



# Annex G: Planning and Land Strategy

Standard Gate two submission for London  
Water Recycling SRO

## **Notice – Position Statement**

This document has been produced as the part of the process set out by RAPID for the development of the Strategic Resource Options (SROs). This is a regulatory gated process allowing there to be control and appropriate scrutiny on the activities that are undertaken by the water companies to investigate and develop efficient solutions on behalf of customers to meet future drought resilience challenges.

This report forms part of suite of documents that make up the 'Gate 2 submission.' That submission details all the work undertaken by Thames Water in the ongoing development of the proposed SRO. The intention at this stage is to provide RAPID with an update on the concept design, feasibility, cost estimates and programme for the schemes, allowing decisions to be made on their progress.

Should a scheme be selected and confirmed in the Thames Water final Water Resources Management Plan (WRMP), in most cases it would need to enter a separate process to gain permission to build and run the final solution. That could be through either the Town and Country Planning Act 1990 or the Planning Act 2008 development consent order process. Both options require the designs to be fully appraised and, in most cases, an environmental statement to be produced. Where required that statement sets out the likely environmental impacts and what mitigation is required.

Community and stakeholder engagement is crucial to the development of the SROs. Some high-level activity has been undertaken to date. Much more detailed community engagement and formal consultation is required on all the schemes at the appropriate point. Before applying for permission Thames Water will need to demonstrate that they have presented information about the proposals to the community, gathered feedback and considered the views of stakeholders. We will have regard to that feedback and, where possible, make changes to the designs as a result.

The SROs are at a very early stage of development, despite some options having been considered for several years. The details set out in the Gate 2 documents are still at a formative stage.

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### **Disclaimer**

*This document has been written in line with the requirements of the RAPID Gate 2 Guidance and to comply with the regulatory process pursuant to Thames Water's statutory duties. The information presented relates to material or data which is still in the course of completion. Should the solutions presented in this document be taken forward, Thames Water will be subject to the statutory duties pursuant to the necessary consenting process, including environmental assessment and consultation as required. This document should be read with those duties in mind.*

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## Regulator's Alliance for Progressing Infrastructure Development (RAPID)

### London Water Recycling SRO Gate 2 Planning and Land Strategy

TW/1814

J698

October 2022

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## CONTENTS

|  |           |
|--|-----------|
| <b>0. Executive Summary</b>  | <b>7</b>  |
| 0.1 Introduction   | 7         |
| 0.2 Context – Gate 2 planning and consenting work                                | 7         |
| 0.3 Summary of planning consent routes   | 7         |
| 0.4 Route to planning consent  | 9         |
| 0.5 Planning risks and mitigations   | 10        |
| 0.6 Planning beyond Gate 2   | 12        |
| <b>1 Introduction and purpose</b>  | <b>13</b> |
| 1.1 Introduction   | 13        |
| 1.2 Purpose of this Report   | 13        |
| 1.3 Structure of this Report   | 13        |
| <b>2 Context</b>   | <b>15</b> |
| 2.1 High level summary of Gate 1 Report Planning Strategy                        | 15        |
| 2.2 Summary of Gate 2 work completed to support planning consent route           | 16        |
| 2.3 Summary of Gate 2 engagement with Planning & Technical Stakeholders          | 16        |
| <b>3 Planning context for Gate 2 preferred option(s) and timing requirements</b> | <b>18</b> |
| 3.1 Planning description of the preferred option(s)                              | 18        |
| 3.2 Timing requirements  | 22        |
| 3.3 Key planning consent issues  | 22        |
| <b>4 Potential planning consent routes</b>                                       | <b>24</b> |
| 4.1 Overview of potential planning consent routes                                | 24        |
| 4.2 Development Consent Order  | 24        |
| 4.3 Town & Country Planning Act Planning Permission                              | 25        |
| 4.4 Selecting consent route  | 26        |
| 4.5 Relationship to EIA, HRA and WFD considerations                              | 27        |
| 4.6 Inter-relationships with other SROs and projects                             | 28        |
| 4.7 Comparison of consent routes   | 29        |
| <b>5 Recommended London Water Recycling planning consent route</b>               | <b>33</b> |
| 5.1 Route to planning consent options  | 33        |

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## CONTENTS

|            |  |    |
|------------|--|----|
| 5.2        | Routes to planning consent: risks and mitigations      | 43 |
| 5.3        | Routes to planning consent: application deliverables   | 50 |
| 5.4        | Relationship with other SROs and projects              | 51 |
| 5.5        | Route to planning consent                              | 52 |
| 5.6        | Route to planning consent: indicative programme        | 54 |
| 6          | Strategy for obtaining other regulatory consents       | 58 |
| 6.1        | Consents addressed within DCO or TCPA Application      | 58 |
| 6.2        | Consents required separately                           | 58 |
| 7          | Planning actions for completion beyond Gate 2          | 59 |
| 7.1        | Planning scope beyond Gate 2                           | 59 |
| 7.2        | Planning stakeholder engagement strategy beyond Gate 2 | 60 |
| 8          | High level land strategy                               | 61 |
| 8.1        | Land strategy and assembly                             | 61 |
| 8.2        | Land strategy beyond Gate 2                            | 63 |
| Appendix 1 | Relevant NPS, NPPF and London Plan Policy              |    |
| Appendix 2 | Relevant Local Policy – Beckton Water Recycling Scheme |    |
| Appendix 3 | Relevant Local Policy – Mogden Water Recycling Scheme  |    |
| Appendix 4 | Relevant Local Policy – Teddington DRA Scheme          |    |
| Appendix 5 | Indicative List of Consents Required                   |    |

## GLOSSARY

|                                       |  |
|---------------------------------------|--|
| <b>London Water Recycling SRO</b>     | Term to describe the Strategic Resource Option group for the London Water Recycling schemes as set out in the PR19 Final Determination.  |
| <b>London Water Recycling scheme</b>  | Term when describing an individual option of the SRO.  |
| <b>Beckton Water Recycling scheme</b> | Option to develop a water recycling plant at Beckton STW including effluent abstraction, treatment and conveyance scope.   |
| <b>Mogden Water Recycling scheme</b>  | Option to develop a water recycling plant for Mogden STW effluent including abstraction, treatment and conveyance scope.   |
| <b>Mogden South Sewer scheme</b>      | Option to develop a sewage recycling plant for South Sewer sewage upstream of Mogden STW, including abstraction, treatment and conveyance scope.   |
| <b>Teddington DRA scheme</b>          | Option to develop a water treatment plant at Mogden STW taking effluent for tertiary treatment then discharging to River Thames including abstraction, treatment and conveyance scope.                                 |
| <b>Catchment</b>                      | The area of region where all water flows to a single point, e.g., for a wastewater catchment, all wastewater flows to a single STW for treatment.  |
| <b>Component</b>                      | The key engineering items that contribute to each option e.g. pipeline, advanced water recycling plant.  |
| <b>Concentrate</b>                    | The concentrated waste stream produced by the Reverse Osmosis membranes.   |
| <b>Conveyance</b>                     | Refers to the assets which make up a transfer of fluid from one location to another, e.g. pipeline, tunnel, pumping station and outfall.   |
| <b>Dry Year Annual Average</b>        | The annual average value of water demand, deployable output or some other quantity over the course of a dry year.  |
| <b>Dry Year Critical Period</b>       | The time in a dry year when demand is greatest, often termed the peak week. Also commonly known as the summer peak period.   |
| <b>Final Effluent</b>                 | Water treated and discharged from existing secondary treatment process in Beckton Sewage Treatment Works or Mogden Sewage Treatment Works.   |
| <b>Pipe jacking</b>                   | A technique for installing underground pipelines, ducts and culverts also known as micro-tunnelling.   |
| <b>Recycled Water</b>                 | Water treated in the proposed Advanced Water Recycling Plant (AWRP)  |
| <b>Scheme</b>                         | Refers to the overall system for one of the London Effluent Reuse SRO for providing water resource benefit to the region, e.g. Beckton Water Recycling, Mogden Water Recycling, Teddington DRA and Mogden South Sewer. |
| <b>Treated Effluent</b>               | Water treated in the proposed Tertiary Treatment Plant (TTP)   |

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## ACRONYMS

|                    |   |
|--------------------|---|
| <b>ACWG</b>        | All Company Working Group   |
| <b>AWRP</b>        | Advanced Water Recycling Plant  |
| <b>BNG</b>         | Biodiversity Net Gain   |
| <b>DCO</b>         | Development Consent Order – planning under the Planning Act 2008            |
| <b>Defra</b>       | Department for Environment, Food and Rural Affairs                          |
| <b>DO</b>          | Deployable Output   |
| <b>DPC</b>         | Direct Procurement for Customers  |
| <b>DRA</b>         | Direct River Abstraction  |
| <b>DWI</b>         | Drinking Water Inspectorate   |
| <b>DYAA</b>        | Dry Year Annual Average   |
| <b>DYCP</b>        | Dry Year Critical Period  |
| <b>EA</b>          | Environment Agency  |
| <b>EIA</b>         | Environmental Impact Assessment   |
| <b>HRA</b>         | Habitats Regulations Assessment   |
| <b>INNS</b>        | Invasive Non-Native Species   |
| <b>IP</b>          | Infrastructure Provider   |
| <b>LWR</b>         | London Water Recycling  |
| <b>MI/d</b>        | Mega litres per day   |
| <b>NSIP</b>        | Nationally Significant Infrastructure Project - under the Planning Act 2008 |
| <b>PA2008</b>      | Planning Act 2008   |
| <b>PR19 / PR24</b> | Price Review 2019 / Price Review 2024                                       |
| <b>RAPID</b>       | Regulatory Alliance for Progressing Infrastructure Development              |
| <b>RO</b>          | Reverse Osmosis   |
| <b>SRO</b>         | Strategic Resource Option   |
| <b>STW</b>         | Sewage Treatment Works  |
| <b>TBM</b>         | Tunnel Boring Machine   |
| <b>TCPA</b>        | Town and Country Planning Act 1990  |
| <b>TLT</b>         | Thames Lee Tunnel   |
| <b>TTP</b>         | Tertiary Treatment Plant  |
| <b>TWUL</b>        | Thames Water Utilities Ltd  |
| <b>WAFU</b>        | Water Available for Use   |
| <b>WIA</b>         | Water Industry Act 1991   |
| <b>WRMP19</b>      | Water Resources Management Plan 2019  |
| <b>WRMP24</b>      | Water Resources Management Plan 2024  |
| <b>WRSE</b>        | Water Resource South East   |
| <b>WTW</b>         | Water Treatment Works   |

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## 0. Executive Summary

### 0.1. Introduction

0.1.1 This Report provides the planning and land strategy for the London Water Recycling (LWR) Strategic Resource Option (SRO) for the purposes of the RAPID Gate 2 submission. The report can be summarised as follows.

### 0.2 Context - Gate 2 planning and consenting work

0.2.1 As part of the Gate 2 planning work package, further assessments of national and local planning policy have been undertaken, alongside the identification and planning assessment of potential LWR tunnel and pipeline alignments and development sites as part of multi-disciplinary work. An initial briefing on LWR and Gate 2 planning work has been given to all relevant local planning authorities.

0.2.2 Planning leads for the teams working on SROs with a potential inter-relationship with LWR have ensured that there has been discussion over the consent strategies for the different SROs, with a particular focus on the inter-relationships and infrastructure interfaces between them. This has included the Severn Thames Transfer, and Thames 2 Southern Transfer SROs. It has also included consideration of the emerging strategy approach for the proposed Thames 2 Affinity Transfer SRO for which a possible option includes a link between the transfer of recycled water for the Thames catchment in east London, and the potential interception of a portion of that transferred recycled water prior to its further transfer into the Affinity Water catchment area.

### 0.3 Summary of planning consent routes

0.3.1 The available planning consent routes for LWR are either:

- An application for **Development Consent** under the Planning Act 2008 (PA2008), as a Nationally Significant Infrastructure Project (NSIP), following a prior successful application for a Section 35 (S35) Direction from the Secretary of State; or
- Applications for **Planning Permission** under the Town and Country Planning Act 1990 (as amended) (TCPA).

0.3.2 Whilst the **Beckton Tunnel LWR** scheme does meet the deployable output (DO) threshold of Section 28 (S28) of the PA2008, in its current scope for the transfer of recycled water (raw water) between two locations within the Thames Water catchment it does not automatically qualify as an NSIP.

0.3.3 The River Thames and the River Lee are themselves linked as the River Lee is one of the easternmost major tributaries of the River Thames. Equally, when the course of the River Lee is viewed alongside the identified Water Framework Directive River Basin Districts map as published by the Environment Agency, it can be seen that the River Lee sits entirely within the Thames River Basin District.

0.3.4 Considered alongside the definition of 'river basin' in the PA2008 i.e. "*an area of land drained by a river and its tributaries*", it is considered that this option will not lead to the transfer of water between river basins as the two rivers to which it relates are situated within the same River Basin District, and the River Lee itself is a tributary of the River Thames within that district.

- 0.3.5 Furthermore, this scheme does not include design provisions for nor would otherwise look to secure consent for the development of physical infrastructure that would achieve or enable the transfer of water between water undertaker's areas in England. The potential locations for all aspects of the scheme are located within Thames Water's area, and it therefore does not transfer water either between river basins and or between water company catchments. Accordingly, the scheme does not achieve compliance with the necessary elements of S28(1)(c) of the PA2008 that would otherwise contribute to automatic qualification of the scheme as an NSIP.
- 0.3.6 It is noted that there are inter-relationships between a number of the individual SROs currently being investigated and assessed, and further linkages or relationships with other non-SRO infrastructure schemes. Each SRO or non-SRO project will need to carefully assess these inter-relationships and transparently explain and justify them within their applications for development consent (through a DCO or planning permission).
- 0.3.7 The recommended approach to SRO consenting is that companies and promoters should ensure that consent applications are clear on the physical extent of the infrastructure for which consent is sought, and where physical linkages to other unconsented infrastructure exist, clearly describe what those linkages are and how (and when) any separate consents will be secured (whether in a separate DCO or planning permission). They must also ensure that Environmental Impact Assessments (EIA) and other assessments assess not only the infrastructure for which consent is to be applied for now, but also potential cumulative effects with the infrastructure to be consented in the future, ensuring that there is no 'salami-slicing' of a project to avoid assessing its full impacts.
- 0.3.8 Where there is a requirement for 'interface infrastructure' between SROs (or an SRO and non-SRO project) one or other of the consent applications must secure consent for this 'interface infrastructure', ensuring that the environmental impacts associated with it are assessed. In this way, the ability for a separate future SRO or non-SRO project to connect to the SRO being consented can be safeguarded, without prejudging or prejudicing the separate later applications for consent for the other SRO.
- 0.3.9 Separate from the physical infrastructure, each individual application must set out its own need case, describing the individual elements of the need for the scheme and building upon the draft Water Resources Infrastructure National Policy Statement (NPS), Water Resources Management Plan (WRMP) 19, the Water Resources South East (WRSE) Regional Plan, WRMP24 and other factors as appropriate. Where there is an inter-relationship in the need case between more than one SRO, or an SRO and non-SRO infrastructure, this must be clearly explained. A robust justification should be given for any 'need' which is reliant upon other SRO or non-SRO schemes, particularly if these are not yet identified in final WRMPs.
- 0.3.10 Whilst the remaining schemes considered could potentially be sized to also meet the DO threshold of S28 of the PA2008 at their higher design capacities, they do not automatically qualify as an NSIP in any event as they do not transfer water either between river basins, water company catchments or a combination of both, where situated in England.
- 0.3.11 For the LWR Gate 2 Preferred Options, should Thames Water wish to seek Development Consent for the selected scheme, it would be necessary to apply to the Secretary of State for a Direction under S35 of the PA2008, to direct that the scheme is of National Significance, and thus that an application for Development Consent is required. Alternatively, it can seek planning permission

for the scheme from the relevant local planning authorities.

