



## **Inadequacy of Consultation Report**

### **Hampshire Water Transfer Water Recycling Scheme**

#### **(i) Purpose & Overview**

The purpose of this report is to highlight the inadequacy of the consultation process undertaken by Southern Water (SW) before and after the selection of effluent recycling via Havant Thicket Reservoir in 2021, known as the Hampshire Water Transfer & Water Recycling Project (HWTWRP).

The report demonstrates that SW **have failed to comply with the legal requirements of the Planning Act and the Water Industry Act 1991** including;

- **Failure to consult when their Water Resource Management Plan materially changed.**
- **Failure to consult at the formative stage of the plan when the option was selected.**
- **Failure to robustly consider alternative options.**
- **Failure to ensure that those impacted by the plan were informed and had the opportunity to comment.**
- **Failed to take into account the scale of public objection and address concerns raised.**

#### **(ii) Key failures and concerns regarding the inadequacy of the consultation process**

The concerns have been set out in 8 sections summarising the consultation failures.

1. **Failure to follow the statutory process set out in the Water Industry Act before the selection of effluent recycling via Havant Thicket Reservoir when there was a ‘material change’ to the SW plan (Pg 7)**

SW have not followed the statutory consultation process set out in the Water Industry Act 1991 (Section 37A) before the selection of effluent recycling via Havant Thicket Reservoir when there was a material change to the plan.

2. **Failure to ensure that those ‘most likely to be impacted’ were consulted (Pg 10).**

SW have not ensured that those most likely to be impacted by their plan were consulted as required by the Water Industry Act 1991 (Section 37B) including;

- Those in the Havant area where the majority of the new infrastructure for the HWTWRP scheme is located, including the Havant Thicket Reservoir where the recycled effluent will be discharged. By the time they were consulted in 2022 it was too late to influence the plan, the decision had already been made to proceed with this option in 2021.
- Customers in communities across south Hampshire and West Sussex who will receive the recycled water (both Southern Water & Portsmouth Water customers)

3. **Failed to follow the Gunning Principles** (Pg 15).

**Specifically, SW have failed to ensure**

- **That consultation took place when the proposals were at a formative stage**
- **The information provided was sufficient to give ‘intelligent consideration’** (Pg 17 ).
- **The product of consultation was conscientiously taken into account by decision makers** (Pg 20)

There was no consultation at the formative stage of the plan;

- a) when the replacement to the Fawley desalination option was selected (i.e. the HWTWRP)
- b) before the pipeline route through Havant was selected.

Consumers and the public impacted by the plan were not consulted on the proposed HWTWR Project until summer 2022 by when it was too late to influence the option selection as SW had taken the decision to proceed 6 months earlier in December 2021. In 2022 48% of respondents did not support the HWTWRP and 46% did not support the options appraisal process, but SW still ploughed ahead with the scheme regardless (see also 8.11).

4. **Inadequate consultation to select an effluent recycling option in Hampshire** (Pg 23)

The SW 2021 public consultation was not designed to select an alternative option to desalination and was not adequate to select effluent recycling via Havant Thicket Reservoir, or any other option. A new consultation should have taken place when there was a material change to the SW water resource plan, before the final option was selected.

- Regulators and Local Authorities indicated that they were unable to make informed or substantial comments on the 2021 consultation due to the lack of information provided on the alternatives (see Section 4 & Appendix C item 2).

5. **Failure to take lack of public support & falling support for the HWTWRP into account** (Pg 25) There is a lack of public support for the HWTWRP with 68% of respondents objecting to the scheme, and support having fallen by 20% since the 2022 consultation. The scale of objection did not trigger a review of all potential options and has not been adequately taken in account. **There is no public mandate for the HWTWRP, even though it will be funded by customers.**

6. **Concern that SW have not been open and transparent** (Pg 27)

Information presented by SW has not been open and transparent. Key information has been redacted or restricted to prevent open discussion of the options and impacts, and it has been difficult to get straight answers to questions submitted by the public. The company have been less than open about the risks associated with effluent recycling.

7. **Concern that SW have misrepresented the facts/ truth** (Pg 33)

SW have misrepresented the facts/ truth, with examples provided, including ignoring 39% of the 2024 consultation responses in the analysis summary, in contradiction of the Planning Act Section 49 Duty to take account of responses to consultations (see Section 7.2).

8. **Other failings and concerns**

A summary of 15 other failings and concerns are listed on page 37, examples include;

- Explaining why the SW Adequacy of Consultation Milestone Report (October 2025) does not highlight inadequacies in the consultation process (see 8.1).

- Failure to set up a community consultation sub-group requested in both 2022 and 2023 by those most affected (see 8.4).
- Failure to consult on whether customers are prepared to drink recycled water & SW not taking into account the impact of customers rejecting their tap water for drinking (see 8.5).
- Legislation and national guidance is not in place to provide adequate control (see 8.8).
- Setting a national precedent for the way forward without having a national debate (see 8.9).
- SW report acknowledged that the inadequate opportunity for consultation and scrutiny results in the risk of a public inquiry & delays (see 8.13)

A more detailed explanation of the key concerns regarding the inadequacy of the consultation process are set out in Section 1 to 8 of the report, along with source reference documents. For each of the concerns the report sets out information and examples to demonstrate Southern Water’s failure to adequately consult on the selection and development of this water resource option.

Southern Water stated on Page 7 of their Statement of Community Consultation (SoCC) – Summer 2024 that; “Our *objective* for public consultation is **to ensure that our customers, stakeholders and local communities who may be affected by the Project have an opportunity to understand, comment on and inform the proposals**”.

**This report demonstrates that they have failed to achieve that objective, from before the selection of the option (at the formative stage) and subsequently.**

This was a once in a generation chance to address future water supply needs for the next 50 years. There needed to be a much more open discussion about the pros and cons of the options available and those preferred by customers before the selection was made, including the more sustainable alternatives that could work in combination with predicted changes to the climate, rather than against it.

**There has been a lack of consultation on the need for this specific scheme (HWTWRP)**

Robust public consultation on SW’s Water Resource Management Plan (WRMP) and subsequent HWTWRP proposal was key to selecting the right choice for water supply into the future. Sadly, SW have let us down.

**The consultation to date has certainly not been adequate to support selection of the HWTWRP as an option that;**

- **Fundamentally changes the source of drinking water across south Hampshire and West Sussex, from natural sources to one manufactured from sewage effluent.**
- **Will have a profound impact on the Havant Thicket Reservoir which was to have been primarily fed from natural chalk springs, depriving us of a unique biodiversity opportunity to create the first chalk spring fed reservoir in the world.**
- **Will have potentially significant environmental impacts on the reservoir, Langstone Harbour SPA/ SAC, as well as high energy use and greenhouse gas emissions.**
- **Is in breach of the Paris Agreement on Climate Change as other lower carbon emission solutions are available but have not been properly investigated.**

Table 1 provides a concise statement of the principle matters that demonstrate that the consultation undertaken by Southern Water in relation to the HWTWRP was not legally or procedurally adequate.

**Table 1: Checklist of principal matters indicating that Southern Water’s consultation was inadequate**

<b>Concern</b>	<b>Relevant section(s)</b>	<b>Brief evidence summary</b>
Consultation did not occur at a formative stage.	Section 1; Section 3.2; Section 4; Appendix A; Appendix C page 1 last bullet, plus items 1 & 9	The HWTWRP Scheme was selected by SW in late 2021 <u>before</u> the public was consulted on that option, with consultation of those most impacted following only after the preferred option had already been chosen and developed.
No lawful or meaningful re-consultation followed a material change to the plan.	Section 1; Section 8.1(b); Appendix A; Appendix C concluding analysis	Once the WRMP19 selected option(s) changed and the HWTWRP was selected, Southern Water should have prepared a revised draft plan and undertaken fresh consultation <u>before</u> proceeding.
Process inconsistent with the Water Industry Act 1991 and relevant guidance on a material change to their plan.	Section 1; Section 2 (inc. opening paragraphs); Appendix C concluding additional information	Section 37A of the WI Act and related guidance required publication of a revised draft plan and consultation where there was a material change affecting the plan and those likely to be affected.
Persons most likely to be affected were not adequately identified, notified or consulted. Failure to follow Planning Act (section 47) duty to consult the local community.	Section 2; Section 3.1; Section 6.7-6.8; Appendix B; Appendix C (page 1 bullet 11, items 4 & 9)	In 2021 residents near the reservoir, Budds Farm, the Water Recycling Plant and pipeline corridors were not properly alerted to the consultation, and that local publicity and site-based notification were inadequate. With no site signage in 2021 & insufficient signage in 2022. Rowlands Castle Parish Council & Horndean Parish Council were not consulted in 2021.
Portsmouth Water customers and other customers likely to receive recycled water were not directly engaged.	Section 2; Section 6.4 & 6.20; Section 8.5(b); Appendix C items 4 and 9	The consultation materials did not clearly identify the SW customer areas that would receive recycled water and that Portsmouth Water customers who would receive the water were not specifically informed or engaged.  Not all LA’s whose communities would be impacted by the change in drinking water source were consulted.
Consultation materials did not provide sufficient information to permit intelligent consideration and response.	Section 3.2; Section 4; Section 6.4-6.6; Section 6.16-6.19; Appendix C items 2, 3 and 4	Insufficient information was provided during the consultation on communities to be affected (no maps), alternatives, potential environmental effects, water quality implications, modelling assumptions and key technical issues.

<b>Concern</b>	<b>Relevant section(s)</b>	<b>Brief evidence summary</b>
Material technical information was omitted, restricted, redacted or otherwise inaccessible.	Section 6.2-6.3; Section 6.5; Section 6.17-6.19, Section 8.12	Key option appraisal, environmental assessment information and supporting technical documents were heavily redacted, designated restricted, delayed, or insufficiently disclosed to enable effective scrutiny.
Consultees were not afforded a fair opportunity to comment on a reasonable range of alternatives.	Section 1; Section 3.4c; Section 4; Section 6.3; Section 6.5; Section 7.6; Section 8.2 & 8.11 Appendix C items 2 & 3	The option appraisal process was not conducted with sufficient transparency, nor opportunity to comment. Weighting and scoring were not disclosed, and significant objection did not trigger a robust reconsideration of all reasonable options. The inadequacy of the SW review of options was also highlighted by the regulators.
Consultation was inadequately publicised and insufficiently targeted.	Section 2; Section 4; Section 6.7-6.8; Appendix B; Appendix C items 7, 8, 9 and 10	There was limited direct notification, no or poor site signage at sites affected, insufficient local publicity. Insufficient engagement with affected communities including those who will have to drink the recycled water, including lack of deposited materials in the wider affected areas.  The 2021 consultation was online only and not targeted to those impacted by the HWTWRP which was listed as a backup option (not the selected option).
Timing, scale and complexity of the consultation reduced the public's ability to participate effectively.	Section 3.3; Section 6.16; Section 6.18; Appendix C item 8	Consultations were timed during summer periods and involved complex, extensive and sometimes inaccessible materials, making meaningful participation difficult.
Consultation responses do not appear to have been conscientiously taken into account.	Section 3.4; Section 5; Section 7.2; Section 8.11 & 8.12	Despite substantial objection and declining public support, Southern Water did not revisit the preferred option or undertake a broader review of alternatives.
The treatment of the 2024 consultation responses gives rise to serious concern because email and letter responses were excluded from the summary statistical analysis. This omission amounts to a failure to comply with section 49 of the Planning Act 2008.	Section 3.4, Section 7.2; Section 8.1(c)	SW have confirmed that written responses (385 emails and 3 letters) were not included in the published summary statistics, as a result the scale of objection was understated. Demonstrating that consultation responses have not been conscientiously taken into account.

Concern	Relevant section(s)	Brief evidence summary
Consultation response reporting and summary documents are misleading, incomplete, or materially unbalanced.	Section 6.15; Section 7.2; Section 7.4-7.8; Section 8.1(a) and (c)	The reports summarising responses grouped concerns at too high a level, omitted important context, and presented outcomes in a way that may understate the scale and substance of the objections.
The process appears inconsistent with Southern Water’s own stated consultation objective.	Purpose & Overview; Section 2; Section 3; Section 8.1; Section 8.5(b)	Southern Water’s own stated objective of ensuring affected customers, stakeholders and local communities affected by the project had a genuine opportunity to understand, comment on and inform the proposals with evidence was not achieved.
The scheme’s nature and impact required a materially higher standard of consultation.	Purpose & Overview; Section 2; Section 5; Section 7.3; Section 8.5(a)-(c); Section 8.9	The scheme will fundamentally alter the source of drinking water for many customers and has significant environmental and public confidence implications, requiring especially open & robust consultation which has not been achieved.

The section references in the table are included for ease of reference against the main report text and provide examples of parts of the report supporting each concern. There will be other examples relevant to the concerns throughout the report.

Taken together, these matters indicate that **the consultations on the HWTWRP were neither sufficiently early in the selection process, sufficiently informative, nor sufficiently inclusive, nor responsive to consultation feedback to satisfy the standard of adequacy required in the circumstances of this scheme**, which results in a major change to the drinking water supply for customers across south Hampshire and West Sussex, as well as significant impacts from the infrastructure & operation of the plant.

**Section 1: Failure to follow the statutory process set out in the Water Industry Act before the selection of effluent recycling via Havant Thicket Reservoir when there was a ‘material change’ to the SW plan**

SW have not followed the statutory consultation process set out in the Water Industry Act 1991 (Section 37A) before the selection of effluent recycling via Havant Thicket Reservoir when there was a material change to the plan.

**Section 37A of the Water Industry Act 1991 requires that a water undertaker shall prepare (and publish) a revised plan (a) following conclusion of its annual review, if the review indicated a material change of circumstances.**

The UK government water resource planning guidelines, Section 3.9 states; that **if there is a ‘material change’ of circumstance you must prepare a revised draft plan for re-consultation. Material changes include new or significant changes to the measures that were identified in the published plan and are likely to have significant public or environmental interest.** Any such material change in circumstances **required a consultation exercise in accordance with the procedures set out in Section 37 B & C** of the Water Industry Act. Specifically, SW would be required to publish the proposed revisions to its WRMP in a way ‘*calculated to bring it to the attention of the persons likely to be affected by it.*’ This should have included both Southern Water and Portsmouth Water customers. SW have not done that.

The HWTWRP was a completely new option that was not included in WRMP19 and one that would clearly have significant public interest (a new manufactured source of drinking water from sewage effluent) and environmental interest due to the likely impact on the Havant Thicket Reservoir, 45km pipeline route, greenhouse gas emissions, as well as the risks to Langstone Harbour (multiple potential impacts) & the Solent (4x more concentrated effluent discharged). **Selection of the new HWTWRP option was a very significant material change.**

This failure to comply with the statutory consultation process set out in the Water Industry Act has **denied the community affected by Southern Water’s planned infrastructure, and those who will have to drink the recycled effluent, the opportunity to engage at the formative stage of the plan** when the Hampshire effluent recycling scheme was selected in 2021. This failure to comply with the legal requirements must be challenged by the Secretary of State for Defra, Ofwat, the Planning Inspectorate, local authorities and others.

**This also represents a failure of the duty for the applicant to consult the local community as set out in Section 47 of the Planning Act, as there was no consultation at the formative stage of the plan when the HWTWRP was selected.**

When the Fawley desalination scheme and back up recycling option with discharge to augment the River Itchen set out in WRMP19 were both rejected, Southern Water should have reviewed all potential options (not just recycling and desalination options) and re-consulted on their plan.

**What makes the selection of effluent recycling via Havant Thicket Reservoir a material change?**

The change in the plan triggered by the failure of the preferred and alternative option represents a ‘material change’ from the options selected in WRMP19 the following reasons.

- Both the preferred option in WRMP19 and the selected alternative back-up solution were rejected by SW. The proposal to use the Portsmouth Water reservoir for effluent recycling was

**not a selected option in the WRMP19 plan. It is a ‘new’ option fundamentally different to discharging recycled effluent into a free-flowing river**, as are the impacts that needed to be considered.

