that we're talking about, there are policy challenges around some of those things. So this is not a discrete issue to this scheme.

00:34:18:07 - 00:34:39:25
There is a challenge for regulators and for operators as to how we build an evidence base to understand impacts and incorporate that into our regulatory approaches. So whilst I recognize that there's clearly a focus on the specifics and the locations and the setup that will be involved in

00:34:39:27 - 00:34:40:12
this

00:34:40:14 - 00:35:12:12
scheme, those are global issues, not even just UK specific issues, and that evidence base is still being built. In terms of some of the questions around how, I guess, regulatory permits can change, they can be varied. I think that will be part of our consideration around what is appropriate in determining any application that we receive as to whether or not there would need to be any time limits to any of those elements or at what point anything could be varied or reviewed.

00:35:13:03 - 00:35:18:12
I don't think I'm in a position at this point to say whether that would actually be the case in this situation.

00:35:19:25 - 00:35:23:06
Thank you. That's very helpful, and I appreciate the explanation.

00:35:25:23 - 00:35:29:06
Does the applicant want to comment at this point?

00:35:36:10 - 00:36:09:09
Yes, ma'am. Just to to briefly come back on contaminants emerging of concern, I think we would suggest that, whereas the agency explained there is no existing standard, those should be treated, similarly to, non CO2 greenhouse gas emissions, which have obviously been dealt with in the case where there is no established methodology. It is not the purpose of the examination to speculate as to how those should be dealt with. That is I think quite clearly established in the case law. And so the agency obviously is the appropriate agency for dealing with this.

00:36:09:11 - 00:36:16:05
But when you're assessing impacts, you should assess them on the basis of the evidence, not on speculation as to what impacts might otherwise be.

00:36:18:17 - 00:36:32:22
Thank you. Turning now to Water Services Regulation Authority, OFWARD. Could Ofwat briefly explain its role in the funding, delivery, and ongoing regulation of the proposed development?

00:36:34:10 - 00:37:05:29
Yeah. Hello there. Kate Kendall from Ofwat. So Ofwat, the Water Services Regulation Authority, are the economic regulator for the water sector. We regulate both Southern Water and Portsmouth Water, and we regulate them through an appointee license. In the context of this project, we have various approval roles regulated by those license conditions for Southern Water.

00:37:07:11 - 00:37:46:07
So firstly, we have approved this project to be delivered as a direct procurement for customers project. And our approval is required before Southern Water can procure a competitively appointed provider and start a procurement process. We approve the commercial and procurement aspects of the project and then following the procurement stage and when a competitively appointed provider has been selected to design, build, finance and operate the scheme, we will then issue an allowed revenue direction.

00:37:46:28 - 00:38:17:28
And that allowed revenue direction would enable Southern Water to collect the cost of the project from its customer base. Our process is a gated approval process that in works parallel to the rapid gated process. And we are currently in the process of assessing Southern Water's stage three submission. If it passes that stage three submission, it would enable Southern Water to start procurement for the project.

00:38:20:00 - 00:38:37:03
And then offer also have a statutory role in settling disputes in relation to bulk supply agreements, and we have overseen the negotiation of that bulk supply agreement process between the parties. Thank you.

00:38:38:21 - 00:38:52:09

Thank you. That's helpful. To what extent does Ofwat's oversight, including progression through the rapid gated process, provide assurance in relation to environmental and drinking water quality matters?

00:38:55:03 - 00:39:25:17
Environmental and drinking water quality matters aren't considered as part of our approval process. We only consider the commercial procurement financing aspects of the scheme, whether the scheme is likely to be deliverable and competitive process enabled through the design and operation of the scheme. So they are matters for the EAA and the drinking water inspector.

00:39:26:26 - 00:39:48:18
Thank you. That's very helpful. Now drinking to the regulators alliance for progressing infrastructure development, RAPID. Could RAPID briefly explain its role in the development and assurance of the proposed development, including... And so far as the assurance relates to water quality.

00:39:49:24 - 00:40:08:07
Yes. Thank you. Fiona Lovely from Rapid. Just to give a little bit of background for people that are not familiar with Rapid. Rapid is a multi regulated partnership between the environment agency, Ofwat, and the drinking water inspectorate that was established in twenty nineteen.

00:40:09:29 - 00:40:20:21
We work also with Natural England and Natural Resources Wales for projects that are in Wales. So that just gives a bit of context of how the regulators come together.