0.3.12 The principal differences between the Development Consent and Planning Permission routes are that a DCO enables a number of separate consents to be secured in a single application, including compulsory acquisition powers (CPO), whereas Planning Permission has a more limited focus, leaving a number of separate consents to be required including any subsequent CPO. For LWR, a single DCO application could be made, whereas separate planning applications and decisions would be required from between 3 and 6 different local planning authorities, depending on the scheme selected.

#### 0.4 Route to planning consent

0.4.1 For the Gate 2 Preferred Options, it is considered that the preferred planning consent route would be that applications are made to the relevant planning authorities for planning permission to be granted under the TCPA for the summary reasons set out below.

##### ***Beckton Tunnel option***

- The scheme does not automatically qualify as an NSIP
- Engagement with Local Planning Authorities has indicated a positive understanding of the scheme, its need and method of delivery
- The main development components of the scheme would be hosted on land owned by TWUL
- Development on 3<sup>rd</sup> party land would be limited to intermediate drop shafts
- The WIA facilitates delivery of pipelines under 3<sup>rd</sup> party land and highways and stipulates that 'pipelines' includes the construction of 'tunnels'
- The scheme does not face any planning and land use issues that would be expected to prevent planning permission from being granted
- The delivery programme to consent including time required for any compulsory land acquisition via Inquiry facilitates a start on site approximately 6 months quicker than that associated with a DCO application
- The resulting TCPA permission benefits from the flexibility to be amended through non material and minor material amendment applications relatively quickly when contrasted with a DCO consent, whilst approved conditional details can be redischarged when necessary

##### **Mogden Water Recycling**

- The scheme does not automatically qualify as an NSIP
- Engagement with Local Planning Authorities has indicated a positive understanding of the scheme, its need and method of delivery
- The main development components of the scheme would be hosted on land owned by TWUL
- Development on 3<sup>rd</sup> party land would be limited to intermediate drop shafts and the construction of the outfall on local authority open space land

- The WIA facilitates delivery of pipelines under 3<sup>rd</sup> party land and highways
- The scheme does not face any planning and land use issues that would be expected to prevent planning permission from being granted
- The delivery programme to consent including time required for any compulsory land acquisition via Inquiry facilitates a start on site approximately 6 months quicker than that associated with a DCO application
- The resulting TCPA permission benefits from the flexibility to be amended through non material and minor material amendment applications relatively quickly when contrasted with a DCO consent, whilst approved conditional details can be discharged when necessary

#### **Teddington Direct River Abstraction (DRA)**

- The scheme does not automatically qualify as an NSIP
- Engagement with Local Planning Authorities has indicated a positive understanding of the scheme, its need and method of delivery
- Part of the main above ground development components of the scheme would be hosted on land owned by TWUL
- Development on 3<sup>rd</sup> party land would be limited to intermediate drop shafts and the construction of the outfall and intake structures on local authority open space land
- The scheme does not face any planning and land use issues that would be expected to prevent planning permission from being granted
- The delivery programme to consent including time required for any compulsory land acquisition via Inquiry facilitates a start on site approximately 6 months quicker than that associated with a DCO application
- The resulting TCPA permission benefits from the flexibility to be amended through non material and minor material amendment applications relatively quickly when contrasted with a DCO consent, whilst approved conditional details can be discharged when necessary

0.4.2 Should a decision be taken to pursue consent through the NSIP regime, then it will be necessary to request from the Secretary of State a direction under S35 of the PA2008 to make LWR a project of national significance. This direction would then require that an application for Development Consent is made for LWR, and not a planning application. This would enable a range of other consents to also be secured under the DCO application.

0.4.3 However, should a direction not be secured from the Secretary of State, then an application for planning permission would instead need to be made, as described above in respect of the preferred route to consent.

#### **0.5 Planning risks and mitigations**

0.5.1 On the basis of this Gate 2 planning and consent strategy report, and given the early stage of development of the LWR scheme, it is considered that there are no identified significant planning

- 
- or land assembly risks that are not capable of being mitigated through ongoing technical and environmental assessment work.
- 0.5.2 The currently identified planning risks are all comparable to the stage of evolution of the LWR proposals, and with continued technical and environmental feasibility work, including necessary stakeholder engagement beyond Gate 2, a number of the risks will be capable of further mitigation.
- 0.5.3 At the scheme level, the most significant planning constraints relating to LWR are:
- The location of part of the Beckton Tunnel LWR scheme in the Lockwood Reservoir Special Protection Area (SPA)
  - The loss of Metropolitan Open Land, SNCI and committed habitat to deliver the Beckton Tunnel LWR Advanced Water Recycling Plant (AWRP)
  - The loss of Green Belt land, SNCI and indirect impacts upon the South West London Waterbodies SPA to delivery and operate the Mogden Water Recycling scheme
  - The loss of open space and SNCI to deliver the Teddington DRA scheme river intake and screen structure
  - Shaft construction at various Green Belt and MOL locations
- 0.5.4 Ongoing assessment and design including consideration of habitat quality and appropriate mitigation is considered likely to identify an appropriate means of delivering development either within or adjacent to the identified SPAs. This will include consideration of alternative means of construction alongside the outcomes of any Appropriate Assessment where needed and identification of any required mitigation and compensation
- 0.5.5 Regarding the potential use of land designated either as Green Belt or MOL it will be necessary to establish that the development is acceptable when considered alongside the protection afforded to the site or sites in question by existing Green Belt or MOL policy, including consideration of the harm development would cause to that designation, the availability of alternatives and the operational status of the land in question where that land is owned by Thames Water and retained for operational purposes under Section 263 of the TCPA. For the purposes of this Gate 2 Planning Strategy it is judged that a case can be made to promote the use of operational land owned by Thames Water situated within the Green Belt or MOL where that proposal is for operational purposes associated with the LWR SRO.
- 0.5.6 Where open space and SNCI land is to be lost, either temporarily prior to reinstatement or in some small areas permanently, it is again considered possible to justify such land use in the context of the selected scheme and the need that scheme will meet, and the provision of appropriate design and mitigation measures to minimise and appropriately compensate for the effect of any impacts.
- 0.5.7 More broadly, identified planning risks and mitigation at this stage include:

| Planning Risk  | Mitigation   |
|--|--|
| Establishing the need for the scheme, both in terms of national interest test, and need in the context of planning and EIA.  | Securing the identification of LWR in Regional Plan and WRMP.  |
| The need for a robust consideration of alternatives, particularly with regards to development in / adjacent to SPA, and in MOL, Green Belt or open space                   | WRSE regional plan and WRMP24 will consider strategic alternatives. The LWR scheme development and engagement pre-application will consider scheme specific alternatives   |
| Ensuring that the spatial extent of the scheme requiring consent is appropriately defined  | Continued engagement and liaison with other SRO teams, with appropriate legal advice.  |
| The [lack of a final] National Policy Statement for Water Resources Infrastructure.  | The need for compliance with the draft and, when published, final NPS to be tracked as part of application preparation.  |
| Ensuring that all policy tests relevant to the eventual planning decision are appropriately and robustly considered in further planning and environmental assessments      | Continuing review of existing and emerging planning policy and guidance to ensure planning constraints, designations and policy tests are appropriately mapped and adequately responded to.<br><br>Where timing and Local Plan reviews allow, promoting the safeguarding of sites and route corridors. |
| Implementing an appropriate alignment and sites appraisal and land assembly strategy, including engagement with landowners and other stakeholders at pre-application stage | Stakeholder engagement plan developed. Land strategy developed. Further engagement with stakeholders and targeted engagement with key landowners planned for post Gate 2.  |
| Consideration of the risks associated with future development proposals affecting sites and routes.  | Continuing review of emerging development plan proposals and planning applications beyond Gate 2.  |

0.5.8 As a result, there is confidence at this stage that a LWR scheme can be identified, assessed and promoted to successfully secure planning consent.

## 0.6 Planning beyond Gate 2

0.6.1 The current planning programme is reflected in the Scheme Delivery Plan (Annex F).

0.6.2 The focus of planning work beyond Gate 2 is to support continued technical and environmental work to further evolve the scheme alignments and sites including further engagement with planning stakeholders including the local planning authorities. A detailed planning route to consent report will also be prepared, outlining a detailed planning programme and the necessary building blocks for a successful application for planning consent, including the documents necessary as part of the application. Planning risks and mitigation will be reviewed and updated as part of this report.

0.6.3 The guidance in this report will be subject to testing and review as further technical, planning and environmental assessments are undertaken beyond Gate 2, taking account of changes to the planning system (e.g. Levelling Up and Regeneration Bill), or new or amended secondary legislation and guidance (e.g. detailed Biodiversity Net Gain requirements).

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## 1. Introduction and purpose

### 1.1 Introduction

1.1.1 The London Water Recycling (LWR) Strategic Resource Options (SRO) are being investigated by Thames Water as part of a formal gated process, supported and overseen by Regulators Alliance for the Progression of Infrastructure Development (RAPID), comprising Ofwat, the Environment Agency (EA) and the Drinking Water Inspectorate (DWI).

### 1.2 Purpose of this Report

1.2.1 The LWR SRO is progressing through RAPID. The process funds water companies to investigate and develop strategic water resource solutions that benefit customers, protect and enhance the environment and benefit wider society.

1.2.2 Following the Gate 1 Submission in July 2021 RAPID issued their final determination in December 2021 that the LWR Scheme could be funded into Gate 2.

1.2.3 This report has been prepared by Adams Hendry Consulting Ltd (AHCL) to provide planning advice to Thames Water on that process, specifically Gate 2. The report will be submitted as part of the Gate 2 submission to RAPID in November 2022, as a technical annex to the main Gate 2 Report.

### 1.3 Structure of this Report

1.3.1 This report sets out the Gate 2 Planning Strategy for the LWR scheme comprising the following:

- **Section 2: Context** – includes a high level summary: of the Gate 1 Planning Strategy, of the Gate 2 work that has been undertaken during Gate 2, and of engagement held with planning stakeholders.
- **Section 3: Planning context for Gate 2 Preferred Options and timing requirements** – includes the planning description of preferred options, timing requirements, and key planning consent issues.
- **Section 4: Potential planning consent routes** – provides an overview and comparison of DCO and planning permission consenting routes, relationship with EIA and other assessments, inter-relationships with other SROs, and key planning stakeholders.
- **Section 5: Recommended London Water Recycling planning consent route** – sets out the recommended LWR scheme planning consent route, programme, application deliverables, planning risks and mitigation.
- **Section 6: Strategy for obtaining other regulatory consents** – provides an assessment of other consents required and how they can be secured.
- **Section 7: Planning actions for completion beyond Gate 2** – sets out a scope of planning consent and planning engagement activities and actions beyond Gate 2.
- **Section 8: High level land strategy** – includes the land strategy consenting context, risks and mitigation, and strategy for actions beyond Gate 2.

1.3.2 The RAPID Gate 2 guidance<sup>1</sup> sets out the requirements that this report should cover. The table below sets out these requirements, and where they are covered in this report.

**Table 1.1 Coverage of RAPID report requirements**

| Relevant RAPID requirement   | Section of this report |
|--|------------------------|
| The preferred planning route for the solution and the key planning steps, including justification where applying for a section 35 direction in England where appropriate and the impact on the programme schedule.   | Section 5              |
| The strategy for obtaining other regulatory consents needed for construction and operation. This should include identification of consents needed and indicative application timings in relation to applications for planning and other consents. For likely DCO applications, consideration of which consents could be included within a DCO. | Section 6              |
| The land lifecycle, including strategy and plan for effectively delivering it and explaining how the approach will support the effective and efficient delivery of planning consent, land acquisition, and delivery of the programme.  | Section 8              |
| How solution owners will ensure they will put in place adequate systems and resources, and that there are effective and efficient processes and governance arrangements for delivering the planning and land acquisition process.  | Section 5 / Section 8  |
| Initial thinking on the customer journey for all those who will be affected by the project and how solution owners will ensure a good experience for them.   | Section 3 / Section 7  |
| Risks and issues relating to land and planning and explaining how the strategy supports the management/mitigation of the risks.  | Section 5 / Section 8  |
| In addition, please provide an update on work done to date to support the proposed land and planning process, including any pre-planning activity such as land referencing or field surveys.   | Section 2              |

<sup>1</sup> Regulators' Alliance for Progressing Infrastructure Development: Strategic Regional Water Resource Solutions Guidance for Gate Two (April 2022)

## 2. Context

### 2.1 High level summary of Gate 1 Report Planning Strategy

2.1.1 At Gate 1, the planning consent strategy was summarised as:

#### Preferred Planning Route and Key Steps

7.5 The preferred planning route for the London Effluent Reuse SRO is through the Planning Act 2008. There are a number of strategic advantages in using this planning route, including:

- Single decision maker;
- Enables a number of separate consents to be incorporated into one application;
- Includes compulsory acquisition powers;
- More straightforward when in the administrative area of more than one local authority; and
- Greater certainty of timescale for consent.

7.6 Where schemes do not automatically qualify under the Planning Act, the preferred planning route would be to seek a Section 35 Direction for each specific scheme. Should a direction not be secured from the Secretary of State, then an application for planning permission would instead need to be made to each local planning authority in whose authority area an option is located.

7.7 Figure 7-1 illustrates the planning steps and timelines for progressing a scheme under the Planning Act.

7.8 The overall programme for a DCO application is governed by establishing the 'need' of the scheme, which as defined in the draft Water Resources National Policy Statement would be within a WRMP publication. WRMP24 is expected to be published sometime between late 2023 and early 2025. Based on a worst-case assumption of making a DCO application in mid-2025, 3-6 months after publication of WRMP24, it is expected a DCO grant or planning permission can be achieved by late 2026 allowing a scheme to be construction ready within AMP8.

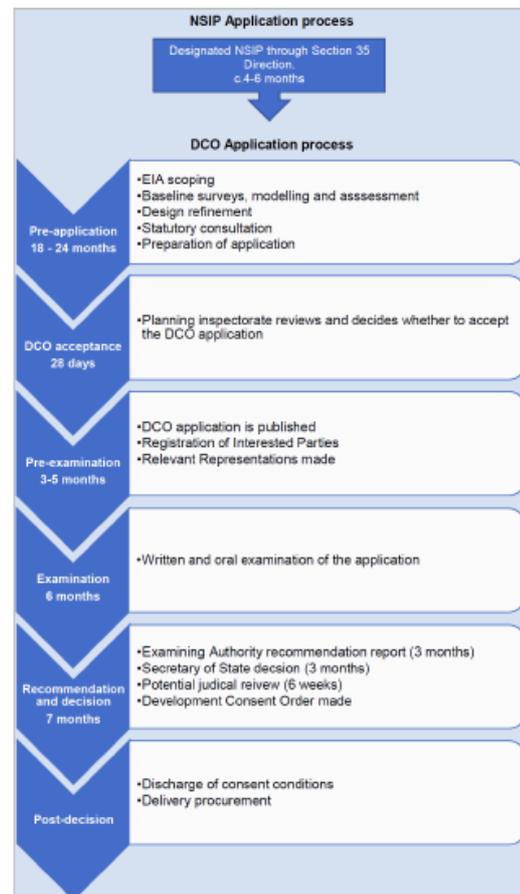


Figure 7-1: Timeline of Planning Steps under Planning Act 2008

2.1.2 At Gate 1, the focus of planning work ahead to Gate 2 was to provide a detailed planning route to consent report, outlining a detailed planning programme and the necessary building blocks for a successful application for planning consent, including the documents necessary as part of an application for consent. Planning risks and mitigation were to be reviewed and updated as part of that report. A focus on route and site selection ahead of Gate 2 would lead to a route and site selection methodology and outcomes shared with stakeholders to test and verify the assessment of potential route corridors and sites, enabling robust selection of a preferred route and sites. Alongside this, stakeholder engagement, particularly with relevant LPAs and other consultees will

be undertaken.