- Portsmouth Water (PW) customers would be significantly impacted by the change to direct recycled effluent to the Havant Thicket Reservoir. Not only because it **materially changed PW’s original spring fed reservoir proposal** (requiring a new planning application and impact assessments), but **also because PW customers would receive the recycled drinking water**, a completely different source to that which they currently receive. Yet **PW customers were never consulted when this material change happened**.
- The **use of the reservoir as an ‘environmental buffer lake’ for this option is a material change**. We believe that the environmental impact on the reservoir (geochemistry, salinity, temperature etc.) and coastal environment of the SW proposal is significant. Even now, five years on from SW’s decision to select the HWTWRP the robust modelling and environmental impact assessment has not been completed for all contaminants of concern in order to understand the risks, with direct pathways to the internationally important coast not properly considered in the early assessments. As a result, **it is not possible that in 2021 that the impact of the newly selected option could have genuinely been assessed as insignificant**, a precautionary approach should have been taken, triggering full re-consultation on the options.
- There is also the potential for a significant environmental impact from the proposed siting of the effluent recycling plant on the Broadmarsh dilute and disperse landfill, including on the protected coastal habitats.
- The HWTWRP required 6 new pipelines, including a 40 to 45km pipeline across south Hampshire from Havant to Otterbourne.
- The Fawley community were given many opportunities/years to comment on a number of consultations, including WRMP14 & 19. The community and customers impacted most by the effluent recycling via Havant Thicket Reservoir option had not been given that same opportunity to comment.
- The SW Gate 2 document flagged the risk of pursuing alternative options that were not in WRMP19, including the risk of appeal causing delays to the SW programme, which in turn will result in unnecessary delays to improved protection for the River Itchen & Test.

As a result, **it is clear that SW have not followed the legally required statutory consultation process when their plan Water Resources Management Plan materially changed**.

A timeline that demonstrates this is included in Appendix A

SW will assert that they did subsequently consult on their draft WRMP24, but that was not until after they had unilaterally selected the HWTWRP as their preferred option, proceeded to develop the design and consulted on that design. This is confirmed by the following dates for the consultations.

- *Summer 2022 consultation on HWTWRP design (5 July and 16 August 2022)*
- *Winter 2022/23 consultation on draft WRMP24 (14 November 2022 to 20 February 2023)*

**This demonstrates that there was no genuine opportunity for customers or communities impacted by the selection of the HWTWRP to engage at the formative stage when the option was selected.**

The fact that 48% of respondents to the summer 2022 consultation (the first public consultation on the scheme) indicated that they did not support the HWTWRP (with 41% strongly not supporting & 10% having no view) made no difference, as by then it was too late, SW were pressing ahead with the scheme regardless.

For the summer 2022 consultation it is clear that SW were only looking for information to refine their proposal for the HWTWRP, there was not a genuine opportunity to influence the decision to select that option.

Note: SW's own Adequacy of Consultation Milestone Report states in the Executive Summary that the Summer 2022 Consultation (July to August) merely; "gathered views on the new approach, including the proposed location of the Water Recycling Plant, pipeline corridors, and locations for Above Ground Plant. Key public concerns included drinking water quality, potential environmental impacts, and potential construction traffic disruption. This feedback helped to refine the proposed pipeline routes and the design of the Project". The lack of public support for the option is not made clear.

## **Section 2: Failure to ensure that those ‘most likely to be impacted’ were consulted**

The Water Industry Act 1991, Section 37B, requires the draft water resources plan to be published “**in a way calculated to bring it to the attention of persons likely to be affected by it**”.

SW have **completely failed to follow this legal requirement to do that for their consultations in 2021, 2022, 2023 & 2024.**

SW have not ensured that those most likely to be impacted by their plan were consulted as required by the Water Industry Act 1991 (Section 37B) including;

- Those in the Havant area where the majority of the new infrastructure for the HWTWRP is located, including the Havant Thicket Reservoir where the recycled effluent will be discharged.
- Customers in communities across south Hampshire and West Sussex who will receive the recycled water (both Southern Water & Portsmouth Water customers)

Residents in the Havant area where the majority of the new infrastructure for the scheme is to be located (Water Recycling Plant, up to 6 pipelines & high lift pumping stations), including the Havant Thicket Reservoir into which the recycled effluent from the scheme will be discharged, were not specifically consulted in 2021 when potential ‘back up’ alternatives to the then selected desalination scheme were first mentioned.

- In 2021 Southern Water did not make it clear which communities they supply drinking water to would receive the recycled effluent at their taps in their consultation materials.
- Portsmouth Water customers were not consulted in 2021 and new nothing about the proposal until after the HWTWRP was selected by Southern Water, even though they will also receive the recycled water at their taps if the project goes ahead.

This also highlights that Southern Water have **not met the Planning Act, Section 47, Duty to consult the local community** which includes people living in vicinity of the land and local authorities. In the context of the HWTWRP surely this duty should extend to consulting;

- All consumers who will receive the recycled effluent at their taps, as they will be impacted by the scheme (Southern Water & Portsmouth Water).
- As well as the local authorities whose residents will receive the water, not just those LAs with the physical infrastructure in their administrative area. At present only 7 LA’s have been consulted by SW.
- All those in the vicinity of planned infrastructure (the recycling plant, pipelines, pumping stations and the reservoir to be used for the discharge of the recycled effluent)

Southern Water stated on Page 7 of their Statement of Community Consultation (SoCC) – Summer 2024 that; Our objective for public consultation is to ensure that our **customers, stakeholders and local communities who may be affected** by the Project have an opportunity to understand, comment on and inform the proposals. **The applicant has NOT achieved this objective.**

- There were no details of the specific locations for the HWTWRP plant or the environmental impacts in the SW 2021 consultation after which the scheme was selected. The 2021 consultation was only online, with no targeted action to raise awareness in the Havant area most impacted, no letters to residents, no exhibition events in the community, and no copies of the consultation materials deposited in libraries. Further detail on why the 2021 consultation was inadequate is provided in Section 4 and Appendix C.

- The Overview Map provided within both the 2022 & 2024 HWTWRP consultation documents did not show which communities would be impacted by receiving the recycled water, nor that customers in the Portsmouth Water supply area would receive the recycled water (see Page 13).
- No information has been supplied to SW or Portsmouth Water customers who will receive the recycled water about the consultations through direct mailing (letters or email) or in leaflets with water bills.
- There was no signage (posters) put up at the sites to be impacted by new infrastructure at the time of the consultation in 2021, nor in 2022 to advise people about the consultation. Not even at the 9 entrances to the Havant Thicket Reservoir site. Two posters were eventually put up a 10-to-15-minute walk away from the reservoir site. The locations were inappropriate & the posters were not eye catching, photos have been provided in Appendix B. Even these 2 posters which were distant from the reservoir site were removed at least 10 days before the 2022 consultation ended.
- Despite objectors criticising the lack of signage at sites impacted in 2022 even for the 2024 consultation the signage at the reservoir site was very poor and inadequate, comprising an A4 poster with very small print and complex text.
- Copies of the consultation brochure (2022 & 2024) were only deposited in libraries where the infrastructure was planned, not in areas that would only receive the recycled water, such as Southampton, Winchester, Gosport, Chichester and Hayling Island.
- Feedback from respondents to consultation questions indicated that the public did not believe that the consultations had been well promoted. For example, in 2024 on the question as to whether the consultation was promoted well and to the right people, **79% did not think it was very well promoted** (i.e. average to very poor), with 58% indicating the promotion of the consultation was poor or very poor. The figures in 2022 were very similar at 75% and 56%.
- In March 2022 an Ofwat report on funding for the project proposed imposing a 10% penalty on SW. The reasons given included;
  1. There had been insufficient stakeholder engagement, particularly with customers who will receive the recycled water.
  2. Insufficient progress made in carrying out key environmental assessments (SEA,HRA,WFD)
  3. Insufficient environmental monitoring data to understand the impacts & risks

Section 3.2.2 of the later Ofwat May 2022 report stated;

“The **level of stakeholder engagement which was conducted for this solution fell short of the requirements** of a gate two submission, which was an important factor in relation to our decision to impose a 10% penalty. As a priority action we expect Southern Water to fully engage with stakeholders and customers to provide clear information about the solution”. They went on to say the work must be extensive, detailed and focused particularly where there may be a change in source, as thorough engagement with customers and stakeholders on recycling is key to the success of this solution.

Given this clear requirement from Ofwat it is extremely disappointing and surprising that SW failed to widely publicise the Summer 2022 HTTWR consultation to all those Southern Water and Portsmouth Water customers who would receive the recycled water, if the scheme went ahead.

- Southern Water refused to set up a stakeholder sub-group when requested in 2022 & 2023 by reservoir stakeholders. The group subsequently set up by Portsmouth Water was only permitted to discuss communication matters, not the wider concerns of stakeholders about

the effluent recycling proposal. SW did not attend; the group was ineffective and subsequently closed.

- Even a public meeting in Havant had to be initiated by the community and revealed the high level of concern and objection to the HWTWRP, with a very high level of attendance.

International case studies from drought-stricken countries around the world that use effluent recycling stress the importance of engaging early and getting customers onboard in advance for such effluent recycling schemes to be successful. Southern Water's failure to engage constructively with customers regarding the acceptability of the effluent recycling solution is deeply concerning, given the profound impact this change will have on the source of customers drinking water supplies. In a submission to Ofwat in 2024 SW indicated that engagement with customers who will receive the water will take place in 2033. This is only 3 years before the forecast completion date of the project and will be too late for customers to influence the decision.

A timeline is provided in Appendix B to show that the **communities most impacted by the scheme in the Havant, Bedhampton and Rowlands Castle area were kept in the dark about the proposal for effluent recycling via Havant Thicket Reservoir, until after the decision had been taken by SW to select the HWTWRP.** Eventually members of the community found out by chance following an article in a national newspaper on 5 May 2021 in which it mentioned *“The company said it was also exploring the feasibility of recycling water and transferring it from a new reservoir at Havant Thicket, near Portsmouth, a scheme that it said had recently emerged as a potential backup to desalination”.*

Even if someone in the Havant community had by chance become aware of the 2021 consultation they may not have been unduly concerned and raised the alarm with other members of the community, as it was clear in the consultation brochure that effluent recycling via Havant Thicket Reservoir was not a selected option, the selected option was Fawley desalination, it was just one of many alternatives being considered as a backup option, without any details, and the text made it clear that further consultation would be required were SW to want to select it. Unfortunately, that further consultation did not take place before the HWTWRP was selected and advanced by SW.

The revised draft Water Resource Management Plan was not published at the time of the Summer 2022 consultation on the HWTWRP. The draft WRMP24 consultation should have been completed before the consultation on the HWTWRP.

Southern Water asked respondents to the Summer 2022 Consultation to indicate if they supported water recycling and transfer as the proposed solution but provided inadequate information for the average person to be able to answer that question in any meaningful way. Inadequate information was provided on alternatives to effluent recycling, or what other effluent recycling options might be available for consideration. Previous customer research had indicated that customers preferred more natural solutions such as reservoirs and aquifer storage, but these were not offered as alternatives.

By the time of the 2022 consultation on the HWTWRP it was too late to influence the selection of the scheme, as the scheme **had already been selected by SW, with no opportunity to change or influence that decision.** However, it is important to note that;

- 48% of respondents did not support the HWTWRP.
- 46% of respondents did not support the options appraisal process.

**The HWTWRP Overview map did not make it clear which communities would receive the recycled water** in the 2022 consultation (Page 15) or 2024 consultation (Page 5) documents. Both maps only showed mixed water being transferred from the reservoir across to Otterbourne and being distributed from there to SW customers in all directions, but it was not clear which communities served by Southern Water across south Hampshire would receive the recycled water at their taps. There was also no arrow to indicate that Portsmouth Water customers would also receive the recycled water, they were completely in the dark.

- Most consumers of both Southern Water & Portsmouth Water remain unaware that the source of their drinking water will fundamentally change if this scheme goes ahead from river & aquifer sources to being manufactured from final sewage effluent.
- Such a fundamental change required a much more open public awareness campaign and debate, including letters and information to all customers presenting both the advantages and disadvantages of effluent recycling.
- When consumers become aware of the proposal to recycle treated effluent, they are shocked that Southern Water could make such a significant change to the source of their drinking water without having consulted all customers who will receive the water so that they had the opportunity to comment.

When challenged in 2022 about the Overview maps not showing that PW customers would be impacted, SW acknowledged that the map should have shown this. They advised that they would consider what they could do to address this but then did nothing. The same overview map was used in 2024 it was not updated to correct the error. Subsequently, SW advised as these were not their customers, they did not need to show that thousands of customers across the Portsmouth Water supply area (Emsworth, Chichester, Fareham, Gosport, Havant, Hayling island, Horndean, Portsmouth, Rowlands Castle, Waterlooville etc.) would receive the recycled water if the scheme went ahead. This is an unacceptable response and reflects a tick box attitude to public consultation.

**This is a lose – lose situation for Portsmouth Water customers who were not consulted.** They have all of the disruption of infrastructure construction, lose benefits associated with the reservoir which was to have been spring fed, and they get to drink recycled water instead of the chalk spring and borehole water they are used to. Making it even more disappointing that Southern Water have failed to actively engage with Portsmouth Water customers.

It is not just Portsmouth Water customers who have been kept in the dark. A Southern Water customer from Warsash who will receive recycled water from the reservoir via Otterbourne noted in their 2022 consultation response; “I have received no information from the Company to tell me about their proposal to recycle effluent, nor any information to indicate that a consultation was taking place, despite receiving 4 mail shots from the Company during the consultation period, one of which told me Southern Water were proposing desalination, which the consultation said had already been rejected. I have seen nothing in the media about their plans or the consultation, despite being an informed customer who had been keeping an eye out for it.”

**SW have not been transparent about their plans for a new pipeline which will extend the area in West Sussex across which customers will receive the recycled water.** They have failed to make it clear that if the HWTWRP goes ahead they plan to build an additional new pipeline in 2040 from Havant Thicket across the South Downs to Pulborough, to carry the mixed water (which will include recycled effluent) from the reservoir to a SW treatment plant, from where it will be distributed to a

wider area of West Sussex, north to Midhurst and across towards Horsham. The customers over this wider area have not been made aware nor consulted.

**Effluent recycling in the UK should not proceed unless the water companies (SW & PW) have fully engaged with their customers to ensure that the majority support the proposal. This is not the case for the Budds Farm effluent recycling scheme via Havant Thicket Reservoir (HWTWRP).**

The Summer 2022 consultation was the first to take place where effluent recycling was both being promoted and selected as the preferred option. If effluent recycling is to proceed then SW should have consulted first. To date there had been no opportunity for the public, stakeholders, or customers to consider alternative options, not even which of several different effluent recycling options Southern Water have previously identified would have the least impact or would provide the best value/ be most acceptable. Instead, Southern Water have jumped from rejecting desalination at Fawley to effluent recycling at Budds Farm utilising Havant Thicket Reservoir as the environmental buffer, without consulting on the options and without properly assessing the impacts and risks of the scheme. In 2022 they had not even assessed the impacts on the Havant Thicket Reservoir, nor Langstone Harbour.

### **Section 3: Failed to follow the Gunning Principles, including the requirement to consult at the formative stage of the plan when the HWTWR option was first selected**

SW did not follow the Gunning Principles, including no consultation at the formative stage of the plan when;

- a) The replacement to the Fawley desalination option was selected (i.e. the HWTWRP)
- b) When the pipeline route through Havant to the reservoir site was selected.