00:40:22:06 - 00:40:56:24
We... Under the rapid program, we, do have the gated assessment that you have referred to. And through that assessment, the companies do submit information at periods of time through their development of the project. And as individual regulators, we would look at that information, which would include drinking water quality. And as for drinking water, inspector, in their, letter of p d a zero three eight did refer to their role in the rapid process as well.

00:40:57:18 - 00:41:34:14
So to be clear in terms of the gated process and what we say as passing a gated process, What that means is that we're releasing development funding to the next stage. So we are protecting, customers' bills by protecting the amount of money that company is spending on investigation and development of the project as it matures. But it does not, and it should not be interpreted as approval for the final scheme design nor confirmation of any future regulatory compliance.

00:41:34:16 - 00:41:54:08
So that is still with, environment agencies. Richard O'Cannellan has explained, and potentially drinking water quality with the drinking water inspectorate. And it does not negate the requirement and obviously come into this planning permission and the environmental permits that we've been discussing this morning.

00:41:57:13 - 00:42:24:04

Thank you. That's helpful. Just for my own clarity, where a project progresses through a rapid gate and actions are closed, water quality... Can water quality matters nevertheless remain for further development, assessment, or determination by relevant statutory regulators? So, basically, if the water quality matters are outstanding,

00:42:25:27 - 00:42:30:11
the the rapid gate process can still move ahead. Is is that right?

00:42:30:14 - 00:43:02:24
They can move ahead. So at a gate, we may set actions which you have mentioned, which may be specific to water quality or drinking water quality, for example, they... The company needs to deliver on those actions. But that doesn't necessarily prevent it from moving to the next gate, which I think is your question. And as I say, it doesn't negate the need for the company to comply with the regulations through environmental permitting and through drinking water regulations.

00:43:05:20 - 00:43:20:24
Thank you. That's helpful. Can I ask all the regulatory bodies that spoken today to submit information regarding the remits in relation to this project and? At deadline one? That would be helpful.

00:43:22:25 - 00:43:29:19
Are there any other parties that wish to speak in relation to agenda item four? Turning to Portsmouth Water.

00:43:30:23 - 00:43:34:16
Thank you, madam. Harry Wood, Philpotts on behalf of Portsmouth Water.

00:43:36:11 - 00:43:56:04
You'll be conscious that we have raised various concerns about the way in which the DCO seeks to change the legislation that it refers to, including legislation that affects the role of the environment agency in relation to this project.

00:43:57:20 - 00:44:28:04
What I just wanted to ask initially at this stage is, is this is that a matter that you were hoping to explore under item four? Or is that something you would prefer to be dealt with in a different way? I'm ready to provide submissions in relation to that matter if they would be helpful. But equally, I don't want to deal with something that you would rather deal with in a... Either through a different hearing or in writing or in some other way through the examination.

00:44:33:25 - 00:44:46:09
You're going to deal with the DCO specifically at a later hearing. But if you could provide your submission in writing at deadline one that you have prepared for today, that would be helpful.

00:44:46:24 - 00:44:47:27
Thank you. We'll do that.

00:44:49:00 - 00:45:06:20

So this item, the intention here was to get clarity on who does what in relation to water regulation. It's quite a complicated framework. Are there any other comments in relation to this item? Yes. Please, matter, Cosmos.

00:45:07:02 - 00:45:38:13
Yeah. Professor Alex Ford, University of Portsmouth. Just a a comment from the applicant on the fact that we shouldn't speculate on things that are not covered by environmental quality standards. In terms of environmental quality standards, they never go up. They always go down. And there is always new environmental quality standards that might come on board. And I think given the cost and the health and environmental implications of this scheme, it'd be prudent to just to see what's coming over the horizon.

00:45:38:20 - 00:46:20:23
And one of the things that is coming over the horizon in Europe is concerns over the small chain PFAS like TFA, which has been classified as persistent, mobile, and toxic, and the new classification of very persistent, very mobile. The classification was made by the European Chemicals Agency on June the fifth two thousand six, recognizing TFA's persistence in the environment and its mobility in water systems, which possesses a potential risk to drinking water and groundwater sources. Now given this is going not into a river and it's going into an area of restricted exchange, I think it would be prudent for the environment agency rather than to say that, yes, we're likely to give it permit.