## **2.2 Summary of Gate 2 work completed to support planning consent route**

2.2.1 As part of the Gate 2 planning work package, further assessments of national and local planning policy, and existing and emerging development proposals relevant to the LWR schemes have been undertaken. This has included reviews against the draft NPS for Water Resources Infrastructure, the National Planning Policy Framework (NPPF), the London Plan, and adopted and emerging Local Planning Authority (LPA) Development Plans and evidence studies.

2.2.2 Planning and consenting input has been provided to the LWR Gate 2 Sites and Alignment Appraisal process. As part of multi-disciplinary project work, desk-based planning assessments reinforced by site survey have been undertaken of identified shaft and infrastructure sites and key aspects of tunnel and pipeline corridors for LWR, having regard to existing and neighbouring land uses, existing and emerging planning policies and designations and emerging developments. Publicly accessible sources of information relating to land have also been reviewed as part of this work.

2.2.3 It is worth noting at this stage that this report addresses and makes consenting recommendations on the potential schemes that could assist in the delivery of the LWR SRO. All of the identified schemes benefit from an ability to be delivered through the planning system and, if required, could be progressed to enable a construction ready scheme to be taken forward during the period 2025 – 2030 for first use between 2030 – 2035.

2.2.4 Accordingly, preferred planning routes to consent have been identified for each of the LWR Gate 2 Preferred Options, together with planning risks and mitigation and the recommended next planning steps, looking beyond Gate 2. This advice reflects good practice and lessons learned from DCO applications to date, and promotion of major water resource infrastructure applications through the TCPA planning system.

2.2.5 Planning leads for the teams working on SROs with a potential inter-relationship with LWR have ensured that there has been discussion and collaboration over the consent strategies for the different SROs, with a particular focus on the inter-relationships and physical infrastructure interfaces between the SROs. This has included the Severn Thames Transfer, and Thames 2 Southern Transfer SROs. It has also included consideration of the emerging strategy approach for the proposed Thames 2 Affinity Transfer SRO for which a possible option includes a link between the transfer of recycled water for the Thames catchment in east London, and the potential interception of a portion of that transferred recycled water prior to its further transfer into the Affinity Water catchment area.

## **2.3 Summary of Gate 2 engagement with Planning & Technical Stakeholders**

2.3.1 As part of the planning Gate 2 work package, briefing sessions were organised with planning stakeholders including the relevant local planning authorities that would be affected by any of the LWR schemes. These briefings have provided background context on the purpose of the scheme, the nature of work being undertaken for Gate 2, and the Preferred Options derived from the consideration of the Gate 1 LWR schemes. Briefing sessions have been held with officers and representatives from:

- London Borough of Newham

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- London Borough of Barking and Dagenham
  - London Borough of Redbridge
  - London Borough of Waltham Forest
  - London Borough of Haringey
  - London Borough of Enfield
  - London Borough of Hounslow
  - London Borough of Richmond Upon Thames
  - London Borough of Spelthorne
  - Royal Borough of Kingston Upon Thames

2.3.2 The sessions were an opportunity to provide a briefing on LWR. Formal comments and responses were not sought at this stage, nor were detailed reports or information provided to the authorities for their review. Where verbal comments were given, these have been reflected within the later sections of this Gate 2 planning and consent strategy report.

2.3.3 A commitment was given to provide further briefings to the authorities around the Gate 2 submission documents, and to further engagement on LWR beyond Gate 2 as the timescales for more detailed technical and environmental assessment work and stakeholder and community engagement become clearer in the context of overall scheme delivery.

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### **3. Planning Context for Gate 2 preferred option(s) and timing requirements**

#### **3.1 Planning description of the preferred option(s)**

3.1.1 The London Water Recycling (LWR) Strategic Resource Option (SRO) is intended to augment existing sources of stored and abstracted water available to London to help ensure that sufficient water supply resilience exists across London at times of water supply stress and drought.

3.1.2 The core principle to the LWR schemes is that a proportion of final effluent, that is wastewater that has been treated to high standards to facilitate discharge to watercourses, at one of two major London Sewage Treatment Works (STW) operated by Thames Water will be diverted from its current route of discharge and fed to either an Advanced Water Recycling Plant (AWRP) or a Tertiary Treatment Plant (TTP). At either the AWRP or TTP the final effluent will undergo further treatment to ensure it is of a standard to be discharged at predetermined locations within the river. Abstracted water will then be combined with existing raw water supplies in the reservoirs and stored prior to treatment for use as part of London's water supply.

3.1.3 Four effluent reuse schemes of varying capacity and sizes have been progressed by Thames Water through Gate 1 as part of the London Water Recycling SRO. As explained in Section 8 of the London Water Recycling SRO Gate 2 Submission Report these four options have been informed by the outcomes of modelling undertaken by Water Resources South East as part of the preparation of the draft regional plan, and have been refined to reflect identified constraints and assumptions regarding configuration and scalability as further explained in the Submission Report.

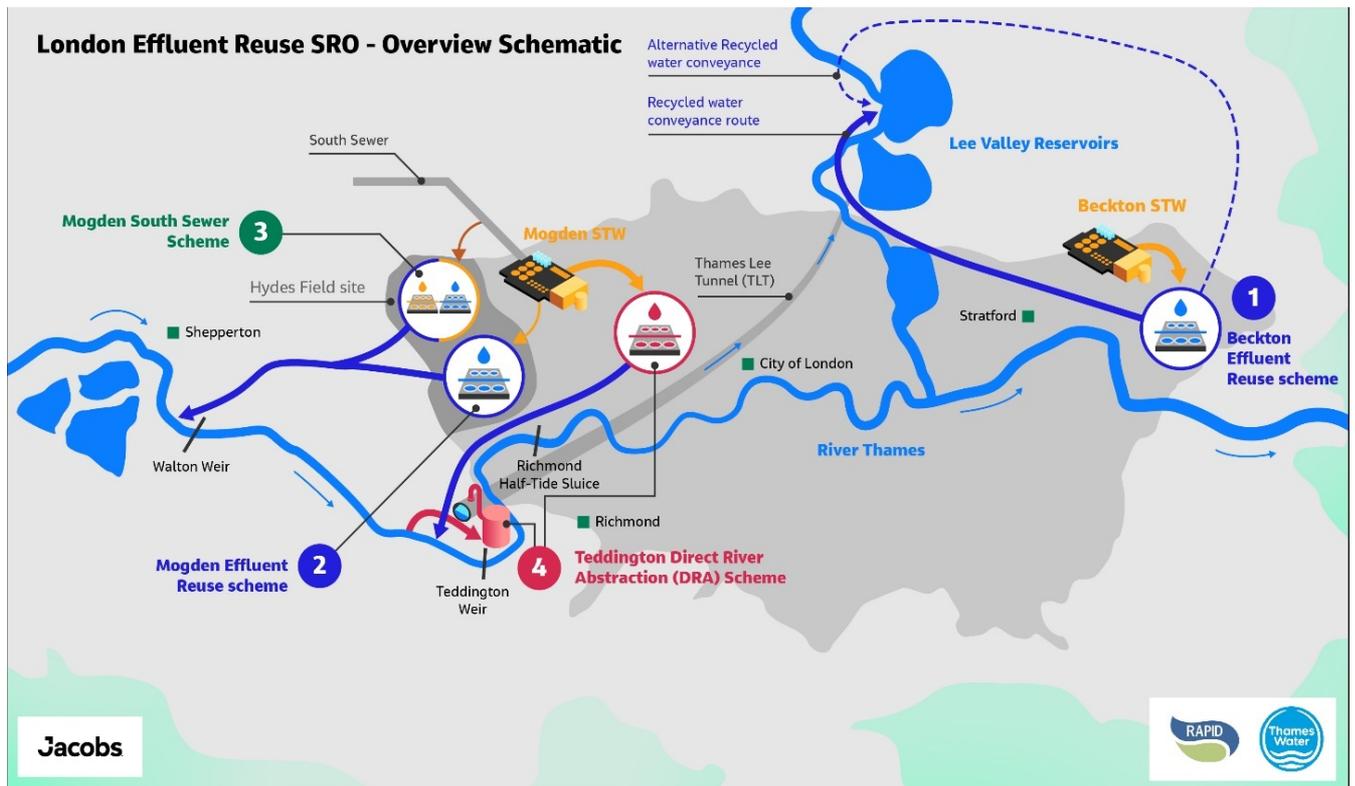
3.1.4 As shown on Figure 1 below, the schemes that made up the London Water Recycling SRO as considered under RAPID Gate 1 included:

- Beckton Water Recycling;
- Mogden Water Recycling;
- Mogden South Sewer Recycling, and
- Teddington Direct River Abstraction (DRA).

3.1.5 Since then, and as explained in the London Water Recycling SRO Gate 2 Submission Report, the Mogden South Sewer Scheme has been reviewed and recommended to not be taken through the Gate 2 process and so is not considered further in this report.

3.1.6 A brief summary of each of the 3 remaining options is provided below.

Figure 1 London Water Recycling SRO Gate 1 Options



- 3.1.7 **Beckton Water Recycling scheme:** Final effluent from the Beckton Sewage Treatment Works (STW) in East London would be recycled at a new AWRP to be located on retained operational land within the STW site boundary. The recycled water would then be conveyed to a proposed discharge outfall location on the River Lee Diversion above the inlet for King George V Reservoir (KGV) to supplement the raw water supply to the Lee Valley reservoirs (denoted as the “Conveyancing Sub-options”). Given the sizing of the conveyance tunnel the scheme capacity is capable of being delivered in phases, or in a single development at 300MI/d.
- 3.1.8 The initial Gate 1 outcomes identified that the conveyance could comprise either a tunnel option constructed using a tunnel boring machine, or a pipeline predominantly constructed using trenched techniques for approximately 70% of its potential route, with the remainder delivered via trenchless (pipe-jacked) techniques.
- 3.1.9 Due to the ability for a bored tunnel to effectively ‘by-pass’ considerable densely built up urban areas subject to the positioning of suitable intermediate shafts, and the converse need for trenched construction to follow the least impacting surface / shallow depth construction route, both options were identified as following separate alignments.
- 3.1.10 Further work through the Gate 2 process identified a number of conflicts between the land use and environmental characteristics associated with the delivery of a pipeline between Newham in East London and Enfield in North London and the engineering opportunities and costs for a pipeline option. Scheme delivery refinements identified that for this option to be able to be delivered through its complex urban and urban fringe environment the quantity of tunnelled (pipe-jacked) construction would need to increase by approximately 100% to represent approximately 60% of the pipeline route.

- 3.1.11 Following consideration of this change in construction technique in cost and benefit terms, particularly the limited scope for increasing flow through this option, it was concluded that the pipeline option did not represent an appropriate balance between impacts, costs and benefits and, following confirmation from RAPID, it was removed from further consideration.
- 3.1.12 Within the alignment and potential site options for the Beckton Tunnel it was identified that construction of infrastructure at Lockwood Pumping Station and reservoir would interface with a Special Protection Area for birds (SPA). To inform consideration of this constraint the presence of suitable alternatives for aspects of the scheme delivery in appropriate proximity to the Lockwood Pumping Station was investigated. This confirmed that appropriate land exists to provide sufficient confidence that the delivery of this scheme via Lockwood Pumping Station would be achievable in engineering terms, and that it could therefore be retained for future consideration if this scheme progresses to Gate 3.
- 3.1.13 At this stage, the Beckton Water Recycling Scheme option considered through this report is a tunnelled option between Newham and Enfield and is expected to comprise the following;
- A final effluent take off and conveyance within Thames Water's Beckton STW to a new AWRP located within the land ownership and operational site boundaries of Thames Water's Beckton STW
  - A number of intermediate ~25-45m deep 10.5m ID shafts with permanent surface level access hatches located on suitable open sites along an alignment or route corridor between Beckton STW and Thames Water's Lockwood Pumping Station, utilising wherever possible land under TW ownership;
  - A tunnel connection system to the Thames Lee Tunnel at Thames Water's Lockwood Pumping Station site;
  - A number of intermediate ~25-45m deep 10.5m ID shafts with permanent surface level access hatches located on suitable open sites along an alignment or route corridor between Lockwood Pumping Station and Thames Water's King George V Reservoir, utilising wherever possible land under TW ownership;
  - A new discharge outfall site located at Thames Water's King George V Reservoir discharging into the River Lee
  - An ~22km long, ~25-45m deep, 3.5m ID connecting transfer tunnel between Beckton STW and Lockwood Pumping Station, and between Lockwood Pumping Station and King George V Reservoir.
- 3.1.14 As part of the Gate 2 review of the Beckton Water Recycling Scheme tunnel option consideration was given to potential alternatives to the Gate 1 scheme's inclusion of Lockwood Pumping Station site. It was concluded that none of the available alternatives to that site offered a more appropriate location to facilitate a connection to the Thames Lee Tunnel and so the Lockwood Pumping Station site was retained for the purposes of Gate 2.
- 3.1.15 **Mogden Water Recycling scheme:** Final effluent from Mogden STW would be pumped to a new AWRP located on Thames Water-owned retained operational land, potentially at Hydes Field, south-east of Kempton Water Treatment Works (WTW) and north-west of Hampton WTW. The

recycled water would be discharged into the River Thames upstream of the existing TWUL Walton intake. The scheme could operate up to 200 MI/d, in 50 or 100 MI/d phases. Due to the scale of the works associated with the delivery of all components parts of an AWRP and the site areas required to accommodate those plant and structures there is insufficient space at Mogden STW for the AWRP to be located there.