Southern Water confirmed on Page 7 of Statement of Community Consultation (SoCC) – Summer 2024 that; “There are **founding principles that apply to public consultation** in the UK to ensure that projects such as the HWTWRP undertake lawful consultations. These are known as The **Gunning Principles** and they require that:

- i) The consultation takes place when the **proposals are at a formative stage**.
- ii) The information provided is sufficient to give ‘intelligent consideration’.
- iii) The consultation period is adequate to give time for consideration and response.
- iv) The product of consultation is conscientiously taken into account by decision makers.

The following sections demonstrate how Southern Water has failed to meet three of these key principles (i, ii & iv), with some concerns also expressed about (iii) the time for consideration.

#### **3.1 Failed to ensure that consultation took place when the proposals were at a formative stage**

The formative stage of the plan when the HWTWRP was selected by SW was in December 2021. This was when the Fawley desalination scheme selected in WRMP19, and the backup effluent recycling option discharging recycled water into the River Itchen, were both rejected. The **HWTWRP was not an option considered and consulted on for WRMP19**, and it was not included in that plan.

The SW 2021 consultation (February to April 2021) was not designed by the company to select an alternative option; it took place when Fawley desalination was still their preferred option and primarily sort views on that option.

Nor was the 2021 consultation adequate to assess the preferred water resource options at the formative stage of the Southern Water (SW) plan, once desalination at Fawley was rejected when the water resource management plan materially changed in late 2021. Instead, SW should have undertaken a review of all the potential options and a new consultation. The reason for this assessment is explained in the following sections.

- Section 4 summarises the 12 key reasons why the 2021 consultation was inadequate to use as the basis for selecting a completely new option when the plan changed. With more detailed evidence and links to supporting references provided in Appendix C.
- Section 2 and Appendix C (4, 9, 10) set out the concern that SW did not ensure that those most likely to be impacted by the change in their plan were consulted when the plan changed, they were not even made aware of the earlier 2021 consultation. For example,
  - There was no direct mailing to customers who would receive the recycled water, not even information to indicate which customers of Southern Water and Portsmouth Water would be affected by the change in the source of their drinking water.

- There was no direct mailing to those living close to sites where the infrastructure for the HWTWRP would be located. Public notices were not even put up at the sites which would be impacted such as the Havant Thicket Reservoir.

The SW Gate 2 submission (December 2021) to Ofwat confirmed that the SW selected option had changed to effluent recycling via Havant Thicket Reservoir. **There was no additional public consultation before SW selected the HWTWR option, thus no consultation took place at the formative stage of the plan.**

In fact, the subsequent public consultation on SWs draft WRMP24 which included the HWTWRP did not take place until winter 2022/23 (14 November 2022 to 20 February 2023). This was months after the design of the HWTWRP had already been developed and consulted on in summer 2022. Thus, it is clear that **customers and communities impacted by the change to the plan had no opportunity to comment at the formative stage before SW ploughed ahead with the design of the HWTWRP, providing no opportunity to influence the selection of this option.**

The **first public consultation on SW's proposed HWTWRP did not take place until summer 2022, 6 months after the decision had been taken by Southern Water to proceed with this option.** With 48% of respondents indicating they did not support the proposal for effluent recycling in 2022, and 46% of responses indicating they did not support the options appraisal process (with 22% neutral). Unfortunately, by the time the consultation findings were known it was too late for the public to influence the plan, SW had already selected this option in Dec 2021.

There is a **further example of where SW failed to consult the community at the formative stage** of their proposal before proceeding to select their preferred solution. This related to the choice of pipeline option and route.

- SW ran their Statutory Summer 2024 Consultation from 29 May to 23 July 2024. This consultation included questions on the pipeline routes, including the proposed pipeline between the Water Recycling Plant and the Havant Thicket Reservoir site.
- Yet on 4 June 2024 an application was submitted by Portsmouth Water (who are in partnership with Southern Water) for the construction of two pipelines in a tunnel to the reservoir (APP/24/00405), instead of the single pipeline that had already received planning consent from Havant Borough Council in October 2021 (APP/20/00991) to fill and drawdown the Havant Thicket Reservoir.

The reservoir project is a partnership between Southern Water who will pay for it and Portsmouth Water who own the land and are managing the construction of the reservoir. The spring fed reservoir only required one pipeline between Bedhampton Springs and the reservoir, as there would never be a need to fill and draw down the reservoir at the same time. The **additional pipeline was being added to future proof the design should the HWTWRP achieve consent**, with the application emphasising that this would reduce disruption to the local community if the effluent recycling project was to proceed. The company also highlighted that having 2 pipelines could be of benefit if one pipeline needed maintenance, but the primary driver was to provide a second pipeline that could carry recycled effluent to the reservoir. As in that scenario the recycled water would have to be moved too and mixed water returned from the reservoir everyday if the HWTWRP went ahead.

As the SW public consultation was running at the same time as the LPA consultation on the dual pipeline application (HBC ref: APP/24/00405), it was **clear that the design of the additional**

**pipeline was already well advanced, and that the SW consultation running in parallel was not taking place at the formative stage of their plan.**

The overlapping of the two consultation periods caused considerable confusion to residents in the vicinity of the pipeline routes. It left those who supported the spring fed reservoir but objected to the effluent recycling scheme in a quandary as to how to respond.

### **3.2 Failure to ensure the information provided was sufficient to give ‘intelligent consideration’**

Insufficient information was presented by Southern Water in the consultation materials to enable informed consideration or judgement on the questions being asked. For example;

- a) In the 2021, 2022 & 2024 consultation brochures it was not clear which customers or communities would be impacted by receiving the recycled water. The overview maps were too generic for Southern Water customers and did not show that Portsmouth Water customers would receive the water (see Section 2, page 13). It was therefore not possible for those viewing the consultation to know if they would be impacted.
- b) There was no information in 2021 or 2022 to make customers aware that the recycled water might taste different.
- c) In 2022 when asked if enough information was made available in the consultation for you to respond? A large 33% of respondents indicated on the feedback form that the information was poor or very poor. In 2024 when asked if the consultation was promoted well and to the right people 58% indicated poor or very poor, and 30% did not think that the information was presented clearly.
- d) There was **no question in the consultation documents relating to whether people supported using Havant Thicket Reservoir as an Environmental Buffer Lake for recycled effluent, nor if they would prefer any of the other options**. No information was provided on the alternatives such as a discharge of recycled water to the lower River Itchen, storage in confined aquifers (as used in other countries), or **provision of a new environmental buffer lake nearer to Otterbourne**, closer to where the recycled water was needed in the Southampton/ Winchester area.
- e) No environmental information on the backup options including the HWTWRP was provided with the 2021 consultation.
- f) There was no information within the Summer 2022 consultation on the potential environmental impact of effluent recycling on the reservoir, or downstream water bodies, including Langstone Harbour. Southern Water had confirmed that they had not assessed or modelled the impact, yet they were still pushing ahead with this option.
- g) The Preliminary Environmental Impact Report (PEIR) provided with the 2024 consultation was not adequate or sufficiently robust to understand the likely significant effects on the reservoir, downstream water courses, Langstone Harbour (SPA, SAC, Ramsar, SSSI) nor the Solent.
- h) The Water quality modelling used to assess the impacts for the 2022, 2024 & 2025 consultations was inadequate to allow understanding of the impacts. For example, there was no modelling for key contaminants of concern such as pesticides, pharmaceuticals and forever chemicals such as PFOS.
- i) In the Summer 2022 consultation SW asked respondents to comment on the process for option selection, but they provided inadequate information for the average person to be able to answer that question in any meaningful way. Everything was presented at such a high level

in the consultation that you could not actually tell what had been considered. For example, page 38 of the Scheme Development summary report refers to “23 best value criteria and the application of the importance weighting to these”, but the weighting was not explained.

- j) The Options Appraisal Reports, Strategic Environmental Assessment, Habitats Regulation Assessment and other key documents that supported the SW WRMP and provided details on the HWTWRP and other alternative options were classified as ‘restricted documents’ which were not accessible to the general public for the 2022 or 2022/23 consultation. SW refused to provide access to the documents locally (which is not in spirit of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, 4 (3) (e), which requires documents for the project to be available for free in at least one address in the vicinity of the proposed development). Instead, SW insisted that concerned residents/ stakeholders travel to the SW Worthing HQ for a pre-booked visit 40 miles away, with a severely restricted time to view what are very large documents. For the 2022 visit to Worthing a tiny room was provided with a very small wobbly table which was not fit for the purpose of 3 people trying to review large documents.
- k) The risks associated with construction of a Water Recycling Plant on a contaminated landfill site alongside Langstone Harbour (SPA, SAC, Ramsar, SSSI) were not adequately assessed and articulated. This applies to the 2021, 2022, 2024 & 2025 consultation.
- l) In Summer 2022 Southern Water asked people to comment on the process of site selection for the Water Recycling Plant (WRP) and High Lift Pumping Station (HLPS), but everything was presented at such a high level you could not actually tell what had been considered. Information in **the previous Gate 2 reports was heavily redacted and as a result there was no transparency to the process. The scoring of options for site selection of the Water Recycling Plant & High Lift Pumping Station was not visible and available to challenge but looked really suspect given the preferred site selected.** For example, Southern Water state that the process took into consideration ecology, ground conditions and ground contamination, then selected a dilute and disperse actively gassing landfill site adjacent to the Langstone Harbour SPA, SAC, Ramsar site. That made no sense.
- m) In 2022 the provisional assessment of impacts on the marine environment did not even consider the potential impact on Langstone Harbour SAC/SPA from less spring water being pumped up to the reservoir, the compensation discharge flow from the reservoir to the harbour, nor emergency drawdown water. Nor did they consider the in-combination impacts such as whether nitrate values in the harbour would still be reduced. The Habitats Regulation Assessment screening was not adequately robust and did not cover these things
- n) No information was provided on how or where the loss of existing habitat at Broadmarsh (Site 72) will be mitigated for, even though part of the site is included in the Brent Goose Strategy, a material planning consideration for Havant Borough Council.
- o) It was still not clear even in the spring 2025 consultation where SW proposed to construct the pipeline tunnel shafts between the Water Recycling Plant and West Street, this information is needed for local residents to be able to judge the impact on local roads, homes, public open space and sensitive parts of the historic conservation area.
- p) There was a lack of detail for the 6 pipelines proposed even in the Spring 2025 consultation. For example, no information was provided on where pipeline washouts will be along the pipeline routes, including the 40km+ pipeline between Havant & Otterbourne that would be likely to discharge to streams including the protected chalk streams (Meon & Itchen). Sediment build up in the pipes will be a significant issue given the source of the water.

Between Budds Farm sewage works and the Water Recycling Plant this is highly likely to be an issue due to the nature of the contaminated liquids the pipes will carry. Use of the washouts to clear the pipelines could result in discharge of contaminated liquid and sediment to a stream and/ or Langstone Harbour, unless there is an alternative to this.

### **3.3 Challenge to the timing and length of the consultation period**

#### **Was the consultation period adequate to give time for consideration and response?**

There is concern amongst the public and stakeholders that SW timed both the Summer 2022 & 2024 consultation to take place during the busy summer period when many people are away on holiday, or distracted by other activities (e.g. exams, childcare challenges for parents & grandparents).

*Non-statutory Summer 2022 Consultation HWTWR Project - 5 July and 16 August 2022*

*Statutory Summer 2024 Consultation HWTWR Project – 29 May to 23rd July 2024*

For example, the 2022 consultation ended on 16/8/22. Despite drawing this to the attention of the Company they refused to extend the period for the consultation.

All of the 2022 consultation online briefing events were held during the school summer holiday period.

The critical end period of the 2021 consultation coincided with Purdah, the pre-election period (which ran from the 25th March 2021 to 6th May 2021) during which time local councillors will generally refrain from making public announcements. A time when both councillors, local community leaders and activists would have been pre-occupied with the elections.

*Non-statutory Public Consultation 2021 - 8 Feb to 16 April 2021 (primarily on Fawley desalination)*

The HWTWRP is a very complex, multi-faceted proposal, with large numbers of documents, making it difficult to consider in the time available. Even community leaders/ specialists concerned about the effluent recycling proposal found there was not time to read all of the documents related to the HWTWRP consultation and draft WRMP consultation documents.

A longer and better promoted consultation period would have been helpful for a scheme that will fundamentally change the source of our drinking water from natural sources (rivers & aquifers) to manufactured water from sewage effluent. There was a lack of publicity about the consultation, most people found out about it by word of mouth or social media, leaving them little time to review the information and respond.

### 3.4 **Failed to ensure the product of consultation was conscientiously taken into account by decision makers**

The Planning Act Section 49 provides a 'Duty to take account of responses to consultation & publicity', unfortunately that has not been complied with.

- a) For the 2024 consultation SW made it very clear on page 66 of the brochure that responses could be made using the online feedback form, by email or letter. Yet when they analysed the responses SW have confirmed that they **ignored all of the 385 emails and 3 letters received** when collating the statistics for their summary consultation feedback report published in January. That is a **shocking 39% of responses which have been ignored, misrepresenting the feedback received.**

Despite this SWs 2024 summary feedback report admits that only 23% of the 563 counted responses from those who used the company's online feedback form supported the HWTWR Project. This is a very low number, but **the percentage supporting the scheme would have been very much lower had SW included the full set of responses**, since many of the discounted emails and letters are known to have been sent from those in the Water Matters community who set out their objections to the project in more detail than the simplistic online feedback form would allow, believing the company assurance that free-format responses would be accepted. In fact, it is highly likely that most of the 388 uncounted responses were from those who wanted to object and express their concerns in writing.

Not including analysis of responses made by email and letter in the summary feedback report is extremely disrespectful to those concerned enough to respond. It provided a means for SW to hide just how unpopular the HWTWRP is.

The company indicated that although they had not taken the time to count the views of those who responded in writing, they did consider the written comments in the analysis. However, respondents from the Water Matters community did not feel that their comments or concerns had been adequately addressed.

- b) There was a similar concern in relation to the 2022/23 draft WRMP24 consultation feedback report, when responses from objectors to the HWTWRP were hidden in a separate annex, concerns in the main feedback report were grouped together as 'themes', with whitewashed answers that did not address the concerns.
- c) Much concern has been expressed by respondents to the 2022 and 2024 consultation about SW's failure to undertake a robust options review and consider more sustainable alternatives to effluent recycling. Only desalination, effluent recycling and transfers were considered as backups in 2021. The 2024 feedback summary report page 10 acknowledges that the key issue raised was the need to look at alternatives, with the second most commented theme being a lack of trust in Southern Water.

The second pie chart below from the 2022 consultation feedback report shows that **46% of respondents did not support the options appraisal process** that SW went through to select water transfer and recycling as the proposed solution, in fact just 22% supported it. With the first pie chart confirming that 48% of respondents did not support water transfer and water recycling, with 10% neutral. This figure rose to 68% not supporting the HWTWRP in the 2024 feedback report, with a further 9 responses neutral. There clearly is not public support for this

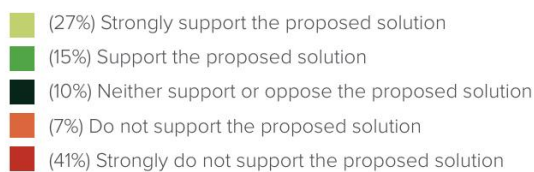
option, but SW have not listened. **The scale of the objection did not trigger a robust review of all potential options.**

## Water recycling

Do you support water transfer and water recycling as the proposed solution to the challenge of securing water supplies for the future in Hampshire?



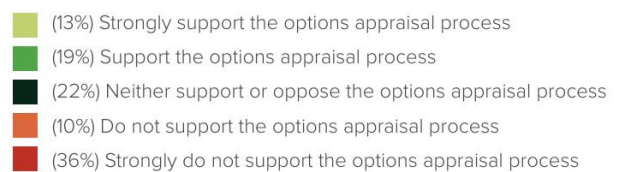
476 total respondents



What do you think about the options appraisal process we went through to select water transfer and water recycling as the proposed solution?



