PLANNING ACT 2008 – APPLICATION BY SOUTHERN WATER SERVICES LIMITED

HAMPSHIRE WATER TRANSFER AND WATER RECYCLING PROJECT (WA010002)

Deadline 1 (23 November 2026): Written Representation

Design Refinement 7 (Low Hill Farm): route selection

Submitted by Mr Sean Pearse Kelly and Mrs Susan Kelly [redacted] Book of Reference Legal Group 134; Interested Party reference [redacted] and Mr Alexander James Charkin and Mrs Emily Marion Florence Charkin [redacted] Book of Reference Legal Group 146; Interested Party reference [redacted] together, the Representors)

Declaration of AI use. This written representation was prepared with the assistance of Harvey, an AI legal research and drafting tool. Harvey drew on: the Representors' Relevant Representation of 21 August 2026; the Applicant's Low Hill Farm Route Selection Background (September 2026); Consultation Report Appendix H – Statutory Autumn 2025 Targeted Consultation (Document 5.1, May 2026, Version 0); ES Chapter 8 (Document 6.1); correspondence from the Applicant's agent, Dalcour Maclaren, including its email of 26 October 2026; the Relevant Representation at RR-272; and the Examining Authority's Rule 8 letter of 17 November 2026. Harvey produced the first draft of the whole document, including the comparison table and the list of suggested written questions, by adapting wording from the Relevant Representation and summarising the Applicant's documents, and later amended it to reflect the Representors' comments. The Representors reviewed, amended and approved the final text and take responsibility for its accuracy.

Summary of key points

(a) **Shifting justification.** The Applicant has given different main reasons for Design Refinement 7 in Appendix H and in the Route Selection Note, and its agent has since given a third account of the engineering position.

(b) **Engineering parity.** The Route Selection Note states that the Spring 2025 alignment and Design Refinement 7 would perform equally once a trenchless crossing is used under the garden. Engineering cannot justify placing a permanent burden on two homes.

(c) **Consultation and heritage.** The business impact relied on has not been evidenced, and the Note records only an equal level of feedback on each option. The decisive heritage and national park factor had not been fully assessed, and the Grade II listed Low Hill Farmhouse on the chosen route was left out of the balance.

(d) **Unequal crossings.** The Spring 2025 alignment would pass beneath an area of woodland approximately 30 metres wide (the Representors' best estimate). Design Refinement 7

requires a drive beneath a residential garden which, on the Applicant's own estimate (not independently measured), may be in excess of 350 metres.

(e) **Compound and access track.** On Design Refinement 7 the trenchless compound would sit beside the single-width private access track on which both homes depend, for around 18 months. On the Spring 2025 alignment it would sit on farmland further from the track.

(f) **Traffic, not the cut.** Cutting the track is not the principal concern, because plating keeps access open. The concern is the volume and nature of compound traffic on a track used every day by horses, dog-walkers, residents and carriages, which a neighbouring Relevant Representation records as carrying "more than 100 vehicle movements each day" [RR-272]. The compound's access point is unknown; the only existing gate is immediately opposite the access to Quest Lodge.

(g) **Inadequate assessment.** The route comparison never weighed the compound, its access or its traffic, so it is not like-for-like. Appendix H's statement that there would be no new environmental impacts is inconsistent with its own admissions.

(h) **Proportionality and requests.** The interference with the Representors' homes has not been shown to be necessary or proportionate, and no compelling case in the public interest is made out under section 122 of the Planning Act 2008. The Representors ask for written questions to the Applicant, controls if the route is retained, and an accompanied site inspection.

1. Introduction

1.1 This written representation builds on the Representors' Relevant Representations [RR-008 and RR-295] and does not repeat them. It addresses the Applicant's justification for Design Refinement 7, which returned the pipeline route to the Representors' residential land after the Spring 2025 Consultation had moved it away.

1.2 The Applicant's land agent, Dalcour Maclaren, emailed the Applicant's "Low Hill Farm Route Selection Background", dated September 2026 (the Route Selection Note or the Note), to the Representors' land agent, Mr Edward Pettit-Mills MRICS of BCM Wilson Hill, on 17 September 2026. He forwarded it to the Representors on 21 September 2026. The Note was not available when the Relevant Representations were submitted on 21 August 2026. This is the Representors' first opportunity to comment on it. A copy is provided as Appendix 1.