00:46:20:25 - 00:46:52:13
It's whether something just over the horizon when this comes on board is above a threshold. So what do you do then and what's Portsmouth Water do then when it's above a threshold, it's not being treated to the level of which it needs to. They probably have to dilute it down with more spring water, which then defeats the object in the first place. So I think it's just prudent that those long term things are thought about, even though the applicants are saying, well, let's not speculate on things that aren't governed now.

00:46:52:15 - 00:47:02:22
It's important, especially when the UK has been behind the curve on some of these chemicals and Europe and maybe the US EPA has been a little bit ahead of the curve, let's say.

00:47:04:29 - 00:47:08:15
Thank you. Would the environment agency like to respond to this point?

00:47:10:13 - 00:47:44:22
So I think I'd probably dispute the environmental environmental quality standards only ever go in one direction. I think they are evidence based, and so the... They they... That evidence could point to more or less stringent requirements. I think given that we are talking about evidence base, I think we within our legislation, we can only make the decisions around our discharge permits that we issue and abstraction licenses based on the evidence that is available to us.

00:47:45:12 - 00:47:56:08
We cannot speculate on what may change in the future whilst we can take a risk based approach to our decision making to a degree that still needs to be based within evidence.

00:47:58:29 - 00:48:04:15
Thank you. Would anyone else want to... Would like to comment on this point?

00:48:07:03 - 00:48:41:12
Basically, if I need for water matters, as I mentioned earlier, I come from an environmental regulation and drinking water inspector background, and I've looked at what happens abroad to look at how things are done in a safer way there. I just wanted to give you some feedback on on that perspective, if that's helpful. So to ensure that effluent recycling plants in other countries are operated safely, there are a series of risk reduction measures as well as independent order and control mechanisms, which we do not believe are available in England. Yesterday, the XA asked Suelle Gralvam, an MP, how you develop trust, and it's an important point.

00:48:41:14 - 00:49:15:11
The only way to develop trust in effluent recycling is to ensure that those hazards, reduction, and independent control measures used in other countries are rigorously applied and are enforceable on this project if it were to get consent. That includes regular order of the plant and the monitoring data by independent expert panel with open reporting of findings to local authorities and public health officials with necessary actions identified and a work program stipulated, is enforceable. Key question for the XA to establish is all those independent controls available and enforceable in England.

00:49:15:18 - 00:49:46:18
As a former environmental regulator and drinking water inspector, my belief that they is are not. Let me ask myself some questions. Are there drinking water standards for all of the contaminants found in the final effluent that could get through the treatment process and their transformation products? No. Are there environmental quality standards for all of the same? No. And the EA have confirmed that this morning that those, environmental quality standards aren't in place, and that's a really big gap for the scheme. Is research and work taking place to develop those new standards? Absolutely.

00:49:46:25 - 00:50:17:26
Will that deliver new standards quickly and cover all the contaminants concerned? No. Not for EQS or drinking water standards. Will some existing standards have to be tightened in the future if research shows we currently don't fully understand the risks? Yes. Absolutely. So will the DWI or the EA regularly, for example, every six months or annually, as happens in other countries, audit the effluent recycling plant and report their findings to local authorities and public health officials? I would expect the answer to that to be no.

00:50:17:28 - 00:50:57:21
The way the regulators operate on a finance means that resources are not available for this, and the DWI have confirmed this in writing to us that they will not be auditing the plant regularly. If sampling trends show that water quality is deteriorating, would either the DWI or EA have the powers required for access to order the plant? Yes. They would. But by then, it would be too late. The pollutants would already be in the reservoir with no way of getting them out. It's it's, you know, stable door, horse bolted sort of situation. Does the applicant propose a proactive program of hazard control in the catchment with independent audit to reduce RICs as found in other countries such as Australia, California, and Singapore.

00:50:57:23 - 00:51:31:24
No. They've indicated they will simply rely on treatment of anything that comes their way down the sewer. That is absolutely essential. And I would draw your attention to, Annex six to our representation, where in a letter to the Secretary of State, we set out our concerns about the gaps in the regulatory framework. And we also provide in Appendix B to that Annex, some examples from those three countries that show the additional controls that would be in place in the sewer catchment, but also the independent monitoring by expert panels and things that they've put in place to make things safe.

00:51:31:26 - 00:52:07:05
In fact, in California, they even have bespoke regulations to ensure that is enforceable. As we heard yesterday, there's no public trust, in Southern Water. Bianca warned of the indirect impacts that must be considered, including rejection of tap water by a percentage of the community, and we agree. The securing mechanisms for ensuring robust and guaranteed independent enforceable control with open and transparent reporting of results and a role for the local authorities and public health authority to scrutinize and require action to address risks is fundamental to the success of effluent recycling.