419 total respondents



Source: Extract of SW 2022 consultation feedback report

In 2023 following public objections to Defra and significant concerns expressed by regulators, especially in relation to inadequate options appraisal, the government did not approve the SW draft WRMP. Instead, Defra required further action to review the options.

It is very disappointing that the Company did not take the opportunity to start again, carry out a more realistic review of the demand deficit going forward, and undertake a more robust evaluation of potential solutions to bring forward a sustainable plan with more natural solutions supported by customers (see Section 8.2). Instead, SW focused on a limited review of a small number of options already in the draft WRMP24 to see if any could be brought forward more quickly, continuing to ignore more sustainable natural options. Such as moving river abstractions to reduce the pressure for abstraction reduction, addition of new aquifer storage options which they were already aware of but had parked, or identifying new winter storage reservoir sites.

This provides a clear example of how SW have failed to take into account concerns and responses expressed by the public and even the regulators. Following ongoing expression of concerns by the Water Matters community and the regulators, SW are only now in 2026 finally starting to look at the other more sustainable options including moving abstractions and additional aquifer storage options. If SW had responded to concerns in 2022 more information would now be available to assess the options.

- d) In the Summer 2024 feedback report after each section analysis there is a blue box to summarise “How we are listening and what happens next”. If you read these sections, you will see that SW are not listening, as they are not proposing any significant changes or actions, it appears that they may just make a few tweaks to the pipeline route to address landowner concerns. For example;

- On page 15 there is no indication that they have recognised the constraints or the concerns about construction in the Old Bedhampton area.
- There is no information on how many respondents specifically objected to the location of the Water Recycling Plant (WRP) at Broadmarsh in 2024, but 53% did not support the location of the 'above ground plant' which includes the WRP, with a further 33% not sure (page 13). In 2022 41% of respondents did not support the use of the Broadmarsh contaminated landfill site for the WRP. **Instead of addressing the concerns expressed about the risks of developing site 72 in both the 2022 and 2024 consultation SW have proceeded to purchase the site.** Alternatives sites with lower risks were available.
- Page 18 confirmed 56% raise concern about environmental impacts with a further 25% not sure.
- While they recognise the concerns about energy & carbon, they just say on page 19 they will consider the impacts. That does not address the concern.

Public consultation is a fundamental part of the pre application process for a DCO. Its principal purpose is to raise awareness and seek stakeholders' views to help inform the refinement of a Project prior to a DCO application being submitted.

While SW have made some tweaks to refine the project layout (e.g. to accommodate landowner concerns regarding the pipeline route), it is clear that despite significant objections and concerns expressed by the public they never had any intention of challenging the fundamental principle of the development, or aspects of the project such as; finding more sustainable better alternatives, or locating a different site for the Water Recycling Plant and High Lift Pumping Station with less environmental risks.

**SW have not conscientiously taken into account the public responses to the consultation.**

#### **Section 4: Inadequate consultation to select an effluent recycling option in Hampshire**

The SW 2021 public consultation was not designed to select an alternative option to Fawley desalination and was not adequate to select effluent recycling via Havant Thicket Reservoir, or any other alternative option. Instead, a new consultation should have taken place when there was a material change to the SW's water resource plan in late 2021 before selecting a new preferred option. That did not happen, see Section 1.

#### **Why was the Southern Water 2021 Public Consultation completely inadequate to be used to select effluent recycling via Havant Thicket Reservoir as the preferred option?**

The 2021 consultation was not adequate to assess the preferred water resource options at the formative stage of the Southern Water (SW) plan, once desalination at Fawley was rejected. The justification for this analysis is set out below.

- The 2021 consultation was not intended or designed to be an option assessment or selection process. This is confirmed by SW in the consultation brochure (Ref 1) and the SW 2021 consultation feedback report (Ref 2).
- Potential back up options to desalination (including effluent recycling via Havant Thicket Reservoir) were not described in any detail, nor was any information provided on any of the backup options environmental impact to enable those consulted to provide informed comment.
- Regulators and Local Authorities indicated that they were unable to make informed or substantial comments on the 2021 consultation due to the lack of information provided on the alternatives. (see Appendix C, item 2 & SW 2021 feedback report - Reference 2 page 22).
- Not all alternative options were considered or included in the consultation. Other alternatives are only starting to be considered by SW in 2026 following pressure from the public and regulators.
- No information was presented as to which communities would be directly impacted by receiving recycled water at their taps. As a result, most communities in south Hampshire could not have known that the consultation was relevant to them.
- The 2021 consultation was solely online with a virtual exhibition space which was described by many respondents as difficult to navigate, excluding many who had no internet access or were not computer literate.
- There were no public exhibitions nor deposit of consultation materials in libraries or public buildings in communities that would be impacted. This is not in the spirit of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, 4 (3) (e), which refers to the need for documents & maps for the project to be available for free in at least one address in the vicinity of the proposed development.
- The consultation was not actively promoted in local communities that might be impacted, not even to all Parish Councils, resident groups & environmental groups. For example, Rowlands Castle Parish Council were not consulted whose area includes part of the Havant Thicket Reservoir site, nor was Horndean Parish Council.
- There was just one press release about the consultation, with no second press release even when the deadline for responses was extended.
- The critical end period of the consultation coincided with Purdah, the pre-election period (which ran from the 25th March 2021 to 6th May 2021) during which time local councillors will generally refrain from making public announcements. A time when both councillors, local community leaders and activists would have been pre-occupied with the elections.

- Not all communities impacted were engaged in the same way, only the Fawley community were directly contacted by SW, as a result communities that would be affected by backup options remained unaware of the consultation, including communities in the Havant & Portsmouth area.
- There was a strong bias to engaging with the Fawley community.
- Residents and stakeholders in the Havant/ Portsmouth area had no opportunity to make representations at the formative stage of SW's revised plan, when effluent recycling via the Havant Thicket Reservoir was selected as SW's preferred option in late 2021.

Further detail on why the Southern Water 2021 consultation was inadequate to support decision making on selection of an alternative effluent recycling option at the formative stage of the plan are set out in Appendix C.

Links to the supporting references are also provided below.

Reference 1- Water for Life Hampshire Consultation Brochure 2021

[\*Read the brochure we've produced for the consultation.\*](#)

Reference 2 - Water for Life - Hampshire Consultation Feedback Report, September 2021 Final Version

[\*Consultation feedback report\*](#)

## Section 5: Failure to take lack of public support and falling support for the HWTWRP into account

There is a lack of public support for the HWTWRP with 68% of respondents objecting to the scheme, and support having fallen by 20% since the 2022 consultation. The scale of objection did not trigger a review of all potential options and has not been adequately taken in account. There is no public mandate for the HWTWR project even though the scheme will be funded by customers

In fact the SW feedback reports illustrate that public support for effluent recycling via the Havant Thicket Reservoir and transfer to Otterbourne has actually fallen to less than 23% in 2024.

**Table 5.1 Summary of consultation findings in relation to support for effluent recycling**

Level of support	2022 Consultation %	2024 Consultation* %	Change in support %
Strongly support	27	12	-15
Support	15	11	-4
Neutral	10	9	-1
Do not support	7	11	+4
Strongly do not support	41	57	+16

Source: Compiled from SW consultation feedback reports for the 2022 & 2024 consultation

\* Note: SW have confirmed that they **ignored 39% of responses** (385 emails & 3 letters) received when collating the statistics for their 2024 summary consultation feedback report published in January. It is highly likely that most of the 388 uncounted responses were from those who wanted to object to the HWTWRP and express their concerns in writing, as a result the true figure for the red and orange rows would have been higher. See Section 7.2 for further information. For example, we know that some of the longer emails were from local groups who did not support the HWTWRP and set out their concerns in more detail.

The table demonstrates that in 2022 and 2024 the majority of respondents to the consultation did not support effluent recycling via Havant Thicket Reservoir. It also confirms that support for the scheme has fallen, with 48% of respondents not supporting the scheme in 2022 rising to 68% in 2024, a further 9% were neutral or not sure. That is a 20% increase in those objecting to the project.

Figure 5.1 shows the distribution of the 275 respondents who answered the SW question as to whether they supported the project and provided a postcode, where these were within the 'area of the project'. It clearly shows that objections were from across a broad area and not just close to Havant & Bedhampton where the infrastructure will be located (black dashed oval line on map). The larger number of responses from the Hayling Island, Emsworth, Rowlands Castle & Waterlooville areas reflect a greater awareness of the reservoir and HWTWRP in that broader area and confirms the lack of support over a wider area.

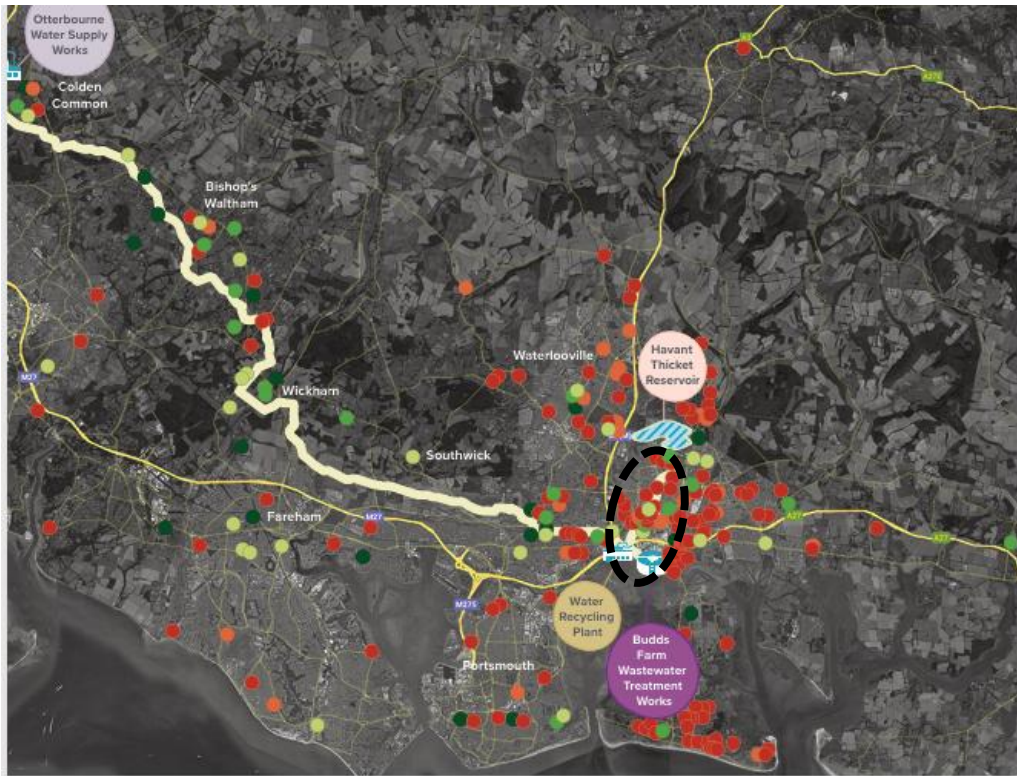


Figure 4 – Location of respondents supporting and not supporting the Project

**Figure 5.1** Source: SW 2024 consultation feedback report (colour key as for Table 5.1)

Black dashed oval shape reflects the zone of new infrastructure for the HWTWRP

The analysis of the 2024 statutory consultation shows that despite all of the SW one-sided consultation materials and PR on the positive aspects of effluent recycling the strength of feeling against the effluent recycling project has grown by 20% since 2022.

**It is clear from the responses that SW does not have a mandate from the public to pursue this scheme but they are not listening**

SW have made no attempt to publicise the 2021 consultation in the area most impacted by the HWTWRP, nor to customers who would receive the recycled water. They made very little attempt to publicise the 2022 and 2024 consultations. Despite this Table 5.1 demonstrates clearly that there is not public support for this option. The Water Matters community believe that if the consultations had been more widely and appropriately publicised the response against the proposal in both 2022 & 2024 would have been much greater, especially amongst Portsmouth Water customers, who were largely unaware of the consultation, or that the proposals would impact them directly.

Note: Having failed to gain public support for the HWTWRP through the public consultation route we believe that SW are changing their approach to undertake small focus groups. This is where members of the public (sometimes paid to attend) are presented in small groups with a one-sided argument on the need for and benefits of 'water' recycling (having deliberately changed the name from 'effluent' recycling), then asking if they support the scheme. Water Matters are confident that if any such focus groups were presented with information on the advantages and disadvantages of effluent recycling in a balanced way, as well as potential alternatives, the level of support claimed from such groups would be less.

## **Section 6: Concern that SW have not been open and transparent**

Information presented by SW has not been open and transparent from before the scheme was selected in 2021 to now. Key information has been redacted or restricted to prevent open discussion of the options and impacts, and it has been difficult to get straight answers to questions submitted by the public. The company have been less than open about the risks associated with effluent recycling.

**6.1 SW only give one side of the story to the general public**, keen to promote positives about effluent recycling but not the downside. For example;

- a) SW regularly and repeatedly described the output of the recycling plant during the consultations as providing 'pure' recycled water, without sharing the fact that it is demineralised, will contain some disinfection byproducts, as well as contaminants that get through the treatment process in small quantities. This includes pesticides, semi-volatiles and pharmaceuticals. Some PFAS chemicals can also get through the treatment process and are of significant concern as they do not breakdown in the environment when discharged and can bioaccumulate in species including humans. There is significant concern both nationally and internationally regarding the health impacts of PFAS chemicals.
- b) Suggesting that the effluent discharged as reject water from the recycling plant into the Solent is the same as that previously discharged from the sewage works. When in fact it will be 4 times more concentrated and contain disinfection byproducts and a variety of chemicals routinely used to clean different elements of the Water Recycling Plant.
- c) When anyone challenged what was being said or tried to highlight negative aspects of the scheme they would be taken to one side by SW staff at public events. Some people even felt they were made to feel small when questioning what was being said by SW.

**6.2 Documents critical to understanding the journey of the scheme and option selection process have been redacted**, hiding information that is 'not security sensitive' from the public. For example;

In September 2020 SW submitted its Gate 1 report to Ofwat. The copy of the report subsequently placed on the SW website still confirmed that the base case selected option was Fawley desalination, with reference to consideration of 5 effluent recycling options. The summary document (page 11) refers to a **'new potential solution' but what it was is redacted in all of the Gate 1 documents**. It is highly likely that this was effluent recycling via the Havant Thicket Reservoir, as the text indicated it was not an option considered in WRMP19, and could be available by 2029, the same timescale for delivery as the Havant Thicket Reservoir at that time.

The SW Gate 2 documents published on the Company website in December 2021 were so heavily redacted as to be pretty meaningless. Despite repeated requests to give unredacted, or less redacted documents to stakeholders this was refused by Southern Water.

Information in the SW Gate 2 publications was impenetrable to the general public and stakeholders. **The bulk of the information on the options was redacted, with figures and tables relating to option B4 (HWTWRP) blacked out.** The extensive use of abbreviations in the documents would have made them very difficult for a lay person to read, with a 17-page key required for the abbreviations contained in a separate document. Members of the public who tried to look at the documents quickly gave up! (*perhaps that was what SW wanted*)

### 6.3 Documents critical to understanding the option selection process and environmental impacts of different water resource options were classified by SW as **restricted**.

The winter 2022/23 draft WRMP consultation reports (including technical reports) that were published in the public domain were repetitive and provided only high-level information on the methodologies used, it lacked any detail and useful information to review and compare the alternative options. There was a lack of information in the public domain on options considered, scoring and weighting, the rejected options and why they were rejected? **Critical appendices containing the more useful information were all classified as restricted** on security grounds and not readily accessible to the public. Even the options appraisal was classified as restricted by SW, preventing any real scrutiny of the selection process.

Documents designated as restricted included the Options Appraisal, Strategic Environmental Assessment impact table/ scoring, and the Habitats Regulation Assessment for different options. This made it very difficult to find useful information to assess the different options, including finding information on options that had been rejected. These documents were made available by other water company's when publishing their draft plans, indicating that SW decision to restrict these documents was unnecessary and unhelpful to delivering an open consultation process.