- 3.1.16 Recognising the undeveloped nature of the potential site at Hydes Field along with its Green Belt and SNCI status and the nature of surrounding land uses the presence of suitable alternatives in appropriate proximity to the Hydes Field site was investigated. This confirmed that suitable available land existed in close proximity and under Thames Water ownership that could potentially provide for alternative locations for scheme delivery if necessary, providing sufficient confidence that the delivery of this scheme via Hydes Field would be achievable in engineering terms, and that it could therefore be retained for future consideration if this scheme progresses to Gate 3.
- 3.1.17 For the purpose of the Gate 2 process, the Mogden Water Recycling scheme is expected to comprise:
- A final effluent take-off and shaft located within Mogden STW
  - A number of sections of pipejack-constructed pipeline, measuring 6.4km in length, ~15-25m deep and 1.8m ID
  - A number of intermediate ~15-25m deep 10m ID shafts with permanent surface level access hatches located on suitable open sites along an alignment or route corridor between Mogden STW and Thames Water's Hydes Field site, utilising wherever possible land under TW ownership;
  - An AWRP located within the land ownership boundary of Thames Water's Hydes Field site
  - A number of sections of trench-constructed pipeline, measuring 5.9km in length, 1.4m ID
  - A new outfall site located within riverside open space on the banks of the River Thames.
- 3.1.18 **Teddington DRA scheme:** Mogden STW effluent would be subject to tertiary treatment at a new plant on the STW site. The treated water would be transferred to a discharge location upstream of Teddington Weir. The tertiary treated effluent discharge would directly compensate flows taken from a new abstraction on the River Thames, upstream of the discharge location. The abstracted water would be pumped into the nearby Thames Lee Tunnel (TLT) for transfer to the Lee Valley reservoirs in East London. Scheme capacity: up to 150 MI/d in 50 or 75 MI/d phases.
- 3.1.19 Conveyance would comprise a tunnel option constructed using a tunnel boring machine and incorporating a number of surface intermediate shafts.
- 3.1.20 As part of the Gate 2 process of scheme review of the tunnel a number of alternative components to the Gate 1 tunnel scheme were identified, including:
- Re-modelling of discharge requirements within the River Thames to establish the available discharge range and associated location for an outfall site
  - Re-modelling of the intake requirements including impacts upon the River Thames to establish the available location range for an intake structure

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- Review of Gate 1 scheme outfall and intake options following re-modelling
  - Identification of potential drop shaft connection locations to the Thames Lee Tunnel
- 3.1.21 As part of the Gate 2 review process the following adjustments were made to the Teddington DRA scheme:
- Re-modelling identified the potential ability to locate both the outfall and intake structures and demands on the River Thames on the south bank of the River within an area of accessible riverside open space
  - A Thames Lee Tunnel drop shaft location was identified as being achievable, recognising that it would need to be further investigated at later stages if the scheme is retained and progressed.
- 3.1.22 This scheme is therefore expected to be comprised of the following:
- A final effluent take-off and conveyance to a Tertiary Treatment Plant, and connection to a drive shaft located within Mogden STW
  - A number of sections of tunnel boring machine-constructed tunnel, measuring ~4.5km in length, 15-30m deep and 1.8m ID
  - A number of intermediate ~15m-30m deep 10.5m ID shafts with permanent surface level access hatches located on suitable open sites along an alignment or route corridor between Mogden STW and the water transfer outfall / direct river abstraction point;
  - A new outfall site located within riverside open space on the south bank of the River Thames in proximity to Teddington Weir
  - A new intake structure site located adjacent to the new outfall
  - A new drop shaft connected by below ground pipejacked pipeline to the intake structure and situated over the Thames Lee Tunnel.
- 3.2 Timing requirements**
- 3.2.1 The Concept Design Reports (Gate 2 Report Annex A) identify a construction period of approximately 3 years for the Beckton scheme, 2½ years each for the Mogden and Teddington schemes. On this basis, as set out in more detail in the Project Delivery Plan (Gate 2 Report Annex F), first application(s) for consent are likely to need to be submitted during 2024 to ensure sufficient time post grant of consent for final land assembly and contractor procurement or Direct Procurement for Customers (DPC) ahead of construction. The planning consent programme is set out in Section 5.6 of this report.
- 3.3 Key planning consent issues**
- 3.3.1 As part of preparing this Gate 2 Planning Report, a review of the current draft (Nov 2018) NPS for Water Resources Infrastructure, the NPPF, and the London Plan has been undertaken, and relevant policy provisions from each are provided in a summary **Appendix 1** to this report.
- 3.3.2 In addition to the above, a review of relevant LPA's existing and emerging Development Plans

has been undertaken, to identify the key planning designations relevant to the LWR schemes and Preferred Options, summary of which are provided at **Appendices 2, 3 and 4** to this report.

3.3.3 Key planning issues relating to the LWR schemes are:

**Beckton Water Recycling Scheme:**

- Works to construct permanent new infrastructure on operational land at Lockwood Pumping Station within a Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI)
- Works to construct the AWRP at Beckton STW within an area of retained Operational Land also designated as Metropolitan Open Land (MOL) and SNCI / Landscape & Ecology Masterplan (LEMP) retained land
- Construction within areas of Green Belt
- Ecology impacts at intermediate shaft sites
- Construction in close proximity to residential receptors
- Construction within areas of open space
- Construction at sites undergoing or allocated for future regeneration and development
- Tunnel depth, vibration and below ground asset interactions

**Mogden Water Recycling Scheme:**

- Works to construct the AWRP at Hydes Field within an area of retained Operational Land that is also designated as Green Belt and SNCI
- Works to construct permanent new infrastructure on land adjacent to the south west London water bodies SPA
- Construction in areas of open space
- Construction in close proximity to residential receptors
- Construction in close proximity to education receptors
- Construction in close proximity to sports and amenity receptors

**Teddington DRA Scheme:**

- Construction of a new permanent discharge and a new intake and screen structure within the river bank to the River Thames
- Construction within areas of Green Belt and Metropolitan Open Land
- Construction in areas of open space and SNCI
- Construction in close proximity to residential receptors

## 4. Potential planning consent routes

### 4.1 Overview of potential planning consent routes

4.1.1 Subject to the type and scale of development proposed under each of the LWR options, and particularly the final Deployable Output (DO) of the selected option, the available planning consent routes are either:

- An application for **Development Consent** under the Planning Act 2008 (PA2008), as a Nationally Significant Infrastructure Project (NSIP); or
- Applications for **Planning Permission** under the Town and Country Planning Act 1990 (as amended) (TCPA).

4.1.2 A description of these consent routes is provided below, including a comparison of the main features of each consent route.

4.1.3 Due to the interaction of each scheme with existing sewage treatment infrastructure, with the riverine environment, with water storage reservoirs, with the Thames Lee Tunnel water conveyance infrastructure and with a range of nature conservation designations and issues, it is considered that all LWR options are highly likely to warrant some form of assessment under the EIA Regulations for the relevant consenting regime.

4.1.4 Accordingly, and irrespective of whether a PA2008 or TCPA route to consent is followed, it is not considered possible for any of the LWR options to be delivered under the Permitted Development Rights afforded to Thames Water by the General Permitted Development Order (GPDO), consistent with the provisions of Article 3(10) of the GPDO.

### 4.2 Development Consent Order

4.2.1 As currently enacted, Section 28 of the Planning Act 2008 (as amended by The Infrastructure Planning (Water Resources) (England) Order 2019) defines that an application for Development Consent is required for a water transfer development only if:

- (a) *the development will be carried out in England by one or more water undertakers,*
- (b) *It is expected that*
  - (i) *the deployable output of the facility to be constructed as a result of the development will exceed 80 million litres per day, or*
  - (ii) *the additional deployable output of the facility to be altered as a result of the development will exceed 80 million litres per day.*
- (c) *the development will enable the transfer of water resources—*
  - (i) *between river basins in England,*
  - (ii) *between water undertakers' areas in England, or*
  - (iii) *between a river basin in England and a water undertaker's area in England, and*
- (d) *the development does not relate to the transfer of drinking water.*

4.2.2 Importantly, the Infrastructure Planning (Water Resources) (England) Order 2019 specifically

- 
- inserted a definition to confirm that the calculation of the Deployable Output (DO) of a scheme under the PA2008 is “*the annual average volume of water that can be produced per day from that facility under drought conditions*” (defined as 1 in 200 year drought event).
- 4.2.3 This definition confirms that a raw water transfer development between river basins or water undertaker’s areas in England will be an NSIP, and require an application for Development Consent, provided the scheme is above the DCO threshold of 80MI/d DYAA DO in a 1 in 200 year drought.
- 4.2.4 A potable water transfer development, or a raw water transfer below 80 MI/d, will not automatically qualify as an NSIP.
- 4.2.5 Equally, where the proposed scheme is above the DCO threshold of 80MI/d DYAA DO in a 1 in 200 year drought but does not enable the transfer of water resources between river basins, between water undertakers areas in England or between a river basin in England and a water undertaker’s area in England, then it will not automatically qualify as an NSIP.
- 4.2.6 Instead, in such circumstances should a water undertaker wish to seek Development Consent for the scheme it would be necessary to apply to the Secretary of State for a Direction under S35 of the PA2008, to direct that the scheme should be treated as development for which development consent is required, thereby confirming that an application for a Development Consent Order is required.
- 4.2.7 An application for Development Consent involves a single application to the Planning Inspectorate, which receives, examines and makes a recommendation on the application before the Secretary of State makes the final decision. A DCO is a powerful legal instrument which in addition to granting permission of the development can also include compulsory acquisition powers, associated consents under other legislation, and the disapplication of existing legislation, where justified.
- 4.2.8 DCOs are issued with ‘Requirements’ to be met before and during the construction of the development, and relating to its operation and even decommissioning. Requirements can involve further applications for approval of details. For schemes such as the LWR options it is possible to secure permission for development within ‘parameters’, which define the maximum extent of any development but provide some flexibility to allow for detailed design and changes arising during construction.
- 4.2.9 Planning obligations would be considered likely to be necessary to secured via Section 106 of the TCPA and would be used to address key matters for which additional provisions or contributions are necessary before the consent as applied for can be concluded to be acceptable.
- 4.2.10 Applications for Development Consent are ‘front-loaded’ with significant information gathering and engagement requirements to be met before applications can be submitted. There is a binding timetable for the examination and determination of applications (18 months from acceptance to decision), although the Secretary of State can extend the period for their decision.
- 4.3 Town & Country Planning Act Planning Permission**
- 4.3.1 For schemes below the NSIP thresholds (and for which no direction is sought or obtained from the Secretary of State), an application for planning permission under the Town and Country Planning Act 1990 (as amended) (TCPA1990) is the route to consent.

- 4.3.2 A planning application must be submitted to each LPA in whose area the proposed development is located for the whole of the development to be carried out as Permitted Development Rights are not expected to be available. Each individual LPA has to reach its own decision on the application before it, and each would have to give their approval for the development within their area.
- 4.3.3 If one or more LPAs were to refuse permission then an appeal can be submitted to the Secretary of State, and an Inquiry would be held before an independent Inspector before a decision is issued. Where an appeal is submitted and an Inquiry held any eventual grant of planning permission would be delayed until that process completes, typically adding a delay period of 12 months to a project's programme.
- 4.3.4 Applications for planning permission are similarly 'front loaded', although the engagement requirements before applications are submitted to the LPAs are significantly less formal than for NSIPs. There are statutory timescales for the determination of planning applications, although applications involving more than one LPA and for complex schemes invariably take longer than those timescales to determine.
- 4.3.5 There are different types of planning permission that can be applied for and granted, depending on the nature of the development proposed and the level of details to be fixed at that time, or to be left for subsequent approval.
- 4.3.6 Outline planning permissions establish the 'parameters' for a proposed development, leaving details to be submitted as Reserved Matters at a later stage, whereas Full planning permissions agree all details at once.
- 4.3.7 There is also the ability to submit a 'Hybrid' application, with some of the development in Outline, and some in Full.
- 4.3.8 Planning conditions are normally applied to planning permissions, to be met before and during the construction of the development, and relating to its operation and even decommissioning.
- 4.3.9 Planning obligations would be considered likely to be necessary to be secured via Section 106 of the TCPA and would be used to address key matters for which additional provisions or contributions are necessary before the consent as applied for can be concluded to be acceptable.
- 4.3.10 Planning permission solely grants planning consent for the development. It does not grant any other consents that must be secured or secure powers for access to or the compulsory acquisition of rights over land. It is noted however that powers of access and use of land are provided to Thames Water under the Water Industry Act 1991.

#### **4.4 Selecting consent route**

- 4.4.1 There is only a limited choice available to a water undertaker or scheme promoter as to the consent regime it wishes to follow.
- 4.4.2 Development of a type and scale meeting the thresholds as an NSIP must be the subject of an application for Development Consent. They cannot be consented any other way, as S160 of the PA2008 makes it an offence to carry out such development without first securing Development Consent.
- 4.4.3 For potable transfer and raw water transfer projects below the NSIP DO threshold but compliant

- with the definition of transfers (S28c) there is an element of choice. The water undertaker can decide to ask the Secretary of State (SoS) to make a direction under S35 of the Planning Act 2008 that the scheme be treated as a project for which development consent is required despite not fully complying with the descriptions stated under S28, or it can seek planning permission for the scheme from the relevant local planning authorities. A direction under S35 is sought by means of a descriptive letter or correspondence setting out the detail of the proposal and its grounds for direction under S35 and is issued directly to the relevant SoS for the proposed development.
- 4.4.4 Where a direction under S35 is sought the relevant SoS will consider all relevant matters to the scheme in question, including its economic impact, impacts across local authority areas, its relationship with other NSIPs or significant developments, the need for multiple consents that would benefit from unification under the NSIP regime, and the size of the project. That consideration will also focus on the characteristics of the proposed scheme, as opposed to its merits.
- 4.4.5 A further critical factor is that sufficient time is required to submit a request under S35 and to allow for it to be considered and concluded, which would need to be built into any project programme. S35A of the PA2008 states that the SoS must reach a decision within 28 days of receiving a request under S35, or within 28 days of receiving any further information requested by the SoS where that further information was received within 14 days of it being requested.
- 4.4.6 However, at present, the timescale for this process is known to vary case by case, and so any allowance on programme to complete the process would also need to be kept under continual review, potentially with adjacent programme activities being progressed or held back at risk.
- 4.4.7 The choice of consent route pursued, to the extent that choice exists, will also be influenced by factors including the need for temporary and permanent acquisition of rights over land, the number of types of other consents required to be secured, risks to programme delivery associated with any specific consenting route, and the degree of consistency of the proposals with national and local planning policy and guidance. It is also necessary to balance these factors against the degree of flexibility that is available via each route to consent to make changes to the proposed scheme both during determination and implementation.
- 4.4.8 Seeking a direction under S35 of the PA2008 does not automatically equate to securing the direction and the final outcome may be that the SoS rejects that request leaving only the TCPA route to consent. For those schemes not automatically qualifying as an NSIP under S28 of the PA2008 the route to consent under the TCPA 1990 remains available without further qualification until such a point that a S35 direction is confirmed.
- 4.5 Relationship to EIA, HRA and WFD considerations**
- 4.5.1 Whether a water transfer development is promoted through an application for Development Consent or Planning Permission, the need to ensure that the proposed development accords with the requirements of the Environmental Impact Assessment, Habitats, and Water Framework Directive (WFD) Regulations will still apply. The detailed requirements for document preparation and publicity differ between the Development Consent and the TCPA Planning Permission regimes, but the fundamental legal requirements for detailed and robust EIA, HRA and WFD assessments remain the same.
- 4.5.2 Given the scale and location of the LWR options, as currently defined they are considered likely to be EIA development, subject to the requirements of the EIA Regulations applicable to the

- eventual route to consent, and an Environmental Statement will need to be prepared and submitted with any application for planning consent.
- 4.5.3 This conclusion is reached on the basis of the water transfer infrastructure being Schedule 2 Development under the EIA Regulations, requiring it to be the subject of an EIA Screening Opinion.
- 4.5.4 In particular, all options include as part of their defined project the change to or extension of an existing STW (EIA Schedule 1(13) and Schedule 2(11)(c)) to facilitate the interception of treated final effluent and the further treatment of that final effluent through either an AWRP or TTP to be situated within the STW in question. In this regard, all of the LWR schemes would give rise to a change to a project listed either within Schedule 1 or Schedule 2 of the EIA Regulations and so be 'captured' under development class 13 of Schedule 2: 'Changes and Extensions'.
- 4.5.5 In the case of the Beckton Tunnel scheme, this will also give rise to a change or extension relationship between the scheme and existing water storage infrastructure (EIA Schedule 1(15) and Schedule 2(1)(i)). The Beckton Tunnel scheme also includes development that would take place within a SSSI which is classed by the EIA Regulations as a sensitive area and therefore automatically defines the development as Schedule 2 EIA development for which an EIA may be necessary.
- 4.5.6 In addition, the transfer of water via pipeline or tunnel would also represent the installation of a long distance aqueduct under EIA Schedule 2(1)(l) where the area of works exceed 1 hectare, which in turn would apply to all of the LWR schemes considered in this strategy.
- 4.5.7 Given the length of pipeline or tunnel routes, some of the physical infrastructure involved particularly the AWRP, and the sensitivity of the environment within which parts of each option is located, it is not considered possible at this stage with the information presently available to conclude that any of the schemes would not give rise to significant environmental effects. This would be tested further through EIA screening and / or Scoping as appropriate.
- 4.5.8 In addition to the points raised above, further detailed review of the schemes against the requirements of environmental legislation and appraisal are provided in Annex B of the Gate 2 Report.
- 4.6 Inter-relationships with other SROs and projects.**
- 4.6.1 There are a number of individual SROs currently being investigated and assessed, and for which applications for planning consent (through a DCO or planning permission) will be necessary. The potential for combining SROs into joint or a single application for consent has been considered, however this approach is not considered to represent the most appropriate consenting strategy for most SROs.
- 4.6.2 Preparing and submitting a joint consent application for more than one SRO has the potential to increase programme and consenting risk, and consequently could risk delaying SRO consenting and implementation.
- 4.6.3 It is recognised however that a company may choose to submit a single consent application for more than one SRO, where this represents the most appropriate consenting solution.
- 4.6.4 The recommended approach to SRO consenting is that companies and promoters should secure individual consents for each SRO, unless there are SRO specific reasons for doing otherwise.