00:52:07:15 - 00:52:16:16
If a robust and reliable mechanism to secure that control cannot be delivered by the application and the DCO, then the application should be rejected. Thank you.

00:52:19:02 - 00:52:24:17
Thank you. I've got a hand up in the audience. Could you please wait for the microphone?

00:52:30:25 - 00:53:02:15
Thank you. Doctor Martin Burton, Uprichin Restoration Community Interest Company. I just wish to again set this all in context that these... What's been discussed just now by Tracy Viney, these issues affect the treatment of drinking water. This water going into the reservoir is water going into a reservoir. It subsequently will be treated at two stations, one in Portsmouth drinking water stations, and at Otterburn on the Itch Inn.

00:53:03:05 - 00:53:38:13
That is where it has to pass the drinking water inspectorate standards. So let us not get confused about where we are in the process with this reservoir. I've asked previously on this, there is one reservoir in the UK, I can't remember the name at the moment, where recycled water is put into the reservoir and then that reservoir is used for drinking water. I can supply with a name when I look back on correspondence on this. There are other reservoirs in the UK that take water out, and I'll then...

00:53:38:15 - 00:54:22:08
That water is then used for drinking water. The reservoirs around Heathrow Airport, the water comes in, as I understand, from the Thames water, is put in and stored in those reservoirs, it then uses a buffering process all around London to to be able to move water, store water, and move it where it's needed. So please, you know, are used for drinking water, and that water comes from a variety of sources. If it comes from Thames in the Thames water case, that water will already have been through

water treatment works, wastewater treatment works back into the river, and then pumped out for drinking water, six times according to my colleague here.

00:54:22:13 - 00:54:25:18
So please let us get this in context. Thank you.

00:54:27:21 - 00:54:35:05
Thank you. That's helpful. Are there any more comments in relation to this before I turn to the applicant?

00:54:39:09 - 00:54:41:00
Please. I

00:54:41:02 - 00:55:15:25
see the only water matters. Just to put on the situation with respect to the traditional water treatment works, the types of contaminants that we're expressing concern about aren't generally removed through those treatment processes, and and and so that isn't an extra level of protection. And in relation to the drinking water standards, just draw your attention to part of the presentation yesterday by Bianca, where she highlighted the public concern about the fact that the drinking water standards change through time, and what is considered safe today doesn't necessarily protect us from increased background exposure and the standards of the future.

00:55:15:27 - 00:55:48:28
And she specifically drew your attention to lead where the standard has changed from fifty to twenty five to ten, and we understand in the future will be reduced down to five. The World Health Organization say there's no standard for lead, so we're not saying lead is a problem here, but it's an example of a contaminant that is a public health concern where the standard continually increases. Also, some recent research suggests that there's some, work that's being done by a multi, party panel, and the drinking water have got some sort of, stuff in the background waiting to come forward.

00:55:49:00 - 00:56:17:09
We don't know when it's gonna come forward into legislation, but they're looking at potentially setting a total PFAS restriction on drinking water, where up to forty eight PFAS would be assessed and set a limit. And so there is sort of pending information in the background that could be used, which is currently through the process. It's already been adopted, as we understand it, going through adoption at the moment in both Europe and Scotland for consideration. Thank you.

00:56:18:13 - 00:56:22:27
Thank you. Would the applicant like to address some of those points?

00:56:24:06 - 00:57:00:18
Thank you, ma'am. Robby Owen for the applicant. Yes, we would like to address some of them. And as we conclude this agenda item, I'd like to take us back to how you started it, which was taking us to paragraph 3.8.3 of the National Policy Statement for Water Resources Infrastructure, very up to date, July twenty twenty five. And that sentence that in deciding application, the examining authority and

the Secretary of should focus on whether the development is an acceptable use of the land and on the impacts of that use rather than the controller processes, emissions or discharges themselves.

00:57:00:28 - 00:57:31:10
And we appear to be having various attempts to turn this examination into an examination about UK drinking water standards, which I would invite you to conclude is not an appropriate use of the process. And once again, I'm grateful to Doctor. Burton for setting all of this in context, building on what I and he indeed both said earlier. The two specific issues, just to draw to your attention.