Examples of how restricted documents were made difficult to review;

- i. When asked if restricted documents could be made available at SW offices in Hampshire, this request was refused, indicating that the documents could only be viewed by appointment at SW Worthing HQ in Sussex. Even then SW advised the documents would not be available until later in January 2023, despite the consultation having commenced on 14/11/22.
- ii. When members of the Water Matters pursued the request for an appointment to view the restricted documents at SW's Worthing HQ giving in January, SW advised that the time allocated for the appointment would be limited to 2 hours, which was completely inadequate to view 7 large technical documents. On the day the time was stretched to 3 hours then we were asked to leave before being able to view all of the documents.
- iii. Despite having provided ample notice of our visit in January 2023 for 3 people to attend, a very small room with a wobbly table was allocated. This made it very difficult for those present to review the large and complex technical reports.

Having reviewed the restricted documents in both 2022 and 2024 it was difficult to see why the options appraisal and environmental assessment reports needed to be restricted. Members of the Water Matters community who had experience of security vetting documents could not see information that warranted restriction of the documents, site names that were not generalised could easily have been made generic to enable the documents to be unrestricted. This is shown by the fact that other water companies made such documents available in the public domain.

The review of the restricted documents confirmed that they were critical to understanding the options appraisal process and should have been in the public domain.

- Viewing the restricted documents only reinforced the concerns about option selection being driven by profit, with environmentally damaging, high carbon options prioritised for selection. It was clear that environmental and carbon impacts were not being given adequate weight in the option selection process, contrary to the Paris Agreement and SWs own commitment to being carbon neutral by 2030.
- The **restricted documents confirm that other options are potentially viable** but have been kicked down the road for consideration in WRMP29 including; moving river abstractions to the final weir and multiple aquifer storage schemes.

- At the last draft WRMP consultation the EA required action by SW to include a summary of the options screening process, reasons for selection, and a narrative on reasons for rejection, but the SW response in the ‘restricted’ Annex 17, Appendix D tables was ‘it’s complicated’
- **Concerns expressed by regulators were hidden in restricted documents.** Scathing feedback from the regulators (EA & NE) on the previous draft plan, especially in relation to the options evaluation, is hidden in the restricted documents, but remained valid for the revised draft plan. For example, statements recorded in the restricted Annex 17 (Appendix D) document relating to EA and NE responses on the first draft plan confirm that;
  - The EA & NE considered that alternative options have not been processed or presented correctly, so they did not know the grounds on which non-preferred options have been rejected.
  - “There is not enough detail on the justification of alternatives – there is a potential for less damaging solutions to be missed out and not carried forward”.
  - “NE found it difficult to review options and determine whether assessment has been completed appropriately both at screening and appropriate assessment stage.”
  - “NE have concerns about the SEA screening and conclusions”.

None of these concerns seem to have been addressed in the revised draft plan. With the public unable to see the concerns expressed by the regulators due to SW classifying the documents as restricted.

**6.4 Misleading consultation materials have been provided, with no clarity as to which customers will receive the water.** From the maps in the 2022 and 2024 (page 9 & 17) you would have no idea that;

- Most customers in SW’s south Hampshire supply area will receive the recycled water, presumably including those on the Isle of Wight, to which there is a water transfer from Southampton.
- All Portsmouth Water customers will receive the recycled water. No indication at all on the maps or the text that they will be impacted by the proposed scheme.
- There is a proposal by SW to build a further pipeline to transfer the mixed water from the reservoir to West Sussex (Midhurst to Horsham)

Southern Water have not made all customers aware of the consultation. This is not acceptable when the scheme results in a fundamental change to everyone’s water supply.

**All customers of SW & PW in the areas that would receive recycled water should have been notified about the consultation** through information sent out with bills, emails or direct mailing, as all will be impacted by the proposed change in the source of their drinking water.

**6.5 Information on the scoring for different options and sites, along with weightings used was not made available in public domain documents,** but given the options shown to be selected looked highly suspect.

**6.6 Even in 2024 for the final revised draft WRMP there remained inconsistency in costs, SEA scores, and population figures across the documents,** which completely undermined confidence in the SW assessment.

**6.7 There was no concerted ongoing publicity campaign for customers that would receive the recycled water, nor for the communities that would be most impacted by the planned infrastructure,** to make them aware of the consultation in 2022, or the public exhibition days. Instead, most people had to rely on finding out through word of mouth or social media. Publicity was also poor in 2024. As a result, most Southern Water and Portsmouth Water customers still remain unaware of the water companies plan for effluent recycling. Public notices/ posters should have been put up at sites affected for the period of the 2021 and 2022 consultation. As a result, the consultation cannot be considered to have been ‘open’ to all those impacted.

**6.8 Public exhibitions were only held in areas where new infrastructure is proposed, there was no attempt to cover other areas where customers would receive the recycled water.** For example, Chichester, Gosport, Southampton, Winchester etc. Libraries in these wider areas where customers would receive the water did not have deposited copies of the consultation materials, including Southampton, Winchester, New Forest, Gosport, Chichester and Hayling Island. All drinking water customers who would receive the recycled water should have been notified, with consultation materials deposited in all communities to be impacted by receiving the water.

**6.9 Members of the public found it difficult to get a meaningful response to question in a timely way from SW,** when/ if they did finally get a response, it was often incomplete or vague, deflecting from the concern being raised. For example, after stakeholders were invited to visit a pilot effluent recycling plant at Budds Farm WWTW in late 2022/early 2023 they pooled their questions to make it easier for SW to respond to one person and sent them off on 24/1/23. While some responses were received in March 2023, final information was still being chased in June 2023. A comprehensive answer was not received to all questions.

**6.10 Rejecting an Environmental Information Request to receive a copy of the effluent recycling pilot plant data,** showed a lack of openness and transparency. The community had to appeal by requesting an internal view of the decision before finally receiving the summary data a year after it had originally been requested.

October 2023 – member of community requested the pilot plant data

23 November 2023 – community representative made it a formal information request

23 January 2024 – notified of decision made by Southern Water to reject request

Feb 2024 - community representative appealed against SW refusal to provide the data

29 July 2024 – no response, resent request for an Internal Review

8 Nov 2024 community representative finally received the summary data from the Head of Legal Services for the pilot plant the day before a scheduled meeting with the SW CEO

**6.11 Not being transparent about partners, making it appear that a report is independent.** SW have more recently published a report on their website called ‘Reflections on Water Recycling Pilot Plant Performance’ by University of Brighton. The report fails to acknowledge that Brighton University were working very closely with Southern Water on the project. In fact, Southern Water paid for their effluent recycling specialist to undertake a PhD at the University of Brighton specifically to review the performance of the trial plants. The report can not be considered an independent piece of research, and the source report for the data is not even referenced.

SW have failed to publish or provide their technical report on the findings of the effluent recycling pilot plant trials despite requests in January and May 2026. Delays to Environmental Information Requests are common.

**6.12 Merging data from pilot effluent recycling trial plants located at 2 different sewage works is not appropriate and might serve to dilute the results for contaminants of concern.**

- The sewer catchments at the Peel Common and Budds Farm sewage works are not the same. About 16% of the raw sewage arriving at the Budds Farm sewage works is from industrial and commercial sources.

- The pilot plant operated at Peel Common for about 18 months, whereas it only operated at Budds Farm for about 8 months.
- Many contaminants of concern were found at much higher concentrations in the Budds Farm final sewage works effluent than they were in the Peel Common final sewage effluent. For example, the pesticides 2,4-dichlorophenoxyacetic acid and Atrazine.
- Some contaminants present at Budds Farm were not even found in the Peel Common samples. For example; pesticides (Dichlorprop & Isoproturon) and Volatile Organic Compounds (Benzo[a]pyrene, NDMA & Tetrachloroethylene)
- Peel Common has a significant issue with saline intrusion. The maximum recorded sodium level in the Budds Farm final effluent was 1,410,000ug/l (average 621,000 ug/l), whereas in the Peel Common final effluent it was a maximum of 201,000ug/l (average 143,000 ug/l)

While it is not made clear in the report summarising the findings of the pilot trial called ‘Reflection on Water Recycling Pilot Plant’ it would appear that the sampling data from both the Peel Common and Budds Farm trial have been merged before assessing the findings. There is a risk that this affects the results and gives concerns to stakeholders about transparency.

6.13 Stakeholders and customers are very concerned that there has been **no robust and transparent cost to benefit analysis for the HWTWRP** to demonstrate that it is the best value and correct option to select. The costs of the scheme have spiralled since it was selected in 2021 and there are significant concerns about the environmental impact of the scheme, which need to be transparently considered.

6.14 SW are very dismissive of the potential environmental impacts of the scheme, even though they have **not undertaken a robust assessment of the risks to water quality** in the reservoir, downstream water courses, Langstone Harbour, nor to the Solent from the discharge of 4x concentrated reject water. Technical specialists are concerned about the risks, and this leads to scepticism and mistrust.

6.15 Concern in relation to the 2022/23 draft WRMP24 consultation feedback report, when **responses from objectors to the HWTWRP were hidden in a separate annex**, concerns in the main report were grouped together in ‘themes’, watering down their impact, and whitewashed answers were provided which did not address the concerns raised.

6.16 The **scale at which maps were published in the 2022 consultations made it difficult to work out exactly where the new infrastructure was planned**. The different colour shading used to denote various things was not well chosen, as a result when layers overlapped, they were difficult to interpret. Larger copies of the maps with a clear key were not available to view at the drop in events, instead the public had to queue to sit at a computer with a member of SW staff to zoom in on the map detail. Some people left without getting answers to their questions/ concerns.

6.17 **Environmental impact information was not provided in a timely way**. It was not available for the 2021 consultation, nor the 2022 consultation. Despite assurances that it would be available for the 2024 consultation information on energy use/ cost and water quality were still missing.

6.18 The consultation documents for the draft WRMP and subsequent revisions were **vast, very repetitive and failed to provide important information, with key information restricted and inaccessible**. This made it very difficult for even a knowledgeable person to review these key documents for the selection of the HWTWRP. It made the consultation documents inaccessible to a lay person such as an average consumer or resident living near to one of the impacted sites.

6.19 For the Environmental Water Quality Report (Spring 2025 Consultation) **much information was missing on the assumptions, inputs and scenarios**. It was not clear who had completed the modelling or assessment. The method chosen to present the graphs hid the full range of results, and the screening process for determining which contaminants to include was not provided.

6.20 **Not transparent about their plans for a new pipeline which will extend the area in West Sussex across which customers will receive the recycled water**. SW have failed to make it clear that if the HWTWRP goes ahead they plan to build an additional new pipeline in 2040 from Havant Thicket across the South Downs to Pulborough, to carry the mixed water (which will include recycled effluent) from the reservoir to a SW treatment plant, from where it will be distributed to a wider area of West Sussex, including north to Midhurst and across towards Horsham. The customers over this wider area have not been made aware nor consulted.

## **Section 7: Concern that SW have misrepresented the facts/ truth**

SW have misrepresented the facts/ truth including ignoring 39% of 2024 consultation responses in the analysis summary, in contradiction of the Planning Act Section 49 - Duty to take account of responses to consultations. Further examples are provided below.

### **7.1 SW were not open about their plans for effluent recycling prior to the determination of the planning application for the original spring fed Havant Thicket Reservoir, despite recent claims.**

It was certainly not true for SW (or PW) to claim as they have that information was shared openly and honestly at the time of the original reservoir planning application, or that much information was publicised by SW ahead of the original Planning Committees, with a consultation ending on 16/4/21. Statements like this just add to the mistrust in SW.

Active and informed local people in the Havant area were not aware of any consultation on SW's plans in 2021 until after it was over. There was no publicity in the PW supply area, nor at the reservoir site, even though both would be directly affected by the SW plans. In fact, having looked at the SW 2021 consultation document since, it was certainly not clear that PW customers would be impacted by any of the effluent recycling options being considered as a back-up to Fawley desalination, even though they would be. Nor that effluent recycling via the Havant Thicket Reservoir was in any way a preferred option. Appendix A provides a timeline to demonstrate this. Section 4 and Appendix C provide more information on the inadequacy of the SW 2021 public consultation.

7.2 It was shocking to find that **SW misrepresented the facts in their 2024 consultation feedback report by ignoring 385 emails and 3 letters.** This meant that 39% of the responses were not included in the summary statistics set out in the summary feedback report. This **resulted in inaccurate and misleading information being published** and showed a contempt for customers who took the time to respond. Even those that responded to each question asked in the consultation but did not fill in a feedback form had their response ignored. It is highly likely that most of those emails/ letters were from those who did not support the scheme and wanted to provide their reasons and set out concerns in more detail. For example, we know that some of the longer emails were from local groups who did not support the HWTWRP and set out their concerns in more detail.

Nor do members of the Water Matters community believe that all of the concerns they expressed under different question topics were adequately recorded and responded to in the summary feedback report. This has led to

**SW have failed to comply with their duty under Section 49 of the Planning Act** which imposes a Duty to take account of responses to consultation & publicity

7.3 **SW have not been open/ honest about the risk & impact of customers rejecting recycled water.** Trust in SW is at an all-time low due to SW's track record locally with coastal discharges, poor maintenance, telemetry failures, and £92 million in recent fines. The consequence is that SW are not trusted to run this complex treatment plant using technology that is new to the UK.

There is a real risk that this **mistrust in the company and of their recycling effluent will turn some people away from drinking tap water,** especially as the water will taste different. **This is not acceptable** and risks hitting those hardest in economic deprivation, and the most vulnerable in our society.

It also **risks creating a plastic drinking water bottle mountain**, with the increased environmental impact and costs of transporting full & empty bottles and disposing of the plastic. It is inevitable that some people will be turned away from tap water by effluent recycling due to lack of trust. Based on informal feedback received by the Water Matters community from friends, neighbours and relatives there will be a significant level of rejection. This will result in the need for increased manufacture, transport and use of plastic bottles in supply area, but it has not been included in the environmental assessment for development of the HWTWRP. This leaves the community concerned that SW are not taking this risk seriously.

Schemes in other countries have failed due to lack of public support. Post implementation research in other countries has indicated that although consumers may come to accept the need for a solution and use the tap water for washing and bathing, some members of the public no longer drink the tap water. The impact of this change in the pattern of behaviour must be taken into account and the resultant impacts assessed.

This is why international case studies advocate the need to get customers on board before pursuing effluent recycling. In Singapore where effluent recycling is now used 70% of customers use bottled drinking water and there is now a huge plastic recycling problem.

#### **7.4 Misleading information provided in the SW WRMP update email dated 14 June 2023;**

A misleading statement was made by SW about approval of the HWTWRP by regulators in a June 2023 email to stakeholders and those on their mailing list. The update stated that; “*the current preferred form of the scheme, recycling from Budds Farm into Havant Thicket Reservoir, was agreed with regulators in May 2022*”, giving the impression that this option was already approved and a ‘done deal’, even though the statutory public consultation process had not commenced (started 5/7/22 HWTWRP consultation, 14/11/22 for commencement of draft WRMP24 consultation).

The reality was that at Gate 2 the environmental regulators and Ofwat all raised significant concerns about the lack of progress on the assessment of environmental impacts for this option, the options appraisal process, lack of information on the alternatives, with Ofwat even challenging issues around value for money. Passing through Gate 2 only confirmed that the option was to be considered further.

- The update email was clearly intended to give the impression that SW’s plan for the HWTWRP had been approved when it had not. Only the funding for the next stage of the development had actually been approved.

This led to much confusion in the community, further distrust and frustration with SW.

#### **7.5 Information registered with the Planning Inspectorate and placed on their website is misleading;**

- a) Incorrect grid references for the scheme infrastructure. A truncated and incomplete location description.
- b) The project has been wrongly classified under the Dams & Reservoirs classification (WA01).