Where there are inter-dependencies between SROs, either in relation to the ‘need case’ or in terms of water availability or infrastructure provision, these should be clearly articulated in each individual application for consent, with necessary cumulative environmental impact and other assessments completed.

#### 4.7 Comparison of consent routes

4.7.1 As summarised above, the principal differences between the Development Consent and Planning Permission routes are that a DCO enables a number of separate consents to be secured in a single application, including compulsory acquisition powers (CPO), whereas Planning Permission has a more limited focus, leaving a number of separate consents to be required including any CPO.

4.7.2 A summary comparison of the two consent routes is provided in Table 4.1 below.

**Table 4.1: Comparison of Consent Routes**

| Topic                      | Development Consent   | Planning Permission   |
|----------------------------|---|---|
| <b>Application Process</b> |   |   |
| Determining Authority      | Secretary of State, based on the report of the Examiners  | Individual LPAs - decisions on major applications tend to be made by elected Councillors in Committee based on officer’s recommendations.<br><br>Note that the Mayor of London and the SoS can “call-in” an application and make the decision themselves, using powers article 7 of the Mayor of London Order (2008) and in S77 of the T&CPA 1990 respectively.   |
| Application Timetable      | <p><b>Approximately 34-40 months, depending how long pre-application stage lasts), comprising:</b></p> <ul style="list-style-type: none"> <li>Pre-application stage (18-24 months)</li> <li>Acceptance of submitted application (1 month)</li> <li>Pre-examination (approx. 3 months)</li> <li>Examination (max 6 months)</li> <li>Examining Authority report (max 3 months)</li> <li>Secretary of State decision (max 3 months)</li> </ul> | <p><b>Approximately 21-30 months if no appeal or inquiry, but up to 42 months if an appeal/inquiry or call-in is necessary (and depending how long pre-application stage lasts), comprising:</b></p> <ul style="list-style-type: none"> <li>Pre-application stage (12-18 months)</li> <li>Determination of application (16 weeks for EIA application – but can be extended by months. For a major scheme involving more than one LPA it would be reasonable to assume 9-12 months).</li> <li>Due to nature and scale of all options, schemes are assumed referable to the London Mayor – 4 weeks allowance required including administration.</li> <li>If permission refused, applicant could appeal to Secretary of State (SoS) within 6 months of decision (approx. 12 month appeal process for complex schemes).</li> <li>The Mayor of London can decide to determine the planning application themselves should they consider there are reasons in accordance with the Mayoral order 2008 to do so.</li> <li>The SoS can ‘call in’ an application being considered by an LPA and make the decision themselves, including holding an Inquiry first. This would extend programme by approx. 12 months.</li> </ul> |
| Pre-application engagement | Statutory legal requirements to be met at pre-application stage, including specific lists of organisations and people who must be   | Not a statutory requirement however pre-application engagement on major applications will be onerous with numerous LPAs and stakeholders to be engaged with.  |

| Topic                                      | Development Consent   | Planning Permission  |
|--|---|--|
|  | consulted, including landowners and consultees.   |  |
| Engagement in determination of application | Anyone can submit a request to become an Interested Party in the Examination and to submit written and oral representations. LPAs and affected landowners are given additional rights, including appearance at Examination. Examination often involves legal representation for main parties. The Examination of the application is led and co-ordinated by the Planning Inspectorate, which then makes a recommendation to the Secretary of State – the decision taker.  | LPA will consult with residents and consultees and take their representations into account in making a decision. Elected members take decision having regard to LPA officers' advice at planning committee. Many LPAs allow public participation at Committees. Legal representation unlikely at Committee.  |
| Ability to challenge decision              | Application for Judicial Review to High Court (within 6 weeks of decision)  | Application for Judicial Review to High Court (within 6 weeks of decision)   |
| Discharging details                        | Requirements set in DCO, which can require applications for subsequent approvals (normally within a 42 – 56 days approval period) and determining authority (normally individual LPAs). There is also the potential for a s106 legal agreement to require actions or payments to be made.   | Applications to discharge planning conditions (8 weeks target for decisions) must be made to each individual LPA. There is also the potential for a s106 legal agreement to require actions or payments to be made.  |
| Subsequent changes                         | <p>There is a degree of flexibility within the 'parameters' set by a DCO such that details approved by Requirement discharged can be 're-discharged', provided environmental effects are not new or materially different from those assessed. This process would run over 42 – 56 days as per original discharge.</p> <p>More significant changes would be likely to require either a non material or material amendment to DCO, both of which must be determined by the SoS and carry differing consultation requirements. These processes would take many months to complete.</p> | <p>There is a good degree of flexibility within any parameters established by planning permission.</p> <p>Applications for non-material or minor material amendments can be made to vary the original permission taking ~28 days for non material changes and several months in respect of minor material changes.</p> <p>More significant changes would require a new planning application. All determined by relevant LPA.</p> |
| <b>Scope of consents secured</b>           |   |  |
| CPO  | Can secure compulsory acquisition powers for temporary or permanent rights over land, if voluntary acquisition cannot be achieved. NB special provisions exist to protect Crown or special category land (further parliamentary approvals can be required).   | <p>Planning permission does not confer compulsory acquisition powers, if voluntary acquisition cannot be achieved.</p> <p>Separate applications for compulsory acquisition of temporary or permanent rights (including access rights) would need to be made under Water Industry Act powers once there is confidence of planning approval being obtained, with additional programme time required to secure them.</p>            |
| Other consents                             | A wide range of other consents can be secured through a DCO, including authorising works otherwise requiring a separate application, and/or establishing scheme specific consenting processes.  | Only limited other consents are authorised through planning permission, e.g. works to protected trees and hedgerows, listed buildings, within conservation areas, and affecting public rights of way.  |
| <b>Certainty and flexibility</b>           |   |  |
| Certainty                                  | To date, well over 90% of Development Consent applications accepted for determination by the Planning inspectorate have been approved by the Secretary of State.  | The approval rate for planning applications varies by LPA, and by type of application, and significant complex applications take longer than the statutory timescales to secure a decision.  |

| Topic   | Development Consent   | Planning Permission   |
|---|---|---|
|   | <p>No Water Resources Infrastructure NSIPs have yet been the subject of an application</p>  | <p>Generally speaking, locally controversial applications tend to have a lower rate of approval, and may require an appeal to the Secretary of State (and potential inquiry) to secure permission. At Inquiry, approval is not guaranteed and approximately 50% of inquiries currently lead to an approval of planning permission.</p>  |
| Basis for decision                              | <p>The decision must be made in accordance with the relevant NPS unless this would breach international obligations, legal duties, be unlawful, or, if the adverse impact of the proposed development would outweigh its benefit.</p> <p>In reaching the decision, the Secretary of State must have regard to LPA's Local Impact Reports, any matters prescribed, and any other matters thought to be both important and relevant to the decision.</p>  | <p>The determination must be made in accordance with the Development Plan in force for the area unless material considerations indicate otherwise. Whilst the National Planning Policy Framework (NPPF) is a material consideration, the courts have held that the NPPF does not displace the primacy of the Development Plan. A relevant NPS will be a material consideration.</p> <p>For applications covering more than one LPA, each LPA's decision should be made in accordance with the Development Plan for its area, unless material considerations indicate otherwise.</p> |
| Need for the Scheme                             | <p>On the current draft Water NPS wording, if the NSIP is identified in an approved WRMP then the "need" for the scheme does not need to be revisited during the DCO Examination.</p> <p>Having said that, some policy constraints (e.g. Green Belt/ MOL/ SSSI etc) do still require "need" to be assessed in order to determine whether the need for the scheme, and lack of alternatives, outweighs any impact.</p>   | <p>The need for the scheme forms a central part of the assessment of the application, with the decision maker having to satisfy itself that the need for the scheme (and benefits arising from it) outweigh any impacts.</p> <p>Where a NPS is in place for related NSIPs the need and wider policy provisions of that NPS are a material consideration for the related TCPA application.</p>   |
| Flexibility                                     | <p>Able to apply for Development Consent based on parameters, e.g. the lateral and horizontal limits of deviation within which a pipeline must be installed, or the maximum heights or depths of a proposed pumping station. Subsequent discharge of Requirements can then be used to secure approval for detailed designs and finishes, within the terms of what has been assessed in the EIA.</p> <p>Scheme design changes within the parameters of the DCO may not require subsequent authorisation, however changes beyond the limits of the DCO approval require separate authorisation from the Secretary of State.</p> | <p>Planning permission can be secured for full details of a scheme, for an outline, or for a hybrid application. Details can be reserved, to be determined by subsequent applications to discharge conditions.</p> <p>Should changes to the planning permission be required, applications for non-material, minor material or more significant changes can be made to the individual LPA concerned.</p>   |
| <b>Key Planning and Consenting Stakeholders</b> |   |   |
| Determining Authority                           | Secretary of State (Defra)  | <p>Individual LPAs – decisions on major applications tend to be made by elected Councillors in Committee.</p> <p>Note that the SoS can "call-in" an application and make the decision themselves, using powers in S77 of the T&amp;CPA 1990.</p>  |
| Local Authorities                               | <p>Specific requirements and roles for 'host authorities' – those within whose authority the scheme is located, including in relation to pre-application engagement with them, their consideration of the adequacy of consultation on PINS receipt of the application, and preparation of the Local Impact Report. Statements of Common Ground prepared between applicant and authorities.</p>  | <p>The individual planning authorities determining the application may consult with adjoining planning authorities where the proposals are significant or involve cross boundary issues.</p>  |

| Topic                                | Development Consent  | Planning Permission  |
|--------------------------------------|--|--|
| Statutory Consultees                 | Defined list of consultees who must be consulted and engaged with on the application, before submission and then during examination. Statements of Common Ground prepared between applicant and statutory consultees.  | Defined list of consultees that each individual planning authority would consult on any application submitted to it for approval. The planning authority should take their comments into account in determining the application.   |
| Landowners                           | Specific requirements to formally notify and engage with landowners pre-submission and during the examination. Landowners and those with an interested in land are given additional rights, including appearance at Examination session into any temporary or permanent acquisition of rights over land. | Requirement for the landowner to be notified prior to the submission of the planning application. No further rights afforded to landowners during determination of the application. However, landowners can comment on an application and any landowner objection could give rise to concerns over deliverability of the scheme in the mind of the LPA, or require CPO to resolve. |
| Affected communities and individuals | Requirement to consult and engage prior to the submission of the application and on submission. Individuals are able to request to be Interested Parties with right to submit additional material and appear at examination.   | Requirement to consult and engage prior to the submission of the application and on submission. Individual can submit representations on planning application and most authorities allow public speaking at Planning Committee determining applications.   |

## 5. Recommended London Water Recycling planning consent route

### 5.1 Route to planning consent options

#### *Beckton Tunnel*

- 5.1.1 Whilst the Beckton Tunnel LWR scheme does meet the DO threshold of S28 of the PA2008, in its current scope for the transfer of recycled water (raw water) between two locations within the Thames Water catchment it does not automatically qualify as an NSIP.
- 5.1.2 The River Thames and the River Lee are themselves linked as the River Lee is one of the easternmost major tributaries of the River Thames. Equally, when the course of the River Lee is viewed alongside the identified Water Framework Directive River Basin Districts map as published by the Environment Agency, it can be seen that the River Lee sits entirely within the Thames River Basin District.
- 5.1.3 Considered alongside the definition of 'river basin' in the PA2008 i.e. "*an area of land drained by a river and its tributaries*", it is considered that this option will not lead to the transfer of water between river basins as the two rivers to which it relates are situated within the same River Basin District, and the River Lee itself is a tributary of the River Thames within that district.
- 5.1.4 Furthermore, this scheme does not include design provisions for nor would otherwise look to secure consent for the development of physical infrastructure that would achieve or enable the transfer of water between water undertaker's areas in England. The potential locations for all aspects of the scheme are located within Thames Water's area, and it therefore does not transfer water either between river basins and or between water company catchments. Accordingly, the scheme does not achieve compliance with the necessary elements of S28(1)(c) of the PA2008 that would otherwise contribute to automatic qualification of the scheme as an NSIP.
- 5.1.5 Accordingly, the planning consent options available to this option are:
- DCO following direction from the SoS under S35 of the PA2008 that the scheme should be treated as a project for which development consent is required;
  - Town and Country Planning Act Planning Permission(s).
- 5.1.6 As described in section 3.1, the Beckton Tunnel option is expected to comprise the following broad development aspects:
- A final effluent take off and conveyance within Thames Water's Beckton STW to a new AWRP located within the land ownership and operational site boundaries of Thames Water's Beckton STW
  - A number of intermediate ~25-45m deep 10.5m ID shafts with permanent surface level access hatches located on suitable open sites along an alignment or route corridor between Beckton STW and Thames Water's Lockwood Pumping Station, utilising wherever possible land under TW ownership;
  - A tunnel connection system to the Thames Lee Tunnel at Thames Water's Lockwood Pumping Station site;