1.3 Plot-specific compulsory acquisition matters, including protective works and safeguards for private services, are set out in the Representors' separate Deadline 1 request to be heard at a Compulsory Acquisition Hearing. They are not repeated here.

2. Documents the Examining Authority is asked to consider

Document	Reference	Relevant parts
Low Hill Farm Route Selection Background (Applicant, September 2026)	Appendix 1 to this representation	Sections 1 to 3, in particular paragraphs 3.1 to 3.5
Email from Dalcour Maclaren (Applicant's agent) to the Representors' land agent, 26 October 2026 (extract)	Appendix 2 to this representation	Paragraphs 2.1, 2.4, 2.5 and 2.6 and the section headed "Consultation"
Consultation Report Appendix H – Statutory Autumn 2025 Targeted Consultation (Document 5.1, May 2026, Version 0)	[APP-051]	Design Refinement 7 information sheet; Table H9-1, responses Aut001-01 to Aut001-11
Scheme Development Report (Document 5.10)	[APP-073 to APP-075]	Sections 5.10, 6.11 and 7.11
ES Chapter 8 Terrestrial and freshwater biodiversity (Document 6.1)	[APP-087]	Paragraph 8.4.2 (primary mitigation: trenchless crossings)
Relevant Representation of a neighbouring Interested Party	[RR-272]	Paragraph 4.2 (use of the access track)

3. Matters agreed and not agreed

3.1 The Representors agree that the Project serves a public purpose. They agree with the Applicant that a trenchless crossing is preferable to open-cut construction through a residential garden (Route Selection Note, paragraph 3.2).

3.2 The Representors do not agree that the Applicant has justified Design Refinement 7. In their view the Applicant has given different main reasons for it in different documents, its own Route Selection Note states that engineering does not favour the chosen route, and it has not compared the alternatives on a like-for-like basis. In particular, it has not weighed the location of the trenchless construction compound beside the access track on which both homes depend, or the traffic it would generate. They also do not agree that the permanent rights and restrictions sought over their land have been shown to be necessary, or that the interference with their homes is proportionate.

4. The Applicant's two statements of reasons

4.1 Appendix H and the Route Selection Note explain the same decision in materially different ways. The main differences are:

Issue	**Appendix H (May 2026)**	**Route Selection Note (September 2026)**
Main reason	Landowners' concerns that the Spring 2025 route would affect their business operations and arable fields	Proximity to the South Downs National Park and the Marwell Manor heritage assets, described as the "largest constraint"
Engineering	The change does not affect the hydraulic design; the more direct route with fewer bends is technically beneficial	The two options "would perform equally" once a trenchless crossing is used under the residential garden
Consultation feedback	Presented as the reason for the change	"An equal level of consultation feedback on each option" (paragraph 3.4)
Heritage and national park	Mentioned only in the final sentence, as an additional benefit	The decisive factor, although its impacts "had not been fully assessed" (paragraph 3.3)
Watercourse	Not mentioned	A reason against the Spring 2025 alignment

Issue	Appendix H (May 2026)	Route Selection Note (September 2026)
Environmental effects	"would not introduce any new environmental impacts"	Not addressed for the chosen route
Construction compound and access	Compound for the trenchless crossing to be east of the access track, east of the garden (Aut001-01); avoiding the access road presented as a benefit	Construction said to be "sited away from residential properties" (paragraph 3.2), but only in comparing tunnelling with open-cutting the same route; the compound and its access on the two alignments are not compared. Graphic 3 shows compound L-2 beside the access track; crossing the access track counted against the Spring 2025 route

5. Necessity and justification: engineering parity

5.1 Appendix H relies on directness, fewer bends and hydraulic benefit to support Design Refinement 7. The Route Selection Note records that the northern (Spring 2025) option performed less well only because it added a trenchless crossing, and that "the two options would perform equally" if the chosen route also used a trenchless crossing under the garden (section 2 and paragraph 3.1). Design Refinement 7 now does exactly that.