This is the wrong classification for the HWTWRP as there will be no changes to the Havant Thicket Reservoir infrastructure shown on the Development Consent Order application. The Water Recycling

Plant, pipelines and pumping stations to transfer the mixed water to Otterbourne will all be located away from the reservoir site.

Instead, **the project should have been classified as Wastewater Treatment & Transfer scheme**

**The wrong categorisation of the project under NSIP reduces transparency, undermines public trust and confidence in the process.**

**7.6 Misleading and dismissive statements on alternative options.** Page 10 of the 2024 consultation feedback report confirmed that the key issue raised by respondents was the need to look at alternatives. Water Matters have promoted storing more excess winter rainfall in confined aquifers, as we currently capture less than 2% of rainfall in the UK, as is proposed near the Testwood WTW. However, on page 11 of the feedback report SW claim that; “The issue elsewhere in Hampshire is that the aquifers are not confined – i.e. the water would simply flow away”. This is very misleading as the SW restricted options appraisal documents confirm that SW have identified many aquifers in both Hampshire, West Sussex and the Isle of Wight where they could be investigating aquifer storage.

SW have repeatedly been dismissive about this and other alternative options at public events, pressing their assertion that the HWTWRP is the only option. However, it is important to note that SW have committed in 2025/26 to exploring more sustainable options following meetings with regulators and the Water Matters community.

**7.7 There has not been input from all relevant stakeholders from the beginning.**

Figure 2022 on page 52 of the 2024 consultation brochure (EIA Section) indicated that there had been input from stakeholders from the beginning. However, the Havant community and Havant Thicket Reservoir stakeholders have not been involved from the beginning

- a) The Havant community (e.g. councillors) and Havant Thicket Reservoir stakeholder group members were not even made aware of HWTWRP in 2021 when it was selected and the initial environmental assessment screening was completed. Nor of the 2021 public consultation where the existence of a back up option for effluent recycling via the Havant Thicket Reservoir was first mentioned. This is despite a Havant Thicket Stakeholder Group having existed since 2004 and meetings taking place in 2020/21.
- b) Local stakeholders were not even permitted to comment on the EIA Scoping for the HWTWRP, with the exception of Rowlands Castle Parish Council.

**7.8 SW claim to have support for ‘effluent recycling’ from the previous consultation in 2021, but this was not specifically for the HWTWRP.** The claim is misleading as the selected option in that consultation was the unpopular and equally environmentally unfriendly Fawley desalination scheme. The findings of the public consultation had a significant bias because a large proportion of the people (38%) who were directly engaged by SW in the consultation process lived close to the proposed Fawley desalination plant. SW Gate 2 HT Report, Page 35, confirmed that;

- 60% of people agreed that water recycling alternatives would be acceptable.
- 30% disagreed or disagreed strongly (28% neither agreed nor disagreed)

- 38% of those people responding lived close to the base case (desalination) and most did not support desalination. They are likely to have supported any alternative, including effluent recycling, without having any understanding of the potential impacts, as no details on any of the effluent recycling options were provided in the consultation.

## **Section 8: Other concerns relevant to the consultation**

A broad range of other concerns are listed below, with more detail set out on each in the sub-sections that follow.

- 1. The Adequacy of Consultation Milestone Report (October 2025) published on the SW website does not adequately reflect the deficiencies in the consultation process.**
- 2. Not taken account of customer research which has shown a clear preference for more natural water resource solutions such as aquifer storage, reservoirs & catchment management.**
- 3. Failure to make information on the consultation website clear.**
- 4. Failure to set up an effluent recycling stakeholder sub-group with reservoir stakeholders.**
  - The HWTWR project is a lose-lose option for Portsmouth Water customers and stakeholders**
- 5. Failure to consult on whether customers are prepared to drink recycled water & SW not taking into account the impact of customers rejecting their tap water for drinking.**
- 6. Misrepresenting the findings of national research on attitudes to water recycling.**
- 7. Claims made by Portsmouth Water of 1 in 7 support for water recycling are not sound and are being used out of context.**
- 8. Legislation and national guidance is not in place to provide adequate control.**
- 9. Setting a national precedent for the way forward without having a national debate.**
- 10. The daily operating volume of the HWTWRP has changed substantially since selection, as has its resultant environmental impact, but the options appraisal has not been revisited.**
- 11. The scale of the objections to the HWTWR project has not triggered a review of the options.**
- 12. The scale of objection and concerns with respect to the proposed Water Recycling Plant site has not resulted in SW relocating the plant, even though there are other potential sites in the area with a lower environmental risk/ impact.**
- 13. SW acknowledged that the inadequate opportunity for consultation and scrutiny results in the risk of a public inquiry & delays.**
- 14. It was not made clear in the Summer 2022 consultation that Southern Water would not be applying to the Local Authority for planning permission to discharge recycled effluent into the Havant Thicket Reservoir.**
  - Many people have told Water Matters that they feel misled and would not have supported the original reservoir planning application if they had known the reservoir could be used for effluent recycling.**
- 15. No information to indicate that people from ethnic groups or religions have been consulted, who may have a spiritual or moral objection to drinking recycled effluent.**

**8.1 The Adequacy of Consultation Milestone Report (October 2025) published on the SW website does not adequately reflect the deficiencies in the consultation process.** This includes;

- a) Misrepresenting the adequacy of the consultation.
- b) The report does not acknowledge that SW failed to
  - Follow the statutory consultation process set out in the Water Industry Act 1991 (Section 37 A & B) when their plan material changed from the Fawley desalination option.
  - Undertake a robust review of all alternative options after their WRMP19 plan failed and before selecting the HWTWRP.
  - Undertake a new consultation on the revised options/ plan before selecting the HWTWRP.
  - Directly engage with customers and residents likely to be impacted by the selection of effluent recycling via the Havant Thicket Reservoir, before finalising their selection. In complete contrast to the way they proactively engaged with the Fawley community via the 2021 consultation before rejecting that option, including extending the consultation period to allow more time for Fawley residents and stakeholders to respond.

Further information on the inadequacy of the 2021 consultation is provided in Section 4 and Appendix A and C.

- c) Fails to recognise the lack of support for the HWTWRP (see Section 5)
- d) Fails to recognise that support for the scheme declined between 2022 and 2024 (see Section 5)
- e) Consultations have not followed the Gunning Principles (see Section 3), including failure to engage with those most likely to be impacted at the formative stage of the plan.
- f) Does not acknowledge that SW misrepresented the findings of the Statutory 2024 consultation by ignoring 39% of the responses in the summary analysis (see Section 3.4a & 7.2)

**8.2 Not taken account of customer research which has shown a clear preference for more natural water resource solutions such as aquifer storage, reservoirs & catchment management**

Customer research by SW and across the industry has shown that desalination and effluent recycling were the least preferred options with concerns about their environmental impact, greenhouse gas emissions due to high energy use, and for effluent recycling concerns about water quality. This was confirmed in SW's own draft WRMP24 summary report (2022, page 21) which indicated that effluent recycling was low in the choice of preferences, with concerns about the cost, potential environmental impact in terms of energy and waste production, with further assurances needed around water quality.

- a) Despite stating that customer feedback has been taken into account the options selected by SW in WRMP24 for both the short and long-term are dominated by effluent recycling and desalination schemes. This shows that customer feedback was not adequately taken into account.
- b) Unfortunately, customer preferences have also not been accurately reflected in the SW Options Fact File (Annex 13 – *restricted document*), with effluent recycling schemes scoring almost the same as aquifer storage, despite the findings of customer research to the contrary.
- c) SW draft WRMP24 (Annex 6, 2022) confirmed on page 17 that customers felt strongly that reductions in risk of emergency drought measures needed to be achieved via sustainable investment and protecting the environment.

By selecting effluent recycling as a drought resource **SW are ignoring this feedback from their customers, as the HWTWR solution is not sustainable.** It must operate 365 days a year even when it

is not needed (as it was selected as a drought resource) and is not located close to where the water is actually needed.

**8.3 Failure to make information on the consultation website clear;** The SW website page for the Summer 2022 consultation gave the impression that you needed to register to view materials, which was not the case, this may have put some people off looking at the consultation materials and responding.

- Some users reported that they found the SW website very difficult to control. Water Matters repeatedly received requests as to where to find the consultation documents.
- For the Spring 2025 consultation many people told Water Matters that they could not find information and documents on the website, including the feedback form. This may have discouraged the public from responding. Added to this the online feedback form was not user friendly, only allowing use of very basic text.
- For the spring 2025 scheme design change consultation the 2024 and 2025 maps should have been displayed side by side to make it easier for residents to see the changes and compare. The shaft locations should have been shown on each map, along with an indication as to whether it would be a 'driver' or 'receiver' shaft, as that makes a significant difference to the environmental and community impacts.

**8.4 Failure to set up an effluent recycling stakeholder sub-group with reservoir stakeholders;**

The intermittent attendance of a SW Comms Officer at the Portsmouth Water Havant Thicket Reservoir stakeholder meetings to provide a short update presentation on what they were doing in relation to the HWTWRP was not genuine consultation, as there was no real opportunity or time allocated for engagement. Noting that SW rejected the request from those stakeholders in 2022 and 2023 for a separate stakeholder sub-group for effluent recycling to be able to discuss the proposal and their significant concerns in more detail.

**The HWTWR project is a lose-lose option for Portsmouth Water customers and stakeholders.**

They lose key biodiversity benefits of the reservoir, must put up with all the disruption and significant changes to the landscape resulting from the original reservoir development, then those associated with the HWTWRP construction, and end up being supplied with SW's recycled effluent via the reservoir for their drinking water (instead of spring water). They also lose the benefit of security of supplies without the development of other resources, as the reservoir should have provided sufficient water to meet the long-term needs of Portsmouth Water beyond the current planning horizon.

**8.5 Failure to consult on whether customers are prepared to drink recycled water & SW not taking into account the impact of customers rejecting their tap water for drinking**

Consultation **feedback on the HWTWRP has been predominantly negative**, with one of the main concerns raised by respondents being about drinking recycled water. Page 9 of the 2024 consultation feedback report confirmed concerns with drinking recycled water related to a change in taste, the presence of forever chemicals, and this **driving consumers to choose bottled water instead**.

a) No opportunity has been provided to customers to comment on whether they will be prepared to drink the recycled water. There were **no questions in any of the consultations about whether customers would be prepared to drink the recycled water**. This was a missed opportunity to get meaningful feedback on this important issue.

b) Case studies from drought-stricken countries around the world make it clear that it is essential to get the community on board before progressing with effluent recycling for drinking water. **SW have made no effort to get the community who will have to drink the recycled water on board.** There has been no direct mailing to customers about the consultations regarding the selection of effluent recycling or the HWTWRP. In fact, SW have indicated in a submission to Ofwat (2024) that **customer engagement is not planned until 2033, when it will be far too late for customers views to be taken into account.** This is contrary to international good practice.

**c) Large numbers of customers (SW & PW) have indicated to the Water Matters community that they will not drink the recycled water, they will buy bottled water instead** if the proposal goes ahead, as they do not trust SW with this complex technology.

**Yet no information has been presented by SW on the environmental impact of a percentage of customers turning to bottled water** as a direct result of the implementation of the HWTWRP. **Nor have the socio-economic impacts been considered if frail, vulnerable, elderly, families or those financially challenged feel the need to turn to bottled water.**

- The adverse environmental impact of manufacturing, transporting and disposing of millions more plastic bottles a year must be considered. Many of which will not be recycled after use, but will end up in our streets, parks, rivers and at our coast. This should have been considered as an indirect impact of effluent recycling (environmental & cost).
- If consumers reject the water there is a cost impact for struggling families, the elderly and most vulnerable in our society. Water is essential for health, if consumers reject tap water it is likely that they will either drink less water, or select unhealthy alternatives, especially if they are cheaper than bottled water. This has not been considered in the impact assessment to date.

SW have advised Ofwat that they do not propose to engage with customers until 2033, when it will be too late to influence the outcome. This is not acceptable and is wholly inadequate.

Note 1: Rejection of drinking water is a criterion for determining if water is wholesome under the UK Water Quality Regulations.

## **8.6 Misrepresenting the findings of national research on attitudes to water recycling**

The water companies have claimed at public meetings that research funded by the Drinking Water Inspectorate (DWI) on attitudes to water recycling shows that there is 79% support for recycled water being used to supplement public water supplies.

### Public Perception of Water Recycling for Drinking Water Use - Drinking Water Inspectorate

However, if you read that December 2022 report you find that SW (and PW) have used the findings out of context to suggest that there is widespread public support for effluent recycling. When the reality is that the DWI funded research was undertaken as a 'social science study of public perceptions', including to assess the impact of providing different information and then seeing how responses changed. There were five survey groups with different manipulated variables. For example, one of the objectives was to 'Establish the impact of information and education with respect to public acceptability of water recycling. Assessing the journey from uninformed to informed'. This included changing the terminology used for effluent recycling which was found to have an effect. They found that if you refer to it as water recycling and present positive information about the need for effluent recycling, that it is safe and used in other countries, then more respondents indicated support. Whereas, if you used words that showed the link to waste water or sewage there was less support. Trust was not included as a variable in the quantitative survey research, although the report acknowledged this as a key factor. Slightly fewer respondents indicated they would be happy to drink

recycled water, with 29% indicating the idea was disgusting. The online interviews were undertaken between July and September 2022 with just 1,618 respondents and only 15 follow up interviews. Most respondents (65%) said they knew little to nothing about water recycling.

- This report does not form a sufficient evidence base on which to claim that the majority of the public support effluent recycling.
- It could be argued that it shows that most people don't know enough about effluent recycling to make an informed decision.
- It certainly can not be used to show support for any specific effluent recycling scheme. When the potential for effluent recycling becomes a reality in your area then survey findings may be different.

Note: SW had already changed their terminology from use of effluent recycling to water recycling by 2022.

### **8.7 Claims made by Portsmouth Water of 1 in 7 support for water recycling are not sound and are being used out of context**

The PW Wave 1 survey took place in March 2022 which was well before most customers were even aware that effluent recycling via the Havant Thicket Reservoir was planned by Southern Water, or of the concerns raised by the community about it. The survey was not undertaken to establish support for the HWTWR project.

It was a very limited survey of 700 self-selected customers; the panel was not representative of the demographic of PW customers (<0.1%). The panel made clear their concern about environmental impacts (73%), energy use and carbon emissions (52%) generally, but were not told about these impacts in relation to water recycling. They were given limited information on water stress, the need to protect chalk catchments, and the need for new water resources before responding.

**The survey found that water recycling was the second least favoured option at 70%**, with even desalination being more popular (73%). **Other solutions had a much higher level of support including reducing leakage (96%), a new reservoir (84%), use of grey water (80%) and universal metering (73%) all were more popular.**

This survey cannot be used to claim 1 in 7 support for effluent recycling via Havant Thicket Reservoir (HWTWRP). It was not undertaken for that purpose and actually showed that water recycling was the second least popular option to meet their customers water supply needs going forward.

### **8.8 Legislation and national guidance is not in place to provide adequate control**

Concerns about control of contaminants of concern is valid as the legislation is not currently in place in England to enable control of the discharge of contaminants such as pharmaceuticals, pesticides and forever chemicals into the river or reservoir that will be the environmental buffer for any scheme. This has been confirmed by Ofwat & the Environment Agency at a meeting on 31/7/25.

The Drinking Water Inspectorate has confirmed that they will not regularly or routinely inspect effluent recycling plants because they discharge into the environment.

In other countries that use effluent recycling there are controls in place that require;

- Risk assessment and ongoing regular review of all industrial and commercial discharges into the sewer catchment of an effluent recycling plant.

- Controls at source on hazardous chemicals discharged into the sewer catchment with ongoing checks and reviews.
- Regular audits by experts and community representatives of Water Recycling Plants, their inputs and outputs, with open sharing of all findings to the public.

