Deadline 1: Written Representation submitted by National Highways Limited

Application by Southern Water Services Limited for an Order granting Development Consent for the construction, operation and maintenance of a Water Recycling Project comprising a Water Recycling Plant, associated pumping stations, water transfer pipelines, intermediate pumping stations, break pressure tanks, connections to Bedhampton Springs, Havant Thicket Reservoir and Otterbourne Water Supply Works, together with associated temporary and permanent works and the demolition, disassembly and/or relocation of existing structures - Hampshire Water Transfer and Water Recycling Project

Planning Inspectorate Reference Number: WA010002

1 OVERVIEW

1.1 This Written Representation provides a summary of National Highways' ("**NH**") outstanding matters in connection with an application by Southern Water Services Limited ("**Applicant**") for development consent for the Hampshire Water Transfer and Water Recycling Project (Planning Inspectorate Reference: WA010002) ("**authorised development**").

1.2 This Written Representation is being submitted by NH in its capacity as a statutory consultee in the planning process, and as Strategic Highways Authority appointed under the provisions of the Infrastructure Act 2015 with responsibility for operating, maintaining and improving the Strategic Road Network ("**SRN**"). It builds on the representations made by NH in its Relevant Representation **[RR-220]** which appended the form of NH's template protective provisions ("NH PPs") which NH requires to be secured on the face of the DCO. In relation to outstanding matters to be resolved between NH and the Applicant, NH does not seek to rehearse those matters in this Written Representation but instead continues to rely on the positions advanced in its Relevant Representation **[RR-220]**, which are maintained in full. Where appropriate, an update on the outstanding matters to be resolved is set out below.

2 IMPACT OF THE PROPOSED DEVELOPMENT ON THE SRN

2.1 Physical Impacts – Underground Pipelines

(a) The routes of two pipelines are proposed to cross underneath the SRN in the following locations:

(i) A3(M)/A27 – Broadmarsh Junction (Junction 5): Work no. 4;

(ii) A27 – Havant Bypass: Work no. 3.

(b) For these sections of underground pipeline crossing the A3(M) and A27 geotechnical assessments must be carried out in accordance with DMRB (CD622). Further, due to the size of the proposed pipelines, they are classified as structures and therefore an Approval in Principle is also required in accordance with DMRB (CG 300). Formal agreement in principle must be obtained from NH before the close of the Examination to demonstrate that the proposed crossings are achievable without adversely impacting the SRN or its assets. Although the Applicant has held discussions with NH specialists on this matter and submitted some initial documentation, the formal process to enable NH to confirm the acceptability of the proposals is not complete. Therefore, the principle of the crossing the SRN in these locations cannot yet be agreed.

(c) NH only permits Trenchless Crossing techniques on the SRN, with Horizontal Directional Drilling the preferred method. It is understood that the Applicant proposes to deploy a trenchless crossing technique to construct the pipelines beneath the SRN, although the specific methodology is still to be confirmed.

(d) From the information submitted to date, National Highways is unable to determine the geotechnical risks on the A3(M) and A27 and further engagement is required alongside submission of the necessary technical documentation. Any proposed directional drilling under the SRN will require compliance with The Design Manual for Roads and Bridges (DMRB) Chapter CD622 (Managing Geotechnical Risk). NH has advised the Applicant to review the requirements of CD622, which can be found on the Standards for Highways website. Consideration should also be given to the potential impact of drilling upon other SRN assets, such as drainage, with evidence provided for NH's review. Additional asset impact may require further approval processes. NH's standard protective provisions (as appended at Appendix 1 to NH's Relevant Representation **[RR-220]**) secure these approvals and requirements.

(e) All pipeline works will require monitoring and assurance, with safety risks assessed for monitoring, and survey works within the proximity of the A3(M) and A27 live carriageways.

(f) It should be noted that the location of Work no. 3 is proposed beneath a complex SRN junction location, with the crossing of multiple carriageways and slip roads. In addition, the A27 is particularly busy in this location.

2.2 **Physical Impacts – Direct Access to the SRN**

(a) The Applicant proposes to provide direct access to and from the SRN for construction vehicles onto the A27 eastbound on-slip connection from the A3(M) at Broadmarsh (Junction 5).