5.2 The Applicant's responses to the Representors' Autumn 2025 feedback also record that tunnelling was required on the Spring 2025 route in any event (Appendix H, Aut001-04). On the analysis in the Applicant's own Route Selection Note, therefore, engineering is neutral between the two routes and cannot justify placing a permanent burden on two homes.

5.3 The Summer 2024 alignment with a trenchless crossing under the residential garden is Design Refinement 7. The Note therefore treats the Spring 2025 alignment and Design Refinement 7 as performing equally in engineering terms.

5.4 The Applicant's agent has since described the Note differently. In an email of 26 October 2026 (Appendix 2), it said that the Note "reflects the most up-to-date position", but that "the Summer 2024 Consultation design and the Autumn 2025 Consultation design … are considered to perform broadly equally from an engineering perspective where trenchless construction is proposed", and that the Spring 2025 option "is not considered to perform as favourably as either of those options". The same email states that "the Spring 2025 and Autumn 2025 designs do not perform equally from an engineering perspective where trenchless construction is considered". That is not what the Note says. It changes which two routes are compared and reverses the Note's conclusion on the comparison relevant to route selection: the Spring 2025 alignment against Design Refinement 7.

5.5 This is the third account of the engineering position. The same email apologises for "any confusion arising from our correspondence of April 2026", which had said that the more direct route "improves pipeline hydraulics". The Applicant should state which position is correct and, if it now says that the Spring 2025 alignment performs less well than Design Refinement 7, provide the engineering evidence for that.

6. Consultation feedback

6.1 Appendix H presents the neighbouring landowners' business and arable concerns as the reason for returning the route to the Representors' land. The Route Selection Note records only "an equal level of consultation feedback on each option" (paragraph 3.4), and the Applicant's agent has offered to reword this to say that "consultation was undertaken on each option" (Appendix 2). On either wording, a count of feedback is not a fair measure here. As the agent accepts, the Representors did not comment at the Spring 2025 Consultation because the route "was no longer in their land". Nor were they involved in the Applicant's comparison of the two alignments, or able to answer the neighbours' objections, before the decision to revert was taken; they could respond only once Design Refinement 7 had been published for targeted consultation. The Representors' land agent has also repeatedly asked for the evidence of the business impact relied on, and none has been provided. The Applicant should identify it.

7. Heritage and national park factors

7.1 The Route Selection Note treats proximity to the South Downs National Park and to the scheduled monument and listed buildings at Marwell Manor as the "largest constraint" on the Spring 2025 alignment. Appendix H mentions these features only in its closing sentence. The Applicant's agent now says that the Note does not reflect "a material change in the basis of the decision" and that these considerations "formed part of the assessment" at the Autumn 2025 Consultation (Appendix 2). If so, the Applicant should identify where Appendix H or the Scheme Development Report treats them as the largest constraint. The Representors make the following points.

7.2 **Distance, screening and access.** The Representors' position, from their knowledge of the area, is that none of these features is open to the public, that each is a considerable distance from the Spring 2025 alignment, and that each is largely screened from it. They accept that public access does not decide the weight given to a heritage asset or a national park. Its relevance is that there are few places from which any construction effect on these features would actually be experienced.

7.3 **Construction-phase effects only.** The Note puts the heritage advantage of the chosen route in terms of "less of an impact during the construction phase" on these features. That is a temporary effect. The burden on the Representors' land is a permanent easement and restrictive covenants.

7.4 **Not fully assessed.** The Note admits that the northern option's impacts on these features "had not been fully assessed" (paragraph 3.3). A factor that had not been assessed should not have been decisive. The Applicant should explain how it weighed it.

7.5 **Heritage was not decisive at Spring 2025.** The Note records that, with these constraints already known, the Applicant still preferred the northern option at Spring 2025 because it was "deemed preferable to an open cut option through a residential garden". The heritage considerations did not change after that. What changed was the construction method under the garden and the neighbours' feedback, which the Note records only as "an equal level of consultation feedback on each option" (paragraph 3.4).

7.6 **The listed building on the chosen route.** Low Hill Farmhouse is itself a Grade II listed building (NHLE 1302822). Design Refinement 7 passes close to it and

through the groundwater abstraction borehole that serves it. Neither Appendix H nor the Route Selection Note weighs this listed building against the Marwell Manor assets. A heritage-led justification that leaves out the listed building on the chosen route is incomplete.