No such mechanisms are in place in England to achieve the necessary controls which will be essential to develop public trust in recycled water, particularly given the current low level of public trust and confidence in the water companies, especially Southern Water.

### **8.9 Setting a national precedent for the way forward without having a national debate**

The HWTWRP is the first effluent recycling scheme to go through the development and application process using treatment technology which is new to the UK for public water supply. If it is granted consent, it will set a precedent, as there are many other water companies who have effluent recycling schemes in later parts of the WRMP programme that will then come forward, regardless as to whether this is the best solution to meeting the countries water supply needs.

Yet there has been no national debate, nor discussion, on whether this unsustainable and expensive solution, which must operate 365 days a year is the best way to meet England's water supply deficit, especially if selected as a drought resource. With less than 2% of rainwater in the UK captured for drinking water, and a forecast increase in winter rain as a result of climate change, surely there is a better more sustainable way to meet our water supply needs that should be considered first.

A very significant 'Material change' is taking place to customer's water supply with the source changing from river, spring or groundwater to recycled effluent. If this is to set a national precedent surely as a minimum SW should be required to proactively engage with all of the customers impacted to get their feedback, before the final decision is taken on pursuing effluent recycling in Hampshire.

A precautionary and thorough approach is needed to consultation before the scheme sets a national precedent, at present there has been inadequate consultation with consumers to be impacted.

### **8.10 The daily operating volume of the HWTWRP has changed substantially since selection, as has its resultant environmental impact, but the options appraisal has not been revisited.**

Initially the community were told the Water Recycling Plant and transfer would need to operate at 5ML/d for 365 days a year, even though it was selected as a drought resource to keep the system operating correctly. The volume subsequently rose to 7.5ML/d, then 15ML/d, with the latest figures suggesting daily operation at between 20 and 30 ML/d. This a change from in volume from 2 to potentially 12 Olympic size pools of water per day is very significant. That makes an enormous difference to the energy requirements of the recycling plant and pumping stations, with a knock-on impact to cost, carbon and greenhouse gas emissions.

a) This significant change must invalidate, or at least bring into question, the initial options appraisal and environmental impact assessment process as critical aspects like cost (which have spiralled) and greenhouse gas emissions have changed substantially since 2021.

b) The huge energy use and carbon emissions make this an unsustainable option. To comply with the Paris Agreement on Climate Change if a lower emissions alternative (or combination of alternatives) is available that should have been explored. Selecting this option is also contrary to SWs commitment to be operationally carbon neutral by 2023.

Despite repeated requests to provide information on energy use and operational costs this information was not forthcoming. The local community most impacted by this scheme were assured that information would be provided during the summer 2024 consultation on the project's energy use, and trial recycling plant data, but neither were provided.

#### **8.11 The scale of the objections to the HWTWR project has not triggered a review of the options;**

- Only 180 responses were received to the 2021 consultation, with 62% not supporting the selected desalination scheme, which contributed to the Fawley desalination scheme being rejected.
- There were far more responses to the HWTWRP in both 2022 (571 responses) & 2024 (900+ responses) with 68% (2024) not supporting the project, yet this did not even trigger a robust options review.
- 39% (388) of responses to the 2024 HWTWRP option have been ignored in the summary feedback report, most of which are likely to have been from objectors. That is more than the total number of 180 responses received to the 2021 Fawley desalination consultation.
- It is likely that most of those in 2021 who did not support the Fawley desalination option would have indicated support for effluent recycling as a solution without understanding any of the implications, as no information was provided. SW should not be using the 2021 consultation findings to justify the selection of the HWTWRP.

#### **8.12 The scale of objection and concerns with respect to the proposed Water Recycling Plant site has not resulted in SW relocating the plant, even though there are other potential sites in the area with a lower environmental risk/ impact**

In summer 2022 41% of respondents did not support the proposed location of the Water Recycling Plant (WRP) at Broadmarsh (Site 72). The lack of public support for the site is not even mentioned in the subsequent consultation documents. The site is a former contaminated landfill and there is concern from the public, councillors and a Water Matters technical advisor that the WRP development along with its associated tunnels and pipelines will pose a significant risk to Langstone Harbour.

In 2022 it was far from clear how all of the potential impacts had been assessed because the scoring/ rating of different alternative sites was not provided. The community are concerned that the risks associated with the landfill were not adequately considered, and that other sites have been dismissed too quickly and some of the reasons that sites have been rejected are not sound.

Following repeated requests over several years to SW their more detailed alternative site review report was finally provided to the Water matters community in 2025. This showed that there was no robust scoring for the assessment of alternative sites, a simple 3 colour code high level traffic light scoring system was used, which was inadequate to highlight and compare the risks of developing the WRP on different land parcels. Provision of the alternative site assessment report has reinforced concerns about the inadequacy of the site selection process.

It is of significant concern that the mitigation hierarchy design principle has not been followed when selecting Site 72, as significant risks/ impacts have not been avoided or minimised.

**If the effluent recycling scheme is to go ahead, then an alternative lower risk site must be found for the Water Recycling Plant.** Havant Borough Council have suggested alternative sites.

### **8.13 SW report acknowledged that the inadequate opportunity for consultation and scrutiny results in the risk of a public inquiry & delays**

It is clear that customers and residents who will be impacted most by the proposal for effluent recycling via Havant Thicket Reservoir have not been given the same opportunity to comment on the options appraisal as other communities, as this option was not selected until the end of the Gate 2 process (Dec 2021). The community who would have been impacted by the desalination proposals at Fawley had years to make representations and raise concerns, and SW have now rejected the proposal for desalination. That opportunity was not afforded to those in the vicinity of the reservoir and 40km pipeline. SW highlight in their own documents

*The need case for an alternative solution is not beyond challenge because it does not explicitly feature in WRMP19 as being a preferred solution to meeting the agreed supply deficit (SW Gate 2 Annex 3, Page 226)*

*SW confirm in various places in the Gate 2 documents; This Option is not part of the long-term scheme for alternative water resources set out in WRMP19. If this Option were selected SW would expect to undertake an update of WRMP19 on the basis of there being a 'material change in circumstances', so as to include this Option in an updated WRMP19 (SW Gate 2 Annex 5, page 268).*

**8.14 It was not made clear in the Summer 2022 consultation that Southern Water would not be applying to the Local Authority for planning permission to discharge recycled effluent into the Havant Thicket Reservoir.** Many people believed that as the current reservoir construction was granted planning permission to fill the reservoir with spring water, a new planning application will be required before the recycled effluent could be discharged, and at that time they will then get their opportunity to comment and object. Indeed, that is what the LPA Planning Officer assured objectors and councillors at the planning committee meeting where the decision was made to grant permission for the reservoir. He specifically gave an assurance that councillors did not have to consider the risk of the reservoir being used for recycled effluent because that would require a new separate planning application and Environmental Impact Assessment.

While the 2024 consultation brochure did refer to an application for a Development Consent Order, but the majority of people will not understand what this is, nor that it is to be made instead of applying for planning permission from the LPA. As a result, they may not have understood the importance of responding to the consultations.

**Many people have told Water Matters that they feel misled and would not have supported the original reservoir planning application if they had known the reservoir could be used for effluent recycling.** They feel SW have hijacked the reservoir for their effluent recycling scheme.

**8.15 No information to indicate that people from ethnic groups or religions have been consulted**  
Some ethnic groups could have a spiritual barrier, moral or other concerns in relation to reusing treated wastewater to derive water for drinking and washing. For example, haram issues for the Islamic community. It will be important for Defra, local authorities and the Planning Inspectorate to understand what has been done to engage with these often harder to reach groups.

## Appendix A

### Appendix - Timeline which illustrates lack of adherence to the Statutory Consultation Process by Southern Water

The timeline of events shown below demonstrates, the statutory consultation process on Southern Water’s material changes to their Water Resources Management Plan has NOT been followed. As a result, there has been inadequate opportunity for those impacted by changes to the plan to consult on new options being selected at the formative stage of the plan revisions, including the selection of the effluent recycling via the Havant Thicket Reservoir (HTR) as a preferred option in 2021.

Timeline Reference	Key points in the Southern Water’s consultation timeline - description and concerns noted
1	Effluent recycling via the Havant Thicket Reservoir <b>was not an option</b> considered in WRMP19.
2	RAPID Gate 1, Sept 2020, provided confirmation that an un-named new solution was to be included as a potential additional solution. <i>(This is Likely to have been effluent recycling via HTR.)</i>
3	<p>Public Consultation 8 February – 16 April 2021 - Confirmed that the base case selected option was still for a desalination plant near Fawley, with 8 different potential back-up options named, including effluent recycling via HTR.</p> <p>Consultation confirmed that the previous WRMP19 selected back up option of Budds Farm effluent recycling with the recycled water being discharged to augment the River Itchen had been rejected.</p> <p><i>This consultation was <u>not</u> publicised in the Portsmouth Water supply area where consumers would be impacted if the potential alternative option were to be selected.</i></p>
4	<p>A national newspaper article on 5 May 2021 referred to the Southern Water proposal for effluent recycling via HTR as a backup water resource option.</p> <p><i>This was the first time any customers in the Portsmouth Water supply area had become aware of the Southern Water proposal involving the potential use of HTR for effluent recycling, however, it was too late to raise any objection since the consultation had closed on 16 April 2021.</i></p>
5	<p>In Sept 2021, Southern Water confirmed that the Fawley desalination option had been rejected <i>as it could not be consented</i>. At the same time, the Company confirmed the decision that the backup option of Budds Farm effluent recycling with recycled water discharged to augment the River Itchen was <u>not</u> deliverable. <i>This decision was not publicised at this time.</i></p> <p><i>Note: Because both Southern Water’s selected and backup WRMP19 options had now been rejected, representing a ‘material change’ to the SW plan, due process should have been for a review of <u>all</u> the potential options with a new public consultation.</i></p> <p><b><i>This is a statutory requirement when there is a material change to the WRMP and it did not happen.</i></b></p>

Timeline Reference	Key points in the Southern Water's consultation timeline - description and concerns noted
6	<p>Southern Water's WRMP19 Annual Review 2020-21 (December 2021).</p> <p>This document confirmed that planning permission had been granted for the <b>spring fed</b> HTR and referred to Southern Water having identified an option for recycled water to fill HTR and provide a resilience benefit.</p> <ul style="list-style-type: none"> <li>• Page 57 sets out <u>legal requirement to reconsult on WRMP19 if there is material change</u> proposed.</li> <li>• Page 58 sets out a fragile and easily challenged justification for <b>not</b> re-consulting when their selected options failed.</li> </ul> <p><i>Note: There was no robust review of all of the options and <b>no further public consultation</b> at this formative stage of the plan when effluent recycling via HTR was selected.</i></p>
7	<p>Southern Water's Gate 2 submission (December 2021) confirmed that the company's selected option was effluent recycling via HTR with a volume of 15MI/d.</p>
8	<p>Ofwat consultation on funding (1 March 2022) to investigate the effluent recycling via HTR project.</p> <p>Ofwat proposed to impose a 10% incentive penalty. Some of the reasons given by Ofwat were;</p> <ol style="list-style-type: none"> <li>1. There had been insufficient stakeholder engagement, particularly with customers who will receive the recycled water.</li> <li>2. Insufficient progress made in carrying out key environmental assessments (SEA, HRA, WFD)</li> <li>3. Insufficient environmental monitoring data to understand the impacts &amp; risks</li> </ol>

This timeline shows that **Southern Water was neither open nor honest** in the information shared by the company with the public, customers or stakeholders about plans for effluent recycling via Havant Thicket Reservoir **at the formative stage of the plan in 2020/21 when the decision to select this option took place.**

Other points worth noting:

- Southern Water customers & the Fawley community had years to engage and feedback on the company's proposal for desalination at Fawley in response to both the 2014 & 2019 WRMP, but the Havant community had no opportunity to comment on selection of effluent recycling via Havant Thicket Reservoir before SW selected that as their preferred option in 2021.
- The documents that were published in 2020/21 on the Southern Water website were often heavily redacted to camouflage any references to Havant Thicket Reservoir.
- It was not clear, even in the SW Summer 2022 consultation, that water from the effluent recycling scheme would be received at the taps of Portsmouth Water customers.

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Abbreviation 'HTR' refers to the Havant Thicket Reservoir

## **Appendix B: Inadequate Signage – 22 July 2022 (Summer 2022 Consultation)**

No posters at the 9 entrances to the reservoir site where Portsmouth Water regularly put public notices.

No posters at the Water Recycling Plant site, nor along the pipeline route.

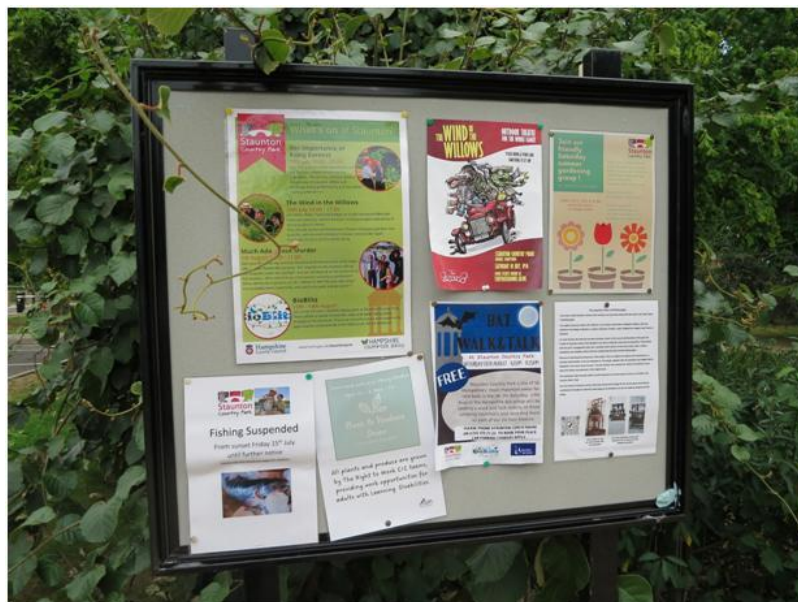
After a complaint about the lack of posters SW indicated some posters had been put up.

Nearest A4 poster found was a 10-minute walk from the reservoir site, second poster a 15 minute walk.

Two poorly located posters were eventually found, the nearest was at Staunton Country Park (SCP) car park pay station (see below). Most people entering SCP from the Coach House car park entrance will not visit the reservoir site, so why put it here? Why not at the well-used entrances to the Havant Thicket reservoir site?



Photo of the poster closest to the reservoir site at the SCP Coach House car park pay station (photo above) – A4 blue SW poster hanging at an angle behind the parking meter, only 2ft off the ground and held with one drawing pin. Very easy to walk past and not notice the SW poster. No one was seen looking at the poster.



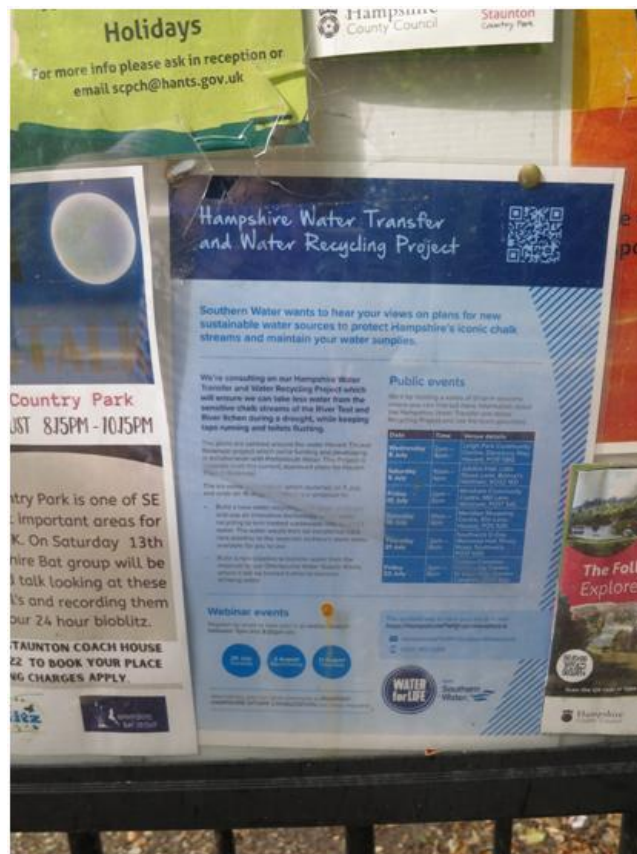
This public notice board just 10m away from the pay station alongside the main SCP access path from the car park had no Southern Water poster about the consultation. People were seen looking at this notice board.