(b) Accesses onto SRN slip-roads, even if temporary, are not normally permitted as they present significant operational safety risks and are in breach of DfT Circular 01/2022. From discussions with the Applicant, and paragraph 5.5.8 in the Framework Construction Traffic Management Plan (FCTMP) **[APP-415],** it is understood that the proposed access is for occasional use by Abnormal Indivisible Loads (AILs) only. NH is prepared to consider this proposal if the Applicant sets out its proposed approach, including how the access would be managed under safe conditions and including the proposed management arrangements, expected frequency and hours of use. Access would be limited for use by AILs only. NH has requested that this is set out in writing for NH's agreement in either a Technical Note or in the FCTMP.

2.3 **Physical Impacts – Landscape and Drainage**

(a) The proposed development may potentially have an adverse impact on either or both SRN landscaping and drainage assets. In particular, it should be noted that it is not permissible for new drainage associated with a third party development to connect into NH's drainage systems for the SRN (as stated in the DfT Circular 01/22).

(b) NH will not accept any compromise to SRN drainage capacity, run off, or maintenance access, or any detriment to landscape and/or visual compliance adjacent to the SRN. It is understood that these issues may not be addressed until detailed design is undertaken. Therefore, NH's protective provisions must safeguard NH's concerns in this regard.

2.4 **Traffic and Transport - Construction Impacts**

(a) NH acknowledges the engagement from the Applicant regarding the assessment of construction traffic impacts on the highway network and confirms that it is content with the methodology as set out in the ES Appendix 18.1 Transport Assessment [APP-186], including the trip generation, distribution and assignment.

(b) NH confirms that there will be no impact on the SRN arising from the operation of the proposed development. As stated by the Applicant in paragraph 2.2.8 of ES Appendix 18.1 Transport Assessment [APP-186], NH accepts that there is unlikely to be a significant adverse impact on the SRN as a consequence of the forecast construction traffic, in large part due to the expected workforce travel times and HGV movements largely being outside of the network am and pm peak hours.

(c) NH is grateful to the Applicant for providing additional information regarding the forecast construction traffic demand at each of the eight junctions listed in the Framework Construction Traffic Management Plan **[APP-415]** that will be used by construction

traffic to join/leave the SRN. Potential concerns have been identified by NH at four locations:

(i) M3 Junction 11 Hockley Cross;

(ii) M27 Junction 7 Hedge End;

(iii) A3(M) Junction 5 Rusty Cutter Roundabout; and

(iv) A3(M)/A27/A2030 Junction 5 Broadmarsh (including eastbound entry slip).

(d) NH notes that the most sensitive junction of those identified is the A3(M)/A27/A2030 Junction 5 Broadmarsh, which is a busy location and will be used by construction traffic in support of the Water Recycling Plant as well as being the location of two underground pipeline crossings, and with some planned closures of the eastbound entry slip to facilitate the movement of AILs. Paragraph 5.4.9 of the Framework Construction Traffic Management Plan **[APP-415]** states that a maximum of 202 HGVs and 762 LGVs are expected to use the junction per day. These are potentially significant volumes, and NH requires assurance that the safe and efficient operation of this junction will not be compromised by construction traffic servicing the proposed development.

(e) The Applicant is undertaking junction modelling for the latter two locations and has agreed to provide NH with the models for review when this is complete. NH is also reviewing the data provided for the Hockley Cross and Hedge End junctions, alongside the interventions proposed to reduce construction workforce traffic in the FCWTP to determine whether further assessment is required.

2.5 **Construction Management Documents**

(a) NH welcomes the inclusion in the suite of application documents of the FCTMP and the FCWTP, to be secured by Requirement 8 in the draft DCO. Both documents are considered to be particularly detailed and comprehensive. NH is supportive of these documents, which will manage the impact of construction on the highway network. However, NH made a number of observations in its Relevant Representation **[RR-220]** which still require further clarification (see paragraphs 4.5.2 to 4.5.5 of NH's Relevant Representation).

(b) As stated in paragraph 2.4 (e) above, NH is also examining the adequacy of the proposed interventions to reduce car use by construction workers in the FCWTP and the extent to which they are able to be secured.