8. The watercourse

8.1 The Route Selection Note relies on an "interface with a watercourse" as a further reason against the Spring 2025 alignment. In all practical respects the feature is an open ditch of no particular significance. The Note itself states that the Spring 2025 design passed "underneath the belt of trees and watercourse using trenchless construction", so the ditch would have been drilled beneath, not open-cut. The Applicant's Environmental Statement treats trenchless crossing as primary mitigation for Main Rivers and the watercourses listed in its Trenchless Crossing Schedule (ES Chapter 8, paragraph 8.4.2). Appendix H does not mention the watercourse at all in its explanation of Design Refinement 7. The Representors ask the Applicant to confirm the status of this feature and how it would have been crossed.

9. The comparison of construction methods

9.1 Both routes involve trenchless sections. The real comparison is therefore not between tunnelling and open-cut trenching. It is between:

(a) a short trenchless crossing beneath an area of woodland approximately 30 metres wide (the Representors' best estimate, in the absence of a formal measurement) and a ditch, away from dwellings (Spring 2025 alignment); and

(b) a much longer trenchless crossing beneath a residential garden and equestrian paddocks, close to two homes including a listed building, through an area of infilled land and a groundwater abstraction borehole (Design Refinement 7). On the Applicant's own estimate, which has not been independently measured, this drive may be in excess of 350 metres.

9.2 The Note states that the Spring 2025 design would open-cut the access track to Low Hill Farm and Quest Lodge. The Applicant has not explained why that short section could not also be crossed by trenchless methods. Appendix H nonetheless counts avoiding the access road as a benefit of Design

Refinement 7, without weighing the construction compound and traffic that the chosen route would place beside the same track (see section 10 below).

10. Construction compound and access

10.1 The Route Selection Note gives, as a benefit of the chosen route, that a trenchless solution means construction "would be sited away from residential properties at Low Hill Farm and Quest Lodge" (paragraph 3.2). That compares tunnelling with open-cutting the same route through the garden. It does not compare the construction compound and its access on the two alignments. On both the Summer 2024 design (Graphic 1) and Design Refinement 7 (Graphic 3), compound L-2, which would serve a trenchless drive that the Applicant estimates may be in excess of 350 metres, sits beside the access track on which both homes depend. The Applicant has confirmed that it "would be located to the east of the access track which is east of the garden" (Appendix H, Aut001-01). On the Spring 2025 alignment (Graphic 2), compound L-2 sits on farmland north of the paddocks, further from the track. The Note does not say how the compound would be reached on either alignment.

10.2 On the Spring 2025 alignment, the Representors understand from their knowledge of the area that the compound would have been reached across farmland through a substantial working farm, whose occupiers also run a farm contracting business and are accustomed to heavy machinery. On Design Refinement 7, the compound would sit next to the access track on which the Representors depend for access to their homes from Portsmouth Road. That track is single-width concrete and is already breaking up. A neighbouring Interested Party's Relevant Representation [RR-272] (paragraph 4.2) independently records that the track serves six homes and their business, carries "more than 100 vehicle movements each day", is used by horses and carriages, and must remain open at all times. The Representors understand that the compound would be in place for approximately 18 months and would be served by HGVs and other heavy vehicles bringing in trenchless plant, pipe and materials. Appendix H itself accepts that the extended crossing "may take longer than usual" and "require larger construction plant". The ground in this area is heavy clay, which is likely to be difficult or impassable for much, if not all, of the autumn and winter.

10.3 **The traffic, not the cutting of the track.** The Representors' principal concern is not the cutting of the access track itself. In practice, heavy plating is typically

laid over any cut so that access is maintained except for a very short period. The real and serious issue is the volume and nature of the traffic that a construction compound serving an extended trenchless drive would generate on a private access track. That track is in frequent use every day of the week by horses, pedestrians walking dogs, private residents reaching their homes and carriages (see also RR-272, paragraph 4.2). Nor is it apparent where the compound's access point would be. Assuming it is taken off the private track, the only existing gate is immediately opposite the access to Quest Lodge, so it opens directly onto the same access way used by those residences.