- A number of intermediate ~25-45m deep 10.5m ID shafts with permanent surface level access hatches located on suitable open sites along an alignment or route corridor between Lockwood Pumping Station and Thames Water's King George V Reservoir, utilising wherever possible land under TW ownership:
  - A new discharge outfall site located at Thames Water's King George V Reservoir discharging into the River Lee
  - An ~22km long, ~25-45m deep, 3.5m ID connecting transfer tunnel between Beckton STW and Lockwood Pumping Station, and between Lockwood Pumping Station and King George V Reservoir.
- 5.1.7 As identified in Section 3.3, the key planning issues for the Beckton scheme are expected to include:
- Works to construct permanent new infrastructure on operational land at Lockwood Pumping Station within a Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI)
  - Works to construct the AWRP at Beckton STW within an area of retained Operational Land also designated as Metropolitan Open Land (MOL) and SNCI / Landscape & Ecology Masterplan (LEMP) retained land
  - Construction within areas of Green Belt
  - Ecology impacts at intermediate shaft sites
  - Construction in close proximity to residential receptors
  - Construction within areas of open space
  - Construction at sites undergoing or allocated for future regeneration and development
  - Tunnel depth, vibration and below ground asset interactions
- 5.1.8 A key factor will be the ability to establish that the use of the AWRP site at Beckton STW is acceptable in terms of its nature conservation status, the presence of the Beckton STW LEMP status, and its designation as MOL. This is likely to require consideration of further on and off site biodiversity mitigation, compensation and enhancement measures alongside establish a revised version of the LEMP for that site. The use of the land will need to explore the availability of alternative sites for the AWRP and confirmation of the relationship between the land, its operational use, and the degree of associated harm that may be caused to the loss of MOL.
- 5.1.9 It will be necessary to carefully consider the construction of any infrastructure within the Lockwood reservoir SPA including any impacts upon or loss of habitat associated with that designation for overwintering wildfowl, and any alternative approaches to delivering those works including through the use of alternatives sites.
- 5.1.10 As all major surface level permanent infrastructure is capable of being accommodated on land owned by Thames Water (Beckton STW, Lockwood Pumping Station and King George V Reservoir) the risks associated with acquisition are removed, although the planning risks identified above will remain key to whether planning consent can be granted . In addition, there may be the

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- potential for intermediate shafts to be situated on other Thames Water sites located along the tunnel route corridor, which would also benefit from the removal of risk in relation to acquisition, although, again, the need for planning consent would remain.
- 5.1.11 Whilst it is anticipated that the provision of some permanent infrastructure in the form of intermediate shafts will be necessary along the route corridor on land not under Thames Water's control, their temporary use during construction would be greater than the final development that would be left in place.
- 5.1.12 During construction it would be necessary for compounds to be established at each intermediate shaft site, including safe access to and from the nearby highway, to facilitate sinking of the shaft, removal of excavated spoil and any shaft construction and lining work prior to and after the tunnel boring machine (TBM) has passed through the base of the shaft. Each shaft would remain open until such a point that the TBM had progressed sufficiently to be serviced by subsequent shafts located along the alignment, at which point the shaft would be closed and its surface features reinstated e.g. to car park or open space.
- 5.1.13 Post construction, very infrequent access to the intermediate shafts would be required for inspection and maintenance.
- 5.1.14 The tunnel would be constructed and operated entirely below ground, with only the intermediate shafts creating any surface interaction during construction or operation at any non-Thames Water sites. All tunnel spoil removal will take place at sites owned by Thames Water prior to routing onto selected transport modes, and the TBMs themselves will also be removed from shafts situated within Thames Water sites.
- 5.1.15 The discharge outfall will also require consideration regarding permitting to allow the discharge of recycled effluent to the River Lee.
- 5.1.16 The final area of land for which access rights will be required is therefore expected to be considerably less than the overall area of land needed during construction, whilst the new tunnel may itself require and need to benefit from protection from being built over.
- 5.1.17 It is anticipated that the works to construct and operate both the tunnel and shafts are of a scale and type that enables their delivery in accordance with the land access, acquisition and development rights afforded to Thames Water under the Water Industry Act 1991.
- 5.1.18 Sections 158 and 159 WIA 1991 confer on TWUL powers to lay and keep any "relevant pipe" in, under or over any street (section 158) or other land which is not a street (section 159) i.e. third party land. Potentially both powers need to be considered since the route of some of the tunnel alignment passes under streets and other land. The term "relevant pipe" has an extended meaning and includes:
- sewers, disposal mains, lateral drains and tunnels and conduits which serve the pipe/s in question;
  - drainage relief systems constructed under section 114A WIA – these are defined as structures designed to receive rainwater and other surface water (other than from rivers and streams) and whose purpose is to reduce the volume of rain and surface water entering the public sewer or the rate at which it does so; and

- “accessories” – these are defined as including water mains, sewers and other pipes, manholes, ventilating shafts, inspection chambers, settling tanks, wash-out pipes, pumps, ferrules or stopcocks for the main, sewer or other pipe and any machinery or other apparatus which is designed or adapted for use in connection with the use or maintenance of the main, sewer or other pipe or of another “accessory” for it (but not communications apparatus unless this has a functional connection with the main, sewer or some other accessory).
- 5.1.19 Powers under Sections 158 and 159 WIA include the power to inspect, maintain, adjust, repair and alter the “relevant pipe”. They also include powers to carry out works requisite for or incidental to the laying of the “relevant pipe” or its later inspection, maintenance, adjustment, repair and alteration.
- 5.1.20 Given the above, and bearing in mind the scale of the infrastructure left in situ on land not owned by Thames Water, it is not currently anticipated that a strategy to permanently acquire land either via negotiation or compulsory purchase would be pursued, although such provisions are available under Section 155 of the WIA.
- 5.1.21 If selected, the need for scheme will be informed by the provisions of the WRSE Regional Plan and Thames Water’s WRMP, and reinforced by the emerging Water Resources Infrastructure NPS which would confirm that the need for the scheme is accepted if promoted as a DCO, confirmation that would remain as a material consideration should the scheme be promoted under the TCPA1990. This will be a key unifying factor relevant to the coordinated determination of the scheme by either the Examining Authority or by up to potentially 6 LPAs through whose local area the scheme would pass or be located. This is the case whether the scheme is promoted via the PA2008 or the TCPA 1990, as all LPAs would be expected to forge an active role in the determination of any DCO for the scheme, whilst under the TCPA they would each be responsible for granting planning permission for the proportion of the scheme in their area.
- 5.1.22 Close liaison with all LPAs will therefore be a key task for any application to ensure that the impacts, concerns, opportunities and benefits to each local area are fully understood and able to be resolved or delivered, either under the terms of a DCO or a series of planning permissions.
- 5.1.23 It is also recognised that, if the scheme were selected and delivered under the TCPA, that close liaison would need to extend to careful coordination of all affected LPAs to achieve determination of each part of the scheme resident in each Borough on a consistent timescale that accords with the overall project programme. Such demands will foreseeably require joint work via Planning Performance Agreements and multi-agency working groups through the drafting, submission and determination of the required planning applications.
- 5.1.24 Should time allow in respect of Local Plan reviews and project programme there may also be benefit for consideration to be given to seeking allocation or safeguarding of the scheme or aspects of the scheme in the relevant local development plans.

### ***Mogden Water Recycling***

- 5.1.25 Whilst the Mogden Water Recycling LWR option does meet the DO threshold of S28 of the PA2008 it does not automatically qualify as an NSIP as this option does not transfer water either between river basins, water company catchments or a combination of both, where situated in England.

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- 5.1.26 Accordingly, the planning consent options available to this option are:
- DCO following direction from the SoS under S35 of the PA2008 that the scheme should be treated as a project for which development consent is required;
  - Town and Country Planning Act Planning Permission.
- 5.1.27 As described in section 3.1, the Mogden Water Recycling LWR option is expected to comprise the following broad development aspects:
- A final effluent take-off and shaft located within Mogden STW
  - A number of sections of pipejack-constructed pipeline, measuring 6.4km in length, ~15-25m deep and 1.8m ID
  - A number of intermediate ~15-25m deep 10m ID shafts with permanent surface level access hatches located on suitable open sites along an alignment or route corridor between Mogden STW and Thames Water's Hydes Field site, utilising wherever possible land under TW ownership;
  - An AWRP located within the land ownership boundary of Thames Water's Hydes Field site
  - A number of sections of trench-constructed pipeline, measuring 5.9km in length, 1.4m ID
  - A new outfall site located within riverside open space on the banks of the River Thames.
- 5.1.28 As identified in Section 3.3, the key planning issues for the Mogden scheme are likely to include:
- Works to construct the AWRP at Hydes Field within an area of retained Operational Land that is also designated as Green Belt and SNCI
  - Works to construct permanent new infrastructure on land adjacent to the south west London water bodies SPA
  - Construction in areas of open space
  - Construction in close proximity to residential receptors
  - Construction in close proximity to education receptors
  - Construction in close proximity to sports and amenity receptors
- 5.1.29 A key factor for the delivery of this scheme will be the balance of impacts associated with the use of the Hydes Field site for the delivery of an AWRP. Use of this site, which is retained as operational land, would require clearance of the existing woodland habitat to facilitate construction. Construction and operation of the AWRP would take place adjacent to Red House Reservoir, which forms part of the South West London Waterbodies SPA for birds and so construction and operational methods would need to be designed to ensure that no harm was caused to the function and integrity of that waterbody. In addition, the site is also designated as Green Belt in both of the boroughs in which it is located (Richmond Upon Thames / Spelthorne) and it will be necessary to establish that the development of the site is acceptable when considered alongside the protection afforded to the site by existing Green Belt policy.

- 5.1.30 With the exception of the effluent take-off location within Mogden STW and the proposed AWRP site, the pipeline route corridor and any anticipated site locations for intermediate shafts and areas for trenched construction would be situated on or under land under 3<sup>rd</sup> party control, although in both instances the temporary use of 3<sup>rd</sup> party land during construction would be greater than the final development that would be left in place.
- 5.1.31 During construction it would be necessary for compounds to be established at each intermediate shaft site, including safe access to and from the nearby highway, to facilitate sinking of the shaft, removal of excavated spoil and any shaft construction and lining work prior to and after the pipe-jacking machine has passed through the base of the shaft. All pipeline spoil removal would take place at each shaft site for the volume spoil excavated between the launch shaft and reception shaft.
- 5.1.32 Each shaft would remain open until such a point that the machine has progressed sufficiently to be serviced by subsequent shafts located along the alignment, at which point the shaft would be closed and its surface features reinstated e.g. to car park, highway or open space.
- 5.1.33 Post construction, very infrequent access to the shafts would be required for inspection and maintenance.
- 5.1.34 If any works were proposed within special land such as Common Land as situated along the scheme route corridor they would be likely to require Common Land Consent in order for those works to be delivered and for access to any permanent shafts to be authorised. The final discharge outfall will also require consideration regarding permitting to allow the discharge of recycled effluent to the River Thames.
- 5.1.35 Notwithstanding the larger amounts of 3<sup>rd</sup> party land required during construction to facilitate the delivery of shafts and the outfall than is associated with other LWR schemes, the final area of land for which access rights will be required will be considerably less than the overall area of land needed during construction, whilst the new pipeline may itself require and benefit from protection from being built over.
- 5.1.36 It is anticipated that both the pipeline and shafts and the works to construct and operate them are of a scale and type that enables their delivery in accordance with the land access, acquisition and development rights afforded to Thames Water under the Water Industry Act 1991.
- 5.1.37 Sections 158 and 159 WIA 1991 confer on TWUL powers to lay and keep any “relevant pipe” in, under or over any street (section 158) or other land which is not a street (section 159) i.e. third party land. Potentially both powers need to be considered since the route of some of the pipeline alignment passes under streets and other land. The term “relevant pipe” has an extended meaning and includes:
- sewers, disposal mains, lateral drains and tunnels and conduits which serve the pipe/s in question;
  - drainage relief systems constructed under section 114A WIA – these are defined as structures designed to receive rainwater and other surface water (other than from rivers and streams) and whose purpose is to reduce the volume of rain and surface water entering the public sewer or the rate at which it does so; and

- “accessories” – these are defined as including water mains, sewers and other pipes, manholes, ventilating shafts, inspection chambers, settling tanks, wash-out pipes, pumps, ferrules or stopcocks for the main, sewer or other pipe and any machinery or other apparatus which is designed or adapted for use in connection with the use or maintenance of the main, sewer or other pipe or of another “accessory” for it (but not communications apparatus unless this has a functional connection with the main, sewer or some other accessory).
- 5.1.38 Powers under Sections 158 and 159 WIA include the power to inspect, maintain, adjust, repair and alter the “relevant pipe”. They also include powers to carry out works requisite for or incidental to the laying of the “relevant pipe” or its later inspection, maintenance, adjustment, repair and alteration.
- 5.1.39 Given the scale of the infrastructure likely to be left in situ on land not owned by Thames Water it is not currently anticipated that a strategy to permanently acquire land either via negotiation or compulsory purchase would be pursued, with the potential exception of the final discharge structure on the bank of the River Thames.
- 5.1.40 If selected, the need for scheme will be informed by the provisions of the WRSE Regional Plan and Thames Water’s WRMP, and reinforced by the emerging Water Resources Infrastructure NPS which would confirm that the need for the scheme is accepted if promoted as a DCO, confirmation that would remain as a material consideration should the scheme be promoted under the TCPA1990. This will be a key unifying factor relevant to the coordinated determination of the scheme by either the Examining Authority or by up to potentially 3 Local Planning Authorities through whose local area the scheme would pass or be located. This is the case whether the scheme is promoted via the PA2008 or the TCPA 1990, as all LPAs would be expected to forge an active role in the determination of any DCO for the scheme, whilst under the TCPA they would each be responsible for granting planning permission for the proportion of the scheme in their area.
- 5.1.41 Close liaison with all LPAs will therefore be a key task for any application to ensure that the impacts, concerns, opportunities and benefits to each local area are fully understood and able to be resolved or delivered, either under the terms of a DCO or a series of planning permissions.
- 5.1.42 It is also recognised that, if the scheme were selected and delivered under the TCPA, that close liaison would need to extend to careful coordination of all affected LPAs to achieve determination of each part of the scheme resident in each Borough on a consistent timescale that accords with the overall project programme. Such demands will foreseeably require joint work via Planning Performance Agreements and multi-agency working groups through the drafting, submission and determination of the required planning applications.

#### ***Teddington Direct River Abstraction***

- 5.1.43 Whilst the Teddington Direct River Abstraction (DRA) LWR option could meet the DO threshold of S28 of the PA2008 in its larger design capacity, it does not automatically qualify as an NSIP as this option does not transfer water either between river basins, water company catchments or a combination of both, where situated in England.
- 5.1.44 Accordingly, the planning consent options available to this option are:
- DCO following direction from the SoS under S35 of the PA2008 that the scheme should be

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treated as a project for which development consent is required;

- Town and Country Planning Act Planning Permission.

5.1.45 As described in section 3.1, the Teddington DRA LWR option is expected to comprise the following broad development aspects:

- A final effluent take-off and conveyance to a Tertiary Treatment Plant, and connection to a drive shaft located within Mogden STW
- A number of sections of tunnel boring machine-constructed tunnel, measuring ~4.5km in length, 15-30m deep and 1.8m ID
- A number of intermediate ~15m-30m deep 10.5m ID shafts with permanent surface level access hatches located on suitable open sites along an alignment or route corridor between Mogden STW and the water transfer outfall / direct river abstraction point;
- A new outfall site located within riverside open space on the south bank of the River Thames in proximity to Teddington Weir
- A new intake structure site located adjacent to the new outfall
- A new drop shaft connected by below ground pipejacked pipeline to the intake structure and situated over the Thames Lee Tunnel.

