



Department
for Environment
Food & Rural Affairs

Seacole Building
2 Marsham Street
London
SW1P 4DF

T: 03459 335577
helpline@defra.gov.uk
www.gov.uk/defra

Tim McMahon
Southern Water,
Southern House,
Yeoman Road,
Worthing
BN13 3NX

Date: 19/11/24

Dear Mr McMahon

HAMPSHIRE WATER TRANSFER AND WATER RECYCLING PROJECT

REQUEST TO VARY A DIRECTION BY THE SECRETARY OF STATE UNDER SECTIONS 35(1) AND 233(2) OF THE PLANNING ACT 2008 (AS AMENDED) DATED 31 MAY 2022.

Thank you for your letter sent via email on 27 September 2024 requesting the Secretary of State to exercise his powers under sections 35(1) and 233(2) of the Planning Act 2008 ('the Act') to vary the section 35 Direction given by the Secretary of State dated 31 May 2022 ('Variation Request').

The Secretary of State requested further information from you on 11 and 18 October 2024 under section 35A(3) of the Act to establish whether an application that may relate, in part, to the Principal Development has been made by you or any other body under section 33(1) and (2) of the Act. The further information was requested for the purpose of enabling the Secretary of State to decide whether to give the Direction requested and the terms in which it should be given. The information received from you on 14 and 25 October 2024 respectively, confirmed that no application has been made by you or any other body under section 33(1) and (2) of the Act.

Your letter noted that "*the variations as sought would not result in material alterations to the nature of the Project, including its physical scale and regional/national importance, when compared to the development which is already the subject of the Direction.*"

The Secretary of State notes that paragraph 3 of your letter provides a description of the Hampshire Water Transfer and Water Recycling Project (the 'Project') and the proposed variations to the section 35 Direction dated 31 May 2022.

The Secretary of State also notes a draft varied Direction was provided in Appendix 1 of your letter, which sets out the changes to the description of the Principal Development and makes it clear that the subject of the varied Direction is the Principal Development.

The Secretary of State notes that the proposed variations to the description of the Principal Development include adding the word 'enable', recognising the reason for this is that you propose to seek a level of flexibility such that options for connection points and lengths of pipelines can then be explored and more precisely determined in a development consent application.

The Secretary of State notes the Principal Development may include additional underground water transfer pipelines between Havant Thicket Reservoir and Otterbourne WSW.

Having reviewed the proposed amendments in the Variation Request, including the description of the Principal Development, the Secretary of State notes that the nature and purpose of the Principal Development has not changed and sees no material difference.

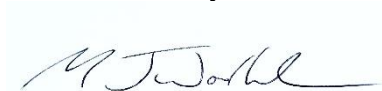
In considering the request to vary the original section 35 Direction, the Secretary of State has also considered whether the requirements in sections 35 and 35ZA of the Act have been met. The Secretary of State is satisfied that the Variation Request is a 'qualifying request' in accordance with section 35ZA(11). The Secretary of State is further satisfied that the Principal Development meets the required grounds listed in sections 35(2) and 35 (3) in that it forms part of the Project which is within one of the qualifying infrastructure fields listed in section 35(2)(a)(i) (water); will be wholly in England; and the Project is considered to be of national significance. The reasoning is set out in the Annex A to the varied Direction and has not changed in substance since the original Direction was made.

The Secretary of State is content to vary the Direction to reflect the amended description of the Principal Development and to make the Principal Development the subject of the varied Direction. The Secretary of State has therefore varied the Direction, incorporating revisions proposed by you.

The Secretary of State has therefore varied the Direction in accordance with sections 35(1) and 233(2) of the Act. The varied Direction is included alongside this letter and will be published on gov.uk in due course, alongside your Variation Request

This Direction is given without prejudice to the Secretary of State's consideration of any application for development consent which is made in relation to this proposed development.

Yours sincerely,



Martin Woolhead,
Deputy Director
Water Sector Delivery