00:57:31:15 - 00:57:33:06
First, the question you asked

00:57:35:06 - 00:58:11:00
Kate Kendall from Ofwat in relation to environmental and drinking water matters, she quite understandably wasn't in a position to answer because it's not Ofwat's role. But it does take us to the role of Rapid, which as its name suggests, an alliance of different regulators. And the drinking water inspectorate is very much part of Rapid. And you mentioned in opening this hearing first thing this morning, the letter from the drinking water inspectorate of the third of November submitted at procedural deadline A and in the library.

00:58:11:02 - 00:58:51:01
And it's extremely helpful in putting in context and explaining the inspectorate's role at looking at the successive gated submissions made by Southern Water. And the whole purpose of those gated submissions, it's a progressive exercise. And what the letter from the DWI explains is that progress is being made. They say at Rapid Gate three, which was a couple of years ago now, the inspectorate considered that the project could progress while identifying matters requiring further evidence on water quality risk assessment, consumer engagement and security.

00:58:51:13 - 00:59:31:07
The Gate four submission, which was made in July of this year, records that all Gate three priority actions had been closed by January twenty twenty six. This represents progress in scheme development, but closure of those actions does not constitute final regulatory assurance or discharge the company's continuing statutory duties, and that, of course, is entirely right. They refer to a published information letter, IL-threetwenty twenty three, which sets out, the letter says, its position on the regulatory framework for water recycling and desalination schemes, which the examining authority may wish to refer to.

00:59:31:09 - 01:00:02:28
And then it refers to particular regulatory requirements. And it concludes that they have no objection in principle to water recycling. And they go on to say that rapid scrutiny has identified areas requiring further development, including additional modeling, treatment controls, water safety planning and consumer engagement. Progress has been made and the Gate three priority actions have been closed and regulatory assurance will continue through the drinking water safety planning and compliance monitoring processes when the scheme is operational.

01:00:03:05 - 01:00:35:18

So what the DWI are in effect saying is that through this progressive process of gated submissions and the regulators' consideration of those, and we will hear from them shortly with their views on Gate four, they are satisfied that we are progressing and demonstrating that the scheme is feasible to achieve an environmentally acceptable outcome at value for money. That's the purpose of the process, in short, I'm summarizing, obviously.

01:00:35:25 - 01:01:08:08
But think it's helpful, I would encourage all parties to read the Inspectorate's letter because it sets out very clearly where they've got to in the process, but their satisfaction, for example, of our Gate three actions doesn't mean that we've got all the consents, clearly not. That will be way into the future. That's the first thing. Now the second item, I'm going ask Mr. Streetson just to respond to what you heard from Mr. Fordham in relation to environmental quality standards.

01:01:08:20 - 01:02:00:29
Yes, ma'am. Just in terms of contaminants of emerging concern, I think it is important not to conflate two different issues. One is your approach to the assessment of likely significant effects, which is obviously in scope, and you do that under the EIA regulations. And as I said earlier, the case law of that is clear that there's no room for speculation. You need to be looking for likely significant effects, and I would adopt the agency's language of an evidence based approach. That's the way in which you should do that. The second is the effectiveness of regulatory controls, be they under environmental permitting regulations or, in relation to the functions of the drinking water inspectorate who obviously have duties under section sixty eight of the water industry act and under water supply water quality regs twenty sixteen, essentially to make sure that drinking water is safe to be drunk.

01:02:01:08 - 01:02:32:24
Now, as Mr. Owen has explained, where water matters are doing is seeking essentially to challenge the standard that will be applied by the drinking water inspectorate that is out of scope. The drinking water inspectorate set and apply the standard of safety and applying paragraph three point three of the NPS, which we keep referring to, you simply take that as being something which will be effectively set and applied by the inspectorate. If those standards change, then it will be the amended standards that are applied and enforced.

01:02:32:26 - 01:02:44:18
And so I think if you keep those two things conceptually distinct, the assessment on an evidence basis and the regulation being enforced, then it's much easier to understand in which bucket things that we're talking about for.

01:02:46:23 - 01:03:23:11
Thank you. That's helpful. We will be questioning the drinking water inspectorate further as part of this process, and their submission that you helpfully referred to also makes makes a statement that the principal regulatory considerations include chemical and microbiological risks and emerging contaminants such as PFAS, which is why we are exploring this topic in-depth today. On that point, I'm going to conclude item four.

01:03:23:13 - 01:03:37:21

And as we are approaching one o'clock, we are going to take a break. We'll come back quarter to two. So it's now twelve fifty three, and this hearing is adjourned.