10.4 The Applicant's comparison treats access as a point against the Spring 2025 alignment but not against Design Refinement 7. The Route Selection Note counts against the Spring 2025 design that construction vehicles would need to cross the access track and that this "could temporarily restrict access between Low Hill Farm and Portsmouth Road" (section 2). Appendix H counts as a benefit of Design Refinement 7 that it avoids laying the pipeline within the access road, "minimising disruption for those using this access road", and the Applicant's agent says that a trenchless crossing beneath the track minimises impacts on its users (Appendix 2). The Applicant has not said how compound L-2 would be reached. If, as its position suggests, it would be served from or alongside the access track, Design Refinement 7 replaces a short crossing of the track with heavy construction traffic on or beside the same track, the only means of access to both homes, for the length of the trenchless works. Neither document weighs that effect. The comparison is therefore not like-for-like.

10.5 This develops matters already raised in the Relevant Representations (paragraphs 6.2(d), 6.3(b), 10.2(b) and 10.2(f)). It is relevant in three ways. It bears on alternatives, because the construction-phase advantage claimed for Design Refinement 7 over the Spring 2025 alignment is overstated. It bears on proportionality under Article 8 and Article 1 of the First Protocol, because some 18 months of compound activity and heavy traffic beside and on the access track serving the Representors' homes, one of them a Grade II listed building, is a serious interference with the enjoyment of those homes which the Applicant has not weighed. And, if the route is confirmed, it bears on the controls that the Order must secure.

10.6 If Design Refinement 7 is retained, the Representors ask that the Order and the Applicant's outline construction control documents secure, as a minimum:

(a) the position of the compound and its construction access fixed on an approved plan, with the larger working site and the longer-duration activity placed at the end of the trenchless drive furthest from the dwellings where that is practicable;

(b) a construction access that does not use the Representors' access track, or, if the Applicant shows that is not practicable, a pre-construction condition survey of the track, its maintenance during the works and its reinstatement or upgrade afterwards at the Applicant's cost;

(c) safe access for residents, visitors and emergency vehicles to both properties at all times;

(d) temporary haul roads and ground protection suitable for heavy clay, with a programme that avoids works the access cannot support in autumn and winter; and

(e) limits on HGV numbers, delivery hours and working hours, with wheel washing and a named point of contact for the Representors.

11. "No new environmental impacts"

11.1 Appendix H states that Design Refinement 7 "would not introduce any new environmental impacts". Yet the same information sheet accepts that the longer trenchless crossing may take longer and need larger plant, "which could result in greater air quality and noise and vibration impacts", and that the refined design "passes through an area of infilled land and a groundwater abstraction borehole". The Applicant has also confirmed that the Order Limits are now slightly closer to properties and buildings than at the Summer 2024 Consultation (Aut001-06). These statements are inconsistent. The Representors ask the Applicant to identify where the chosen route's effects on the infilled land, the borehole and the two dwellings are assessed and compared with the Spring 2025 alignment.

12. Corridor width and permanent restrictions

12.1 The Applicant proposes an 8-metre permanent easement and restrictive covenants over residential garden land. It has produced no site-specific engineering evidence that this width, or these restrictions, are needed for a trenchless crossing at this location. The only minimum depth secured in the application is 2.5 metres (Design Principle PL_2), with the final depth left to

post-consent detailed design (Appendix H, Aut001-07 and Aut001-08). The Applicant has indicated a depth of around 8 metres at this location, but has not secured it in the Order. Its agent has explained the 8-metre width as needed to allow flexibility in the precise alignment of the pipeline at detailed design, rather than as an engineering requirement of the crossing itself. A deeper crossing would ordinarily allow a narrower and less restrictive corridor. The Representors ask that any corridor and restriction be no wider or more onerous than the Applicant's evidence shows is reasonably necessary. The plot-by-plot points are set out in the separate Compulsory Acquisition Hearing request.