2.6 **Abnormal Indivisible Loads (AILs)**

(a) As stated in Section 5.8 of the FCTMP **[APP-415]**, a number of Abnormal Indivisible Loads (AIL) will be required during the construction of the proposed development. These are anticipated to be routed via the A27 eastbound entry slip at Broadmarsh (Junction 5), subject to NH's agreement. Please note that NH follows a government Water Preferred Policy, which means it would expect the loads to arrive via the nearest suitable port of entry. It is understood that the Applicant has engaged with NH's Abnormal Loads team regarding its proposed routes. It should be noted that the final AILs route strategy is subject to approval using the ESDAL system. Changes required as part of the ESDAL process and application supersede previous in principle agreements.

3 LAND INTERESTS

3.1 The Book of Reference records that there are 41 plots where NH interests are identified that are subject to the powers sought. NH's interests are variously as owner or reputed owner (including

of the subsoil beneath the public highway), as occupier and as highway authority. These comprise:

(a) 29 plots subject to the acquisition of new rights and the imposition of restrictive covenants (associated with Work Nos. 3, 4 and 7);

(b) 10 plots subject to temporary possession for Work No. 8 (highway and access works);

(c) 2 plots in which no rights are currently sought;

In addition, there are 2 plots where NH believes it has an interest but which are not noted as such in the Book of Reference (plots 01-011 and 01-012). The Applicant is asked to confirm the position in relation to these plots.

3.2 Since the Relevant Representation was submitted, NH has completed an initial plot by plot assessment of the Order land in which it is named in the Book of Reference **[APP-027]** as having an interest. That information has been shared with the Applicant.

3.3 NH maintains its objection to the inclusion of its land and interests in the DCO and to the grant of powers of compulsory acquisition, and of temporary possession, over those interests. In summary:

(a) NH's plot-by-plot assessment has clarified its position in respect of most plots, but further information is required from the Applicant before NH can confirm the extent of its interest in, and the impact of the proposed works on, a significant number of plots at the A3(M)/A27 Broadmarsh Junction (Junction 5) and the A27 Havant Bypass and around the A3(M) and A2030 bridges over the railway at Bedhampton. This applies to plots 04-041, 04-043, 04-050, 04-058, 04-059, 04-061, 04-065, 04-066, 04-068, 04-069, 04-070, 04-072, 04-073 and 04-075 (**14 plots in total**). NH cannot agree to any powers over these plots until it has received the information requested from the Applicant and has completed its assessment, including the Approval in Principle and DMRB CD622/CG300 assessments referred to in section 2.1 above.

(b) A number of plots in which NH is listed as having an interest are, on NH's analysis, no longer land in which NH has a substantive interest because they form part of de-trunked routes. The Book of Reference should be corrected. This applies to plots 03-038 to 03-041 and 26-001, 26-003 to 26-005 (**8 plots in total**) ("**the De-Trunked Plots"**).

(c) NH's operational highway land forming part of the SRN is not available for acquisition. The Applicant's requirements should be met by access under the New Roads and Street Works Act 1991 ("**NRSWA**") within the operational zone and, beneath that zone, by an easement granted by NH by private treaty on terms that protect the SRN. This applies to plots 04-009, 04-010, 04-046 to 04-048, 04-051, 04-056, 04-057, 04-062, 04-077 to 04-079 (**12 plots in total**) ("**Operational Highway Plots**").

(d) Where NH retains only a subsoil interest beneath local highway authority roads, NH is willing to grant an easement by agreement. This applies to plots 04-081 to 04-084 (**4 plots in total**) ("**the LHA Plots**"). These plots are understood to have been acquired under a side roads order which transfers the plot to the LHA by virtue of section 14 of the Highways Act 1980, with surface title and responsibility for the zone of ordinary use vested in the LHA. In such circumstances, NH retains title to the subsoil.

(e) NH also notes that plot **04-013** is listed in the Book of Reference with NH having an interest as an occupier. The plot is just outside of the operational boundary of the A27. The plot is in third party freehold ownership. NH has emergency access to the SRN and the land forms part of the verge of the access. The ability to use that right needs to be preserved.

(f) Plot **04-014** (287 sq m access track and splay north of the A27) is also operational highway land. It was acquired to provide a private means of access to adjoining land. The Applicant must identify the beneficiary of that access, and, if the access is to be interfered with or removed, ensure that a suitable alternative access is provided. The Applicant must agree access arrangements over this plot with NH.