5.1.46 As identified in Section 3.3, the key planning issues for the Teddington scheme are likely to include:

- Construction of a new permanent discharge and a new intake and screen structure within the river bank to the River Thames
- Construction within areas of Green Belt and Metropolitan Open Land
- Construction in areas of open space and SNCI
- Construction in close proximity to residential receptors

5.1.47 With the exception of the effluent take-off and tertiary treatment plant site within Mogden STW, the tunnel route corridor and any anticipated site locations for intermediate shafts and the construction of the outfall and intake structures would be situated on or under land under 3<sup>rd</sup> party control, although in both instances the temporary use of 3<sup>rd</sup> party land during construction would be greater than the final development that would be left in place.

5.1.48 During construction it would be necessary for compounds to be established at each intermediate shaft site, including safe access to and from the nearby highway, to facilitate sinking of the shaft, removal of excavated spoil and any shaft construction and lining work prior to and after the TBM has passed through the base of the shaft. All tunnel spoil removal would take place at each shaft site for the volume spoil excavated between the launch shaft and reception shaft, a distance of, typically, 2km.

5.1.49 Each shaft would remain open until such a point that the machine has progressed sufficiently to

- be serviced by subsequent shafts located along the alignment, at which point the shaft would be closed and its surface features reinstated e.g. to car park, highway or open space. Post construction, very infrequent access to the shafts would be required for inspection and maintenance.
- 5.1.50 With regards to the tunnel outfall structure and the associated abstraction and screening intake structure and ancillary drop shaft there will be a need for any application for planning consent to establish the degree of impact upon the use of open space, features of nature conservation importance, amenity and, given the residential character of the area, access. Due to the need for these structures to be located in close proximity to the Teddington Weir it is possible that their construction will take place within areas of open space and / or MOL, and in proximity to residential receptors.
- 5.1.51 In particular, construction of the new intake would be expected to lead to a final structure introduced within and above the water channel and cut into and sat above the receiving river bank, creating a permanent change to the appearance and function of the selected section of riverbank. Careful design will need to be aligned with clear engagement with the landowner and local community to identify a solution capable of meeting the functional and permanent operational needs of the structure whilst being integrated within and accommodated by the receiving environment.
- 5.1.52 Whilst during construction of the adjacent outfall structure works would be expected to be intrusive, once complete the need for the outfall to facilitate discharge into the water channel at or below the flow of the river will mean that its final appearance is expected to be minimal, although permanent access to the structure will be required. Accordingly, reinstatement of the selected outfall site, similar to the intermediate shaft sites, is expected to be to current use and appearance.
- 5.1.53 The discharge outfall will also require consideration regarding permitting to allow the discharge of recycled effluent to the River Thames, whilst the intake structure will require consideration against its own permitting requirements.
- 5.1.54 Notwithstanding the larger amounts of land required during construction to facilitate the delivery of shafts, outfall and intake screening structure, the final area of land for which access rights will be required on 3<sup>rd</sup> party land will be considerably less than the overall area of land needed during construction, whilst the new pipeline may itself require and benefit from protection from being built over.
- 5.1.55 It is anticipated that both the tunnel and shafts and the works to construct and operate them are of a scale and type that enables their delivery in accordance with the land access, acquisition and development rights afforded to Thames Water under the Water Industry Act 1991.
- 5.1.56 Sections 158 and 159 WIA 1991 confer on TWUL powers to lay and keep any “relevant pipe” in, under or over any street (section 158) or other land which is not a street (section 159) i.e. third party land. Potentially both powers need to be considered since the route of some of the pipeline alignment passes under streets and other land. The term “relevant pipe” has an extended meaning and includes:
- sewers, disposal mains, lateral drains and tunnels and conduits which serve the pipe/s in

question;

- drainage relief systems constructed under section 114A WIA – these are defined as structures designed to receive rainwater and other surface water (other than from rivers and streams) and whose purpose is to reduce the volume of rain and surface water entering the public sewer or the rate at which it does so; and
  - “accessories” – these are defined as including water mains, sewers and other pipes, manholes, ventilating shafts, inspection chambers, settling tanks, wash-out pipes, pumps, ferrules or stopcocks for the main, sewer or other pipe and any machinery or other apparatus which is designed or adapted for use in connection with the use or maintenance of the main, sewer or other pipe or of another “accessory” for it (but not communications apparatus unless this has a functional connection with the main, sewer or some other accessory).
- 5.1.57 Powers under Sections 158 and 159 WIA include the power to inspect, maintain, adjust, repair and alter the “relevant pipe”. They also include powers to carry out works requisite for or incidental to the laying of the “relevant pipe” or its later inspection, maintenance, adjustment, repair and alteration.
- 5.1.58 Given the scale of the infrastructure left in situ on land not owned by Thames Water it is not currently anticipated that a strategy to permanently acquire land either via negotiation or compulsory purchase would be pursued, with the potential exception of the outfall and the intake structure. Should compulsory purchase need to be pursued, there will be increased risks in terms of land assembly and project programme that would need to be taken into account, including as shown on Figure 2 later in this Section.
- 5.1.59 If selected, the need for scheme will be informed by the provisions of the WRSE Regional Plan and Thames Water’s WRMP, and reinforced by the emerging Water Resources Infrastructure NPS which would confirm that the need for the scheme is accepted if promoted as a DCO, confirmation that would remain as a material consideration should the scheme be promoted under the TCPA1990.
- 5.1.60 This will be a key unifying factor relevant to the coordinated determination of the scheme by either the Examining Authority or by up to potentially 3 Local Planning Authorities through whose local area the scheme would pass or be located. This is the case whether the scheme is promoted via the PA2008 or the TCPA 1990, as all LPAs would be expected to forge an active role in the determination of any DCO for the scheme, whilst under the TCPA they would each be responsible for granting planning permission for the proportion of the scheme in their area.
- 5.1.61 Close liaison with all LPAs will therefore be a key task for any application to ensure that the impacts, concerns, opportunities and benefits to each local area are fully understood and able to be resolved or delivered, either under the terms of a DCO or a series of planning permissions.
- 5.1.62 It is also recognised that, if the scheme were selected and delivered under the TCPA, that close liaison would need to extend to careful coordination of all affected LPAs to achieve determination of each part of the scheme resident in each Borough on a consistent timescale that accords with the overall project programme. Such demands will foreseeably require joint work via Planning Performance Agreements and multi-agency working groups through the drafting, submission and determination of the required planning applications.

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## 5.2 Routes to planning consent: risks and mitigations

5.2.1 From the preceding sections, a number of planning risks have been identified, as would be expected for any major infrastructure project at this stage of its evolution.

5.2.2 This section of the report summarises the current planning risks and identifies appropriate mitigation. A number of these areas of risk and mitigation carry forward into section 7 of this planning and consent strategy report which sets out planning work beyond Gate 2, and section 8 in relation to land strategy. Through continued work beyond Gate 2, understanding of a number of the risks will be matured and mitigation identified and incorporated within the project.

5.2.3 It will be important for risks relating to both DCO and TCPA consent routes to be kept under close review through the gated process at least until the exact planning consent route is confirmed.

### ***Likelihood of securing consent***

5.2.4 As summarised above and in Section 3 a range of key issues and constraints have been identified across the LWR schemes, including:

- Impacts upon Special Protection Areas, SSSIs and SNCIs
- Development within the Green Belt and areas of Metropolitan Open Land
- Development within areas of open space
- Development within regeneration areas and sites allocated for other development
- Development in proximity to residential receptors
- Development within leisure, sports or schools grounds
- Development within the river environment

5.2.5 For LWR to secure planning consent it will be necessary to demonstrate that these, and other identified impacts, have been correctly assessed to appropriately demonstrate that any effects arising from the schemes would be acceptable when considered against the need for them and any mitigation proposed. Factors such as the cost and scope for providing the same development in an alternative way or at alternative sites will need to be addressed, along with the extent to which environmental effects can be avoided, mitigated and compensated.

5.2.6 With regards to those schemes that will interact directly or indirectly with SPA designations it is considered, at this stage, that a case is capable of being made to support either the Beckton or Mogden LWR schemes, and that with further and more detailed work on infrastructure siting, together with mitigation, a scheme that is able to meet the tests set by the Habitats Regulations and accord with relevant policy and other material considerations can be prepared.

5.2.7 The Gate 2 Environmental Assessment Report (Gate 2 Report Annex B), together with the associated Habitats Regulations Assessment Report (B3), Water Framework Directive Report (B4), (Gate 2 Report Annex B3) and Initial Environmental Assessment Report (B5) together provide more detailed environmental assessments of the LWR schemes. These identify a range of assessed potential environmental effects associated with the schemes, as well as potential

benefits. These assessments reflect the relatively early stage of maturity of the LWR schemes, and the plans for further, more detailed technical and environmental assessments that would be undertaken ahead of the preparation of applications for planning consent, and non-statutory and statutory stakeholder engagement on the proposals.

5.2.8 From the work undertaken for the purposes of the Gate 2 submission it is considered that there are no identified 'planning showstoppers' to any of the emerging schemes, but there are key issues of significance that will need to be explored further under subsequent gated stages of the RAPID process to identify appropriately detailed strategies for managing those issues. These include:

- Beckton Tunnel:
  - Development within MOL, removal of SNCI and loss of land used for ecology mitigation (AWRP)
  - Development within SPA and SSSI
  - Use of Green Belt land and MOL during construction and for provision of permanent shaft covers
- Mogden Water Recycling:
  - Development within the Green Belt, removal of a SNCI and adjacent to a SPA (AWRP)
  - Permanent assets left within the public realm on land controlled by others (outfall structure)
  - Use of Green Belt land and MOL during construction and for provision of permanent shaft covers
- Teddington Direct River Abstraction:
  - Development within MOL, open space and in or within close proximity to SNCI (outfall and intake structures)
  - Permanent assets left within the public realm on land controlled by others (outfall and intake structures)
  - Use of Green Belt land during construction and for provision of permanent shaft covers

5.2.9 Each of these issues for each of the schemes under consideration could give rise to the need for extensive mitigation to demonstrate the proposals represent the most appropriate use of the land in question. However, the work undertaken throughout Gate 2 by the LWR multi-disciplinary project team, including initial briefings with all affected LPAs, has demonstrated that there is confidence that viable schemes exist for which detailed mitigation and design solutions can be advanced through ongoing and detailed technical and environmental work, and stakeholder engagement.

5.2.10 More broadly, identified planning risks and mitigation at this stage include:

| Planning Risk  | Mitigation   |
|--|--|
| Establishing the need for the scheme, both in terms of national interest test, and need in the context of planning and EIA.  | Securing the identification of LWR in Regional Plan and WRMP.  |
| The need for a robust consideration of alternatives, particularly with regards to development in / adjacent to SPA, and in MOL, Green Belt or open space                   | WRSE regional plan and WRMP24 will consider strategic alternatives. The LWR scheme development and engagement pre-application will consider scheme specific alternatives   |
| Ensuring that the spatial extent of the scheme requiring consent is appropriately defined  | Continued engagement and liaison with other SRO teams, with appropriate legal advice.  |
| The [lack of a final] National Policy Statement for Water Resources Infrastructure.  | The need for compliance with the draft and, when published, final NPS to be tracked as part of application preparation.  |
| Ensuring that all policy tests relevant to the eventual planning decision are appropriately and robustly considered in further planning and environmental assessments      | Continuing review of existing and emerging planning policy and guidance to ensure planning constraints, designations and policy tests are appropriately mapped and adequately responded to.<br><br>Identifying and pursuing opportunities for safeguarding and sites and route corridors where appropriate |
| Implementing an appropriate alignment and sites appraisal and land assembly strategy, including engagement with landowners and other stakeholders at pre-application stage | Stakeholder engagement plan developed. Land strategy developed. Further engagement with stakeholders and targeted engagement with key landowners planned for post Gate 2.  |
| Consideration of the risks associated with future development proposals affecting sites and routes.  | Continuing review of emerging development plan proposals and planning applications beyond Gate 2.  |

5.2.11 It is also concluded as part of the Gate 2 process it will be possible for any of the schemes to be delivered through appropriate land assembly making use of powers vested in Thames Water by the Water Industry Act 1991, including access to facilitate construction, operational access, protection for subsequent development and, where necessary compensation. At this stage a land assembly strategy centred around compulsory or negotiated acquisition of land is not promoted.

***Identification of LWR in WRMP to establish the ‘need’***

5.2.12 At the current stage, LWR does not form part of an adopted WRMP, and so the draft Water NPS provision promoting the need for such WRMP developments does not yet apply.

5.2.13 In the January 2022 WRSE Emerging Regional Plan, prepared on a cost-efficient basis, LWR was selected for development and first utilisation in 2030 / 2031, and continues to be selected on that basis. This recognises the importance of LWR as a response to the more challenging future water resources scenarios that the south east region may face.

5.2.14 Once the WRSE Regional Plan and individual WRMPs are finalised, and given the scale of deficits needed to be met within Thames Water’s London supply area, it is considered likely that a development or developments of a scale comparable to the LWR schemes considered by this report will be confirmed by the Regional Plan as needing to be identified, planned and delivered in the short term to secure future customer supplies.

5.2.15 It is considered at this stage that no additional planning mitigation is required, other than reviewing the LWR delivery programme beyond Gate 2 once the proposals in the final WRSE Regional Plan and WRMPs are confirmed.

5.2.16 In the event that LWR does not form part of approved WRMPs, it is not considered likely that the scheme would be progressed to the stage of an application for planning consent.

### ***Consideration of Alternatives***

5.2.17 The requirements associated with the HRA and EIA Regulations and with planning policy require the consideration of reasonable alternatives to the proposed development as part of the eventual application(s) for planning consent. A sufficiently broad range of potential alternatives will need to be considered to meet the relevant policy tests.

5.2.18 The WRSE regional plan and company WRMPs are considering a wide range of potential alternatives to LWR as part of their preparation. This work will provide a large body of information and evidence that will support the consideration of LWR alternatives, ahead of applications for consent.

5.2.19 In relation to LWR itself, the route alignment and site assessment work undertaken as part of Gate 2 has confirmed the continued identification of the three LWR schemes discussed in this report for the purposes of the Gate 2 submission. Further work on the necessary sites, planning issues and land assembly requirements will need to be undertaken beyond Gate 2. The identification and assessment of potential schemes will also be the focus of non-statutory consultation and engagement ahead of any application(s) for planning consent.

5.2.20 As the delivery of a scheme as part of the LWR SRO will be driven by regional modelling and the identified need for a scheme as published in the WRMP and supported by the NPS on Water Resources Infrastructure, a key aspect within each scheme is establishing that the most appropriate approach is taken with regards to each site required for delivery and therefore the route alignment as a whole.

5.2.21 In some instances this is driven by engineering health and safety requirements and the likely availability of suitable land parcels across stretches of route corridor, for example in the case of intermediate shaft provision, and so as any of these schemes progress the availability of alternative approaches or sites may prove to be limited for these aspects of development. This needs to be balanced against the scale, duration and characteristics of the impacts that these shafts will have during construction and operation.

5.2.22 For the main development sites, whether within Thames Water-owned land or on land owned by others, the role of alternatives will be more substantial. It will be necessary to understand how a preferred site performs against other potential locations for that development and to be able to justify why that site has been selected over others.

5.2.23 This understanding is key not only for the carrying out of a regulation-compliant EIA, but is also a key consideration with regards to the use of Green Belt, MOL and open space land. The consideration of alternatives will also be an important part of justifying the use of any land affecting a SPA for birds and an assessment of that use under the Habitat Regulations.