13. Human rights

13.1 The Representors rely on Section 9 of their Relevant Representations. The interference with their homes under Article 8 of, and Article 1 of the First Protocol to, the European Convention on Human Rights must be necessary and proportionate. On the material now available, it is not shown to be. A less intrusive alignment was identified and adopted at Spring 2025. The Applicant's own Route Selection Note states that engineering does not favour the chosen route, and the Applicant has given inconsistent accounts of that position since. It has not produced the business-impact evidence it relied on. Its decisive reason relies on impacts it had not fully assessed, and its stated justification has changed between documents. It has also not weighed some 18 months of compound activity and heavy traffic beside and on the access track on which the Representors' homes depend, which the Spring 2025 alignment would have kept on farmland further from that track (section 10). In those circumstances the Applicant has not shown that no less intrusive means of achieving the Project's aim was reasonably available.

14. Requests to the Examining Authority

14.1 The Representors respectfully ask the Examining Authority to put written questions to the Applicant requiring it to:

(a) reconcile the Route Selection Note with Appendix H, with sections 5.10, 6.11 and 7.11 of the Scheme Development Report [APP-073 to APP-075] and with its agent's description of the Note in the email of 26 October 2026, and state which document records the reasons actually relied on for Design Refinement 7;

(b) provide a like-for-like comparison of the Spring 2025 alignment and Design Refinement 7 on common engineering assumptions, including the length of each trenchless section, hydraulic effects, construction programme, cost range and a trenchless crossing of the access track;

(c) provide measured distances, and a screening or visibility analysis, from each alignment to the South Downs National Park boundary, the scheduled monument and the listed buildings at Marwell Manor;

(d) explain why the Grade II listed Low Hill Farmhouse (NHLE 1302822), and the groundwater abstraction borehole serving it, were not weighed in the heritage balance;

(e) explain how impacts that "had not been fully assessed" were treated as decisive, and identify where the Environmental Statement gives the main reasons for preferring Design Refinement 7 to the Spring 2025 alignment;

(f) confirm the status of the watercourse relied on in the Route Selection Note and how it would have been crossed;

(g) identify the evidence of the business impact on neighbouring land that was relied on;

(h) provide a plan, with measured distances, showing the compounds, launch and reception pits and construction accesses for the trenchless crossing on both the Spring 2025 alignment and Design Refinement 7, and explain how compound L-2 would be reached on Design Refinement 7;

(i) state the expected duration of the compound, the type and number of construction vehicles, the working hours, and how the access track, ground conditions and residents' access would be managed, and identify where these effects are assessed in the Environmental Statement and secured in the Order; and

(j) explain why the position of the compound, its access point and its traffic on each alignment were not weighed in the route comparison, given that paragraph 3.2 of the Route Selection Note, which says construction would be "sited away from residential properties", compares only tunnelling with open-cutting on the same route.

14.2 The Representors respectfully ask the Examining Authority to carry out an accompanied site inspection, because the relevant features are on private land and cannot be properly seen from public vantage points. They ask that the itinerary include the relationship between the Spring 2025 alignment and the Marwell Manor features, the area of woodland the Spring 2025 alignment would have crossed, the proposed position of compound L-2, the existing gate opposite the access to Quest Lodge, and the access track to Low Hill Farmhouse and Quest Lodge, including its width and condition. The Representors will comment on the Applicant's draft itinerary at Deadline 2.

15. Conclusion

15.1 The Route Selection Note is the most detailed statement of the Applicant's reasons for Design Refinement 7 seen by the Representors. It states that engineering is neutral between the two routes, and it rests the decision on heritage and national park effects that had not been fully assessed, while leaving out the listed building on the chosen route. It also does not weigh the effect of keeping the trenchless compound beside the Representors' access track for around 18 months on Design Refinement 7, or say how the compound would be reached on either alignment. Read with Appendix H and the agent's later description of it, it shows a justification that has shifted and has not been tested on a like-for-like basis. The Representors submit that the Applicant has not shown a compelling case in the public interest under section 122 of the Planning Act 2008 for the rights sought over their land, and they reserve the right to respond to the Applicant's answers at later deadlines.

Submitted by Sean Pearse Kelly, Susan Kelly, Alexander James Charkin and Emily Marion Florence Charkin, 23 November 2026.

Appendix 1: Low Hill Farm Route Selection Background (Applicant, September 2026). **Appendix** 2: Email from Rebecca Andrews (Dalcour Maclaren) to Edward Pettit-Mills (BCM Wilson Hill), 26 October 2026, 15:11 (extract: route selection paragraphs only).