(g) In relation to plot **04-048,** this falls within NH's operational highway. If the works are within the operational zone, then NRSWA will apply. Havant Borough Council otherwise owns the subsoil and would need to grant an easement if required.

(h) **Plot 04-040** is shown in the Book of Reference with Havant Borough Council as owner and NH as occupier "as highway authority". On NH's assessment to date, NH has no interest in the plot. NH asks the Applicant to explain why NH is named as highway authority for this plot, and whether any part of it forms part of the SRN. NH reserves its position on plot 04-040 until this is confirmed.

3.4 In relation to the De-Trunked Plots, NH asks the Applicant to update the Book of Reference so that the LHA is shown as owner of these plots, and to confirm that no rights are sought against NH in respect of them. Subject to that, NH withdraws its objection in relation to these plots.

3.5 In relation to the Operational Highway Plots, these plots are not available for sale. Compulsory acquisition of the land, or of permanent rights over the operational zone of the highway, is neither necessary nor appropriate. Where works fall within the operational zone of the highway, they should be authorised under NRSWA, under which NH has statutory protection as street authority. Where the pipelines pass beneath the operational zone (as is proposed at Work Nos. 3 and 4), the Applicant's requirement should be met by an easement granted by NH on terms that protect the SRN, its structures, drainage and other apparatus. Any such interest must be proportionate and necessary and cannot be to the detriment of NH, the SRN or other undertakers.

3.6 In relation to the LHA Plots, NH is willing to grant an easement of its subsoil interest by agreement, and compulsory acquisition of NH's interest is therefore unnecessary.

3.7 Separately to the above, Plots 01-011 and 01-012 (verge, access track, copse and footway at Swanmore Road / Park Lane, Havant; title HP94806) are shown on the land plans as land over which no compulsory acquisition or temporary possession powers are sought. NH benefits from rights over this land under a Transfer dated 25 August 1982 from Portsmouth City Council to the Secretary of State for Transport, and is party to an agreement dated 12 June 2015 between Hampshire County Council, Portsmouth City Council and Highways England Company Limited concerning an estate road, which also contains restrictive conditions. These plots do not appear in the Book of Reference as land in which NH has an interest. The Applicant is asked to clarify this and to confirm that NH's rights will not be interfered with.

3.8 In addition, Plot 04-067 is not shown in the Book of Reference as land in which NH has an interest. NH considers it should be recorded as owned by NH. Plot 04-072 is shown with NH as reputed owner but its title is not registered to NH. Both plots lie close to the SRN and its structures. NH asks the Applicant to review both entries. Given the proximity of these plots to NH's structures, NH's approval of the works may need to extend more widely in this location, irrespective of title.

3.9 Notwithstanding the detail above, compulsory powers should not be exercised over any NH land or interest without NH's prior consent, as provided by paragraph 7(2) of NH's protective provisions at Appendix 1 to NH's Relevant Representation **[RR-220].**

3.10 Under section 122 of the Planning Act 2008 ("**2008 Act**"), a DCO may authorise compulsory acquisition only if the land is required for the development (or to facilitate it, or is incidental to it) and there is a compelling case in the public interest. NH submits that these tests are not met in

respect of its interests. NH also submits that the test in section 127 of the 2008 Act is not met. NH will set out its full position at the Compulsory Acquisition Hearings.

4 DRAFT DCO ARTICLES

4.1 NH objects to numerous articles of the draft DCO, namely Articles 11, 12, 14, 15, 18, 19, 21, 22, 23, 25, 26, 29, 30, 33, 34, 37, 38, 39, 40, 48 and 56. It objects on the basis that they grant the Applicant powers over the SRN, or over land in which NH has an interest, without requiring NH's consent. While the draft includes some protective provisions for NH, NH considers them insufficient. They are not agreed and do not fully align with NH's template protective provisions. NH seeks the inclusion of its protective provisions at Appendix 1 on the face of the Order. In particular, paragraph 7(2) of those provisions would prevent these powers being exercised over the SRN or NH land without NH's consent. Under paragraph 7(4), that consent is not to be unreasonably withheld but may be subject to conditions.