Second A4 blue poster found on the notice board at the Middle Park Way entrance to Leigh Park Gardens (SCP). This poster was located approximately 15 minutes walk from the nearest point of the reservoir site. Most people using this entrance will not be visitors to the Havant Thicket Reservoir site.



The blue A4 notice has a complex layout, used very small text and was still hard to read even when you got very close up (see photo below)

The poster had already been removed by 6/8/22 even though the consultation did not end until 16/8/22.



Posters were not erected at the start of the consultation and had been removed at least 10 days before the Summer 2022 consultation on the HWTWRP ended

## **Appendix C**

### **Inadequate consultation to select an effluent recycling option in Hampshire**

#### **Why was the Southern Water 2021 Public Consultation completely inadequate to be used to select effluent recycling via Havant Thicket Reservoir as the preferred option?**

The 2021 consultation was not adequate to assess the preferred water resource options at the formative stage of the Southern Water (SW) plan, once desalination at Fawley was rejected when the water resource management plan materially changed in late 2021. The justification for this analysis is set out below.

- The 2021 consultation was not intended or designed to be an option assessment or selection process. This is confirmed by SW in the consultation brochure (Ref 1) and the SW 2021 consultation feedback report (Ref 2).
- Potential back up options to desalination (including effluent recycling via Havant Thicket Reservoir) were not described in any detail, nor was any information provided on any of the backup options environmental impact to enable those consulted to provide informed comment.
- Regulators and Local Authorities indicated that they were unable to make informed or substantial comments on the 2021 consultation due to the lack of information provided on the alternatives (Appendix C item 2 & Ref 2).
- Not all alternative options were considered or included in the consultation. Other more sustainable alternatives are only starting to be considered by SW in 2026 following pressure from the public and regulators.
- No information was presented as to which communities would be directly impacted by receiving recycled water at their taps. As a result, most communities in south Hampshire could not have known that the consultation was relevant to them.
- The 2021 consultation was solely online with a virtual exhibition space which SW confirm was described by many respondents as difficult to navigate, excluding many who had no internet access or were not computer literate.
- There were no public exhibitions nor deposit of consultation materials in libraries or public buildings in communities that would be impacted.
- The consultation was not actively promoted in local communities that might be impacted, not even to all Parish Councils, resident groups & environmental groups.
- There was just one press release about the consultation, with no second press release even when the deadline for responses was extended.
- The critical end period of the consultation coincided with Purdah, the pre-election period (which ran from the 25th March 2021 to 6th May 2021) during which time local councillors will generally refrain from making public announcements. A time when both councillors, local community leaders and activists would have been pre-occupied with the elections.
- Not all communities impacted were engaged in the same way, only the Fawley community were directly contacted by SW, as a result communities that would be affected remained unaware of the consultation, including communities in the Havant & Portsmouth area.
- There was a strong bias to engaging with the Fawley community.
- Residents and stakeholders in the Havant/ Portsmouth area had no opportunity to make representations at the formative stage of SW's revised plan, when effluent recycling via the Havant Thicket Reservoir was selected as SW's preferred option in late 2021.

**Further detail on why the Southern Water 2021 consultation was inadequate to support decision making on selection of an alternative effluent recycling option at the formative stage of the plan are set out below.**

1. The 2021 consultation was primarily seeking feedback on desalination at Fawley, the selected & preferred Southern Water (SW) base case option at that time, most of the consultation brochure provided information on that scheme. There was no indication that effluent recycling via Havant Thicket Reservoir was a preferred or selected option. The 2021 consultation brochure stated (Ref 1, page 14).

*The options for a new water supply are not presented as a straight choice between the Base Case and the alternatives – instead, the alternatives will only be considered for delivery should the Base Case be undeliverable.*

The SW 2021 consultation feedback report confirmed (Ref 2, page 7);

*The purpose of the non-statutory public consultation in 2021 was to consult on the Base Case as presented in the WRMP19, which Southern Water has an obligation to use its all best endeavours to deliver. Some information on the alternative options was provided as part of the consultation to provide wider context and to seek views on the alternative options, should the Base Case prove to be undeliverable, however the scope of consultation was to consult on the Base Case and **it was not an options appraisal consultation where consultees were asked to select a preferred option.***

2. Eight options were mentioned as ‘backup’ solutions in the consultation brochure in case Fawley desalination failed, including an option for recycling effluent from Budds Farm WWTW via Havant Thicket Reservoir, but no meaningful details on this or the other backup options were provided to enable an informed response, not even specific location maps or environmental information. SW’s feedback report page 22 refers to;

- *The Environment Agency noted that slides on the alternative options would have been helpful to be presented in the virtual room.*
- *Natural England noted that the level of information, and in particular environmental information provided in the consultation brochure, did not enable an informed position to be provided.*
- *Several of the Local Planning Authorities who responded stated that they were unable to provide substantial comments on the merits and impacts of the Base Case and alternative solutions due to the level of detail provided by Southern Water to date.*
- *SW feedback report stated on page 28; On the whole, respondents were supportive of water recycling as an alternative to desalination, with particular reference made to the perceived lower environmental disturbance, lower cost and energy usage. However, some respondents noted that **the limited information provided in the consultation brochure made it difficult to provide a fuller opinion, and requested additional design information and environmental impact information.***
- *When summarising the responses to Q6 & 7 SW urged caution as although respondents were often supportive of water recycling in general due to the perceived likelihood of lower environmental damage, **it was important to note that the consultation materials did not include any assessment work to confirm that this is the case.***

In fact, there was no environmental assessment for any of the backup options presented.

On page 28 of the consultation brochure SW confirmed;

*Our consideration of the potential future use of Havant Thicket in connection with options D2 (water transfer) and B4 (effluent recycling) is separate to Portsmouth Water's current planning application for the construction of the proposed Havant Thicket reservoir. If taken forward (in the event that our Base Case is not deliverable), **these proposals would represent a separate scheme which changes the way that the reservoir is used. Accordingly, full consultation and separate development consents and environmental permits would be required.***

3. There was no indication in the consultation brochure that other alternative and more sustainable options such as new winter storage reservoirs, aquifer storage, or moving abstractions had been considered. Nor alternative effluent recycling options at other sewage works. A full review of all options is required under the Water Industry Act 1991 when there is a material change to a water resources plan. Only desalination, transfer and effluent recycling options appear to have been considered by SW in 2021.
4. There was no information in the consultation brochure about which communities would receive the recycled water, as a result many people probably assumed they would not be impacted by some of the options. A map should have been provided to show the communities in the Southern Water and Portsmouth Water supply area that could be directly impacted by the potential new source of recycled water. As a result, most communities in south Hampshire could not have known that the consultation was relevant to them, and that if they were concerned about effluent recycling they needed to engage.
5. The 2021 consultation was solely online with a virtual exhibition space. This did not provide an adequate consultation and would have largely excluded and disadvantaged those without internet access. The SW feedback report confirmed that the concerns expressed by those who did manage to respond included.
  - *Many respondents found it difficult to navigate the online platform, particularly on a tablet or mobile phone (page 29).*
  - *9% of respondents indicated that the virtual engagement platform was difficult to navigate (page 20)*
6. There were no public facing exhibitions in any of the areas which could be impacted by any of the backup options, consultation materials were not deposited in local libraries.
7. Just one press release was issued by SW. The press release gave no information on the location of the effluent recycling options. The only reference to the Havant Thicket Reservoir was in relation to a bulk water transfer from the spring fed reservoir planned by Portsmouth Water. There was no mention of a proposal to discharge recycled effluent into the Havant Thicket Reservoir.

As a result, the consultation was not picked up by the media in the Havant or Portsmouth areas. The first time any customers in the Portsmouth Water supply area had become aware of the Southern Water proposal involving the potential use of reservoir for effluent recycling, was when a National Newspaper (Guardian) article on 5 May 2021 was published referring to the Southern Water proposal for effluent recycling via Havant Thicket Reservoir as a backup water resource option. Despite a social media frenzy in the Havant area expressing concern and dismay, it was too late for the public to raise any objection as the Southern Water consultation had closed on 16 April 2021.

Notes to editors with the February press release indicated; “The consultation starts on February 8 and runs for six weeks, until March 23. All responses must be sent by midnight on March 23”. There was no subsequent press release provided to indicate the extension to the consultation period to 16 April 2021 requested by the Fawley community.

8. The critical end period of the consultation coincided with Purdah, the pre-election period (which ran from the 25th March 2021 to 6th May 2021) during which time local councillors will generally refrain from making public announcements. A time when both councillors, local community leaders and activists would have been pre-occupied with the elections. This is confirmed on page 8 of the SW feedback report (Ref 2)
9. There was no effort to alert residents or non-governmental stakeholders in the Havant area most impacted by effluent recycling via Havant Thicket Reservoir that a consultation was taking place in 2021. This is in complete contrast to the effort made by SW to engage with the public and landowners in the vicinity of the Fawley desalination scheme.
  - The consultation information & questions primarily related to the Fawley desalination base case selected option.
  - Notification letters were distributed to local residents in the Fawley area, but not to residents in the area of the backup options.
  - Registered owners of the land for the Fawley Base Case site and the associated pipeline route options were identified by SW and letters were sent by post or e-mail. No such contact was made for the backup options.
  - In the Fawley area notices were also placed on site where the land was not registered and the owners could not be identified. No posters were put up at sites where backup options might be located. For example, no notices/ posters were put up at the Havant Thicket Reservoir or Water Recycling Plant site.
  - Emails/ letters were sent to those that had previously expressed an interest in the Fawley desalination scheme. No such letters were sent to those stakeholders and residents who had been engaged for many years on the Havant Thicket Reservoir Project.
  - An extension of time to the consultation period was provided in response to some residents located in the Fawley area contacting Southern Water to note that they had not been contacted directly or had not seen the consultation.

This bias towards engaging with the Fawley community was reflected in the information from respondents to the consultation.

- 38% stated that they lived close to the proposed Fawley desalination Base Case option
- 13% stated that they owned land within the area,

Only 180 responses were received to the SW 2021 consultation. Much lower than the response level to the subsequent 2022 (571 responses) & 2024 (900+ responses) consultations on the HWTWRP for effluent recycling via Havant Thicket Reservoir. If people in the Havant area had known about the SW 2021 consultation, there would have been a much bigger response expressing significant concerns.

Residents and stakeholders in the Fawley area had years to object to the Fawley desalination scheme through previous SW consultations on the both the draft WRMP14 and WRMP19 option selection process, and then again via the 2021 consultation. Effluent recycling via

Havant Thicket Reservoir was not an option included in the WRMP19 and had not been previously consulted on.

SW's efforts to publicise the 2021 consultation were very limited and did not reach the communities that would be impacted by the backup options, including the Havant community which would be most impacted by the effluent recycling via Havant Thicket Reservoir option. For example, details of the consultation were not sent to;

- Rowlands Castle Parish Council (area includes part of the reservoir site), nor Horndean Parish Council.
- Residents Associations or groups in the Havant Thicket/ Budds Farm area.
- Solent Protection Society (who have a keen interest in Langstone Harbour which is downstream of the reservoir and alongside the planned location of the WRP)

**Thus, it is clear that residents and stakeholders in the Havant/ Portsmouth area had no opportunity to make representations at the formative stage of the SW revised plan, when effluent recycling via the Havant Thicket Reservoir was selected as their preferred option in late 2021.**

The SW Gate 2 submission (December 2021) to Ofwat confirmed that the SW selected option was effluent recycling via Havant Thicket Reservoir with a volume of 15MI/d. **There was no additional public consultation before SW selected this option.** The volume of the proposed Water Recycling Plant (WRP) has subsequently increased to a 60MI/d Water Recycling Plant, a substantial change which increases the environmental and other impacts of the scheme.

10. SW efforts to advertise the consultation in 2021 were completely inadequate. Those residents who did find out about the consultation expressed significant concern about the inadequate reach of the consultation. Section 3.4.5 of the SW 2021 consultation feedback report indicated.

- *Majority of respondents who provided comments on the consultation noted that they had not been directly informed about the consultation and had found out through a second party (such as another resident on social media or protesting leaflets through their door).*
- *Respondents who are Southern Water customers suggested that information should have been provided to them directly, and some local residents felt that they had intentionally not been directly consulted.*
- *Respondents suggested additional information (such as more detailed environmental information and more specific location information) should have been provided to enable an informed response.*

Figure 7 of the 2021 consultation feedback report showed that 50% of people who responded found out about the consultation through social media or family & friends. It is likely that the majority of these were in the Fawley area.

The feedback report indicated that just over 50% of respondents were based in and around the Fawley area (i.e. the area surrounding the proposed location for the desalination plant and pipelines associated with the Base Case).

**As a result of these deficiencies the 2021 consultation cannot be considered as adequate to inform and select an alternative option at the formative stage of the water resource plan, prior to SW selecting effluent recycling via Havant Thicket Reservoir (Option B4) as the preferred option to take forward in December 2021.**

#### **Additional information**

**Extracts of interest from SW Gate 2 technical reports** (published on SW website December 2021 in relation to the selection of effluent recycling via Havant Thicket Reservoir)

*SW confirmed; The need case for an alternative solution is **not beyond challenge** because it does **not** explicitly feature in WRMP19 as being a preferred solution to meeting the agreed supply deficit (SW Annex 3, Page 226)*

*SW confirm in various places in the documents; This Option is not part of the long-term scheme for alternative water resources set out in WRMP19. If this Option were selected **SW would expect to undertake an update of WRMP19 on the basis of there being a ‘material change in circumstances’**, so as to include this Option in an updated WRMP19 (Annex 5, page 268).*

The SW Annex 3 report confirms there is a **risk of a public enquiry associated with their current strategy**

This demonstrates that Southern Water were aware that there should have been a more robust option selection process before they changed their plan from the Fawley desalination Scheme to Hampshire Water Transfer & Water Recycling Scheme (effluent recycling via Havant Thicket Reservoir) As the HWTWR option was NOT included in their WRMP19.

Under the requirements of the Water Industry Act 1991 (Section 37A) when there is a material change of this kind to the plan the water company are required to review all of the options and reconsult on the plan. This did not happen before effluent recycling via the Havant Thicket Reservoir was selected. Southern Water have not followed the statutory process for selection of options.

The UK government water resource planning guidelines; Section 3.9 indicates that **if there is a ‘material change’ of circumstance you must prepare a revised draft plan for re-consultation**. Material changes include “new or significant changes to the measures that were identified in the published plan and are likely to have significant public or environmental interest”. Any such ‘material change’ in circumstances required a consultation exercise in accordance with the procedures set out in Section 37 B & C of the Water Industry Act. Specifically, SW would be required to publish the proposed revisions to its WRMP in a way ‘*calculated to bring it to the attention of the persons likely to be affected by it.*’ This should have included Portsmouth Water customers. SW have not done that

Reference 1- Water for Life Hampshire Consultation Brochure 2021

[Read the brochure we've produced for the consultation.](#)

Reference 2 - Water for Life - Hampshire Consultation Feedback Report, September 2021 Final Version

[Consultation feedback report](#)