4.2 Key concerns include:

(a) **Street works and highway powers (Articles 11, 12, 13, 14, 15 and 19)**

Article 11 would allow the Applicant to break up streets and place and keep apparatus in or under them without the street authority's consent. NH needs control over these operations to comply with its duty under section 59 of the New Roads and Street Works Act 1991 to co-ordinate works. NH also needs to approve the details of the works and require road space booking, which is critical for safety and for the integrity of the street and its apparatus. NH objects to Article 12 automatically disapplying provisions of the 1991 Act, and considers those sections should continue to apply to the SRN. NH seeks confirmation that the Article 13 permit schemes do not apply to NH. Under Articles 14, 15 and 19, NH requires the ability to impose conditions on its consent, including approval of detailed design and advance road space booking. Article 15 includes the A27 slip road as a temporary alteration.

(b) **Access to works (Article 18)**

The A27 slip road is listed as a temporary means of access to the works. Please refer to section 2.2 above for NH's position. NH must have control over accesses from its high-speed network, which is critical from a safety perspective and to maintain the integrity of the asset.

(c) **Discharge of water (Article 21)**

It is unclear whether the article extends to NH's drainage system. NH's system is not a public drain and connection to it is not permitted. NH is concerned the article could allow the Applicant to use highway drainage infrastructure, contrary to paragraph 59 of DfT Circular 01/2022.

(d) **Survey, protective works and tree powers (Articles 22, 23 and 25)**

Under Article 23, highway authority consent is required only for trial holes and boreholes within the highway boundary. It is not required for wider survey access or for NH land outside the highway boundary, and the power extends beyond the Order limits. NH requires consent under Articles 22 and 23 wherever access or works affect the SRN or NH land, so that it can ensure the safety of road users. Under Article 25, works to trees may affect NH's existing environmental mitigation commitments. NH therefore requires consent so that it can impose conditions, such as replacement planting.

(e) **Compulsory acquisition and land powers (Articles 26, 29, 30, 33, 34, 37 and 38)**

In addition to NH's detailed concerns in relation to compulsory acquisition and land powers set out in section 3 above, NH also objects to the inclusion of its plots in the DCO under Articles 26 and 37. Article 34 would allow interference with NH's statutory easements and other rights. Article 33 would allow acquisition of subsoil beneath the network. Articles 37 and 38 would allow temporary possession without NH's consent. NH controls land beneath and above the highway so that maintenance and improvement can take place free from trespass or ransom.

(f) **Statutory undertakers and other provisions (Articles 39, 40 and 48)**

NH objects in principle to Articles 39 and 40 and requires consent wherever its apparatus or land is affected. NH notes that the Order does not appear to provide for permanent stopping up. NH does not have enough information to know whether Article 48 affects it, and objects in principle to its inclusion.

(g) **Deemed consent (Article 56)**

NH does not consider 28 days a reasonable period. Deemed consent risks works to or under the SRN bypassing NH's approval processes. NH regards this as a fundamental issue of public safety that should not be compromised to enable a quicker build programme. NH proposes that, after 28 days, the Applicant should send further correspondence noting the deeming provision, with deemed consent applying only after a further 28 days. NH reserves the right to request additional certified documents under Article 57.

(h) **Schedule 2 Requirements**

NH wishes to be consulted on the Landscape and Ecology Management Plan (Requirement 4) and on Biodiversity Net Gain ("BNG") (Requirement 5). A wider discussion is required in relation to BNG. The Applicant is asked to confirm whether it proposes any planting on the NH estate to meet its BNG commitments. This applies where the development is within or next to the SRN or on NH land, because of NH's own environmental commitments. NH also wishes to approve the Construction Environmental Management Plan (Requirement 6) and be consulted on the Operational Environmental Management Plan (Requirement 13) for works or operations near the SRN or NH land. On the discharge procedure in Part 2 (paragraphs 21 to 24), NH requests that it deemed consent position is applied. It also seeks deletion of the 14-day period for requesting further information in paragraph 22, which it considers too short and disproportionate.

5 PROTECTIVE PROVISIONS

The proposed protective provisions in Schedule 10, Part 6 are unacceptable to NH and do not provide sufficient protection to the SRN. To facilitate the withdrawal of NH's objection to the DCO and Authorised Development, NH requests that the Applicant includes the NH protective provisions, which were provided in Appendix 1 to its Relevant Representation, in the draft Order at the next deadline.

6 STATEMENT OF COMMON GROUND

NH has reviewed the latest version of the SOCG and has provided its comments to the Applicant.

National Highways Limited
23 November 2026