5.2.24 It will therefore be a key aspect of early Gate 3 work to confirm in greater detail the location and

suitability of the sites expected to facilitate delivery of any scheme that is selected to progress, and to confirm that alternative sites or methods do not offer a more appropriate means of delivery for that scheme. Failure to do so will introduce a risk of delay to consider alternatives later within a project programme, a risk of delay through the need to change aspects of a scheme, or the risk that the scheme may not be found acceptable if the use of the sites and alignments selected is not robustly justified.

- 5.2.25 At this stage it is considered that no additional planning mitigation is required on the issue of alternatives.

***Defining the extent of the LWR scheme, including relationships with other SROs***

- 5.2.26 It is essential that the spatial extent of the LWR scheme requiring consent is appropriately defined, including the physical and consenting relationship between LWR and other SROs. Inter-relationships and inter-dependencies between LWR and other SROs must be clearly defined, to ensure that the promotion and consenting of one scheme does not adversely affect, or potentially prejudice, the consenting of other SRO options. This has been a focus of collaboration between SRO planning teams ahead of Gate 2, and work will continue in more detail beyond Gate 2.
- 5.2.27 It is likely that there could be a number of SROs with a planning and consent strategy based on seeking a Section 35 Direction from the Secretary of State. In the event that there are, then it may be appropriate for the Companies to engage with Defra to determine whether the SoS might be willing to undertake a further review of the water transfer NSIP thresholds and definitions, using the powers available under S14 of the Act. Equally, if Government were to consult on further changes to the Water NPS then this process could lead to revisions to thresholds. If Defra were to be minded to pursue this approach, it could avoid the need for a number of Companies to pursue Section 35 applications for individual SROs, and provide a consistent and robust consenting position across the SROs.
- 5.2.28 In relation to LWR itself, work beyond Gate 2 will further refine the spatial extent of the scheme as a whole, ensuring that all of the necessary development, both temporary and permanent, is accurately identified, so that it can then be assessed as part of the EIA and other assessments.
- 5.2.29 Development “associated” with an NSIP can be included within an application for Development Consent, or planning permission can be sought separately for it. There are advantages and potential risks depending on the nature of development proposed, and its relationship to the NSIP itself.
- 5.2.30 Development related to a TCPA planning permission will need to be fully included within the application for that permission where permitted development rights do not apply, or otherwise be capable of being applied for and consented in a manner that does not prejudice the delivery of the scheme as a whole. These matters will be reviewed in more detail beyond Gate 2.

***The draft Water NPS***

- 5.2.31 The Draft National Policy Statement (NPS) for Water Resources Infrastructure was published for consultation in November 2018. At the time of writing this report the final NPS has not been published. The lack of a final NPS represents a continuing risk to the progression of the SROs (including LWR) as the final wording of the NPS could give rise to new or materially different policy

tests needing to be met by an application for Development Consent, or that will otherwise be viewed as material considerations to applications for planning permission. In addition, the express policy support for the need for a water NSIP being established by its inclusion within an adopted WRMP will not come into effect until the Water NPS is finalised.

- 5.2.32 For the progression of LWR through the Gated process, given the current early stage of work, the lack of a final Water NPS is not yet a significant risk to the likely success of the scheme. However, as mitigation, water companies should continue to lobby Government to secure the finalisation of the Water NPS at the earliest opportunity so that the national policy position provides a settled basis for the progression of schemes through consenting processes.
- 5.2.33 Appendix 1 to this Report has summarised relevant policy guidance in the NPS as currently drafted. This will need to be reviewed as the Water NPS is finalised and published, to ensure that there is a robust basis for future applications for Development Consent or planning permission for LWR. This is an area of work that can be undertaken beyond Gate 2.

#### ***Meeting policy tests relevant to the decision***

- 5.2.34 A review of relevant Water NPS, NPPF and Development Plan policies and designations for LWR has been undertaken for the purposes of this Gate 2 submission. This has identified a number of potentially relevant policy tests that the eventual decision maker will need to apply.
- 5.2.35 Failure to meet and overcome these policy tests places any subsequent application for planning consent at risk of failing to gain approval. It is important, as more detailed technical and environmental assessment work is undertaken beyond Gate 2, that these policy tests are appropriately incorporated into ongoing work.
- 5.2.36 As examples, very specific policy protection is afforded to Ancient Woodland, veteran trees and important hedgerows, requiring their protection including the adoption of no dig construction techniques where appropriate. Each of these constraints requires investigation and assessment on the ground to identify whether the policy constraint does or does not apply. The appropriate timing of such surveys, before routes and construction techniques are finalised, provides effective mitigation for this risk.
- 5.2.37 The relevant policy tests identified in Appendices 1 – 4 of this report should appropriately be kept under close review beyond Gate 2, and updated as technical work on LWR progresses.

#### ***Land***

- 5.2.38 As currently defined, LWR may require the acquisition of temporary and permanent rights over land not in Thames Water's ownership. The identification and engagement of landowners potentially affected by the proposals forms a critical part of the progression of the scheme, with specific legal requirements to be met at pre-application stage under the PA2008, and specific provisions requiring careful programming for securing planning permission and rights over land in respect of TCPA applications. An appropriate balance needs to be identified and struck to ensure that relevant landownership constraints are identified sufficiently early in the process to be taken into account, without engaging with significant landowners abortively.
- 5.2.39 At this early stage of work, the potential risks relating to land are being investigated through focusing land identification work on the potential route corridors and the range of land uses

situated within and alongside them. This includes identifying Crown land, Common Land, National Trust property, and other Special Category Land (including allotments, open space etc), for which there is a need for additional assessment, and should any land be proposed to be lost as part of the development alternative provision could be required to be made (e.g. replacement allotments or sports pitches). In turn, the outcomes from and scope of this work would be expected to continue and become more comprehensive beyond Gate 2 to inform design and technical decisions relating to the scheme to be promoted, its alignment and the infrastructure required.

***Risks relating to future development proposals***

- 5.2.40 The nature of land ownership and development in an urban context such as greater London is that there is the risk that potential tunnel or pipeline alignments and sites identified at this stage of the process could be affected by development proposals over time, such that they are then not suitable or available for use as part of LWR.
- 5.2.41 In particular there may be areas along tunnel or pipeline alignments where future development proposals are emerging or are anticipated to emerge within the duration of their relevant planning development plan period, posing a risk to LWR schemes. Whilst the possibility of seeking a Safeguarding Direction from the Secretary of State, which has the effect of requiring the relevant LPAs to specifically consult with the scheme promoter and to take their comments into account in determining planning applications, could be pursued, this would need to be weighed against the timing of the LWR schemes being taken forward.
- 5.2.42 In advance of this, the risk can be mitigated by continuing the work commenced as part of the Gate 1 and Gate 2 planning work package, and monitoring the progression of emerging Local Plans, identified regeneration areas and application registers along tunnel or pipeline alignments for proposals that could affect and influence route and site selection. Where appropriate, consideration should also be given to the potential to safeguard the selected LWR alignment.

***Stakeholder engagement***

- 5.2.43 As with all major development proposals, there is the risk of objections from consultees, local organisations and residents in areas potentially affected by the construction or operation of the scheme. LWR is no exception to this. The areas within which the tunnel or pipeline and above ground infrastructure will be likely to be located include environmentally sensitive areas, and locally valued areas of currently undeveloped land, some in relatively close proximity to nearby residential areas and community facilities.
- 5.2.44 It is important that a full stakeholder engagement strategy, building on the Engagement Report submitted as part of this Gate 2 submission (Gate 2 Report Annex D), is developed and implemented for the project. This will identify those organisations and individuals potentially affected and to ensure that they have opportunities to engage with and influence the proposals before any firm and final decisions are taken. The strategy will also ensure that customers are engaged with and involved in the evolution and development of the scheme. Early engagement will enable the LWR technical and environmental assessment work to be planned and delivered having regard to issues of importance to consultees and local communities.
- 5.2.45 Should the LWR scheme follow a TCPA route to consent it will be essential that, in the absence of other regulatory procedures, the affected LPAs are engaged with early to aid the design of

engagement strategies appropriate to the scale of development that will be consented within their Borough. This will assist with programming sufficient engagement over a relevant number of phases and at a level of detail design to encourage community participation. It will also assist with managing the risks associated with future determination by those authorities regarding to suitability of community engagement completed to inform project design and mitigation.

5.2.46 With regards to an application for a DCO, the statutory and non-statutory consultees expressly identified within The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 will be required to be consulted with as part of the preparation and submission of the eventual application for Development Consent. As part of the preparation of the stakeholder engagement strategy a full review of the requirements will be undertaken to identify all relevant categories of stakeholder to be engaged with. Alongside this, a review of Statements of Community Consultation (SoCC) could appropriately be undertaken for other linear DCO projects, (e.g. Thames Tideway Tunnel; the Southampton to London Pipeline) for lessons learned and good practice in relation to stakeholder engagement.

5.2.47 Should there be a need, for example if circumstances arise whereby consultation needs to proceed yet a firm decision regarding the route to consent has not been reached, it is possible to approach engagement through a hybrid approach that ensure all engagement is compliant with the greater provisions of the DCO process and so also appropriate for a TCPA route to consent.

### 5.3 Routes to planning consent: application deliverables

5.3.1 A DCO application requires the submission of a significant volume of technical information and detail on the scheme for which consent is being applied for. This involves the completion of specific engineering, environmental, planning and lands and engagement activities in accordance with the requirements of the relevant legislation and guidance for such applications.

5.3.2 At this Gate 2 stage a detailed listing of each DCO application deliverable has not been prepared and this would need to be undertaken at the early stages of progressing with a LWR scheme and including engagement with the Planning Inspectorate, affected local authorities and stakeholders. However the expected categories of application documentation are summarised below:

- **Application Form** – including covering letter, form, newspaper notices, application index, navigation document, Section 55 Checklist and glossary
- **Plans** – including land plans, special category land plans, crown land plans, access and rights of way plans, general arrangement plans, and typical layouts.
- **Development Consent Order** – including the draft DCO, explanatory memorandum and validation report
- **Compulsory Acquisition information** – including statement of reasons, funding statement and book of reference
- **Consultation Report** – including explanation of pre-application consultation undertaken
- **Environmental Statement** – including non-technical summary, assessment chapters, figures and appendices, and associated assessment reports, including HRA, WFD etc
- **Other documents** – including design codes, construction codes, mitigation codes, planning statement, flood risk assessment, transport assessment, open space assessment, legal obligations and draft statements of common ground

5.3.3 Equally, for a project of the likely scale of the LWR schemes, the volume of technical information and detail required to meet the validation requirements set by relevant LPAs for that scheme will also be significant. As with the DCO deliverables above, a firm list of requirements would need to be established as a scheme progresses, including through detailed liaison with LPAs and consultees. Through this it would be expected that the following deliverables would be required for a TCPA application:

- **Application Form and Notices**
- **Drawings and plans** – in accordance with national and local requirements
- **Planning Statement** – summarising and justifying the proposed scheme against the provisions of the development plan and other material considerations
- **Design Statement(s)** – addressing project design, access provisions and design principles
- **Environmental Statement** – including non-technical summary, assessment chapters, figures and appendices, and associated assessment reports, including HRA, WFD etc
- **Technical assessment reports** – covering all matters not scoped into the project Environmental Statement yet required to address the provisions of development plan policy, e.g. flood risk assessments, transport assessments, open space assessments
- **Technical information reports** – either where required by validation checklists or necessary to aid project understanding, e.g. construction method reports and codes of construction practice
- **Draft Legal agreement** – where required for the scheme and as made under S.106 of the TCPA

5.3.4 Although it is expected that work to progress a preferred LWR scheme through the planning system will need to begin immediately following the end of the Gate 2 process, there remains sufficient time to scope the required work in detail, and to secure funding and procure the necessary technical specialists to undertake the detailed work necessary to complete either a DCO application preparation process or a TCPA application preparation process.

5.3.5 It should also be noted that whilst to date documentation has largely been provided in printed and electronic (PDF) format, there is significant progress being made on GIS based submissions, particularly with environmental statements.

## 5.4 Relationship with other SROs and projects

5.4.1 There are inter-relationships between a number of the individual SROs currently being investigated and assessed, and further linkages or relationships with other non-SRO infrastructure schemes. Each SRO or non-SRO project will need to carefully assess these inter-relationships and transparently explain and justify them within their applications for development consent (through a DCO or planning permission).

5.4.2 The recommended approach to SRO consenting is that companies and promoters should ensure that consent applications are clear on the physical extent of the infrastructure for which consent is sought, and where physical linkages to other unconsented infrastructure exist, clearly describe

what those linkages are and how (and when) any separate consents will be secured (whether in a separate DCO or planning permission). They must also ensure that EIA and other assessments assess not only the infrastructure for which consent is to be applied for now, but also potential cumulative effects with the infrastructure to be consented in the future, ensuring that there is no 'salami-slicing' of a project to avoid assessing its full impacts.

5.4.3 Where there is a requirement for 'interface infrastructure' between SROs (or an SRO and non-SRO project) one or other of the consent applications must secure consent for this 'interface infrastructure', ensuring that the environmental impacts associated with it are assessed. In this way, the ability for a separate future SRO or non-SRO project to connect to the SRO being consented can be safeguarded, without prejudging or prejudicing the separate later applications for consent for the other SRO.

5.4.4 Separate from the physical infrastructure, each individual application must set out its own need case, describing the individual elements of the need for the scheme and building upon the draft Water Resources Infrastructure NPS, WRMP19, the WRSE Regional Plan, WRMP24s and other factors as appropriate. Where there is an inter-relationship in the need case between more than one SRO, or an SRO and non-SRO infrastructure, this must be clearly explained. A robust justification should be given for any 'need' which is reliant upon other SRO or non-SRO schemes, particularly if these are not yet identified in final WRMPs.

## 5.5 Route to planning consent

5.5.1 Considering the points addressed in this section the following recommendations are given in respect of the Route to Planning Consent for each of the 3 SRO schemes assessed in this report.

### ***Beckton Tunnel option***

5.5.2 Considering the issues and characteristics raised above, and the consenting comparison provided within Section 4, it is recommended that securing planning consent under the TCPA 1990 is pursued for the Beckton Tunnel option for the following reasons:

- The scheme does not automatically qualify as an NSIP
- Engagement with Local Planning Authorities has indicated a positive understanding of the scheme, its need and method of delivery
- The main development components of the scheme would be hosted on land owned by TWUL
- Development on 3<sup>rd</sup> party land would be limited to intermediate drop shafts
- The WIA facilitates delivery of pipelines under 3<sup>rd</sup> party land and highways and stipulates that 'pipelines' includes the construction of 'tunnels'
- The scheme does not face any planning and land use issues that would be expected to prevent planning permission from being granted
- The delivery programme to consent including time required for any compulsory land acquisition via Inquiry facilitates a start on site approximately 6 months quicker than that associated with a DCO application

- The resulting TCPA permission benefits from the flexibility to be amended through non material and minor material amendment applications relatively quickly when contrasted with a DCO consent, whilst approved conditional details can be discharged when necessary

### ***Mogden Water Recycling***

5.5.3 Considering the issues and characteristics raised above, it is recommended that securing planning consent under the TCPA 1990 is pursued for the Mogden Water Recycling option for the following reasons:

- The scheme does not automatically qualify as an NSIP
- Engagement with Local Planning Authorities has indicated a positive understanding of the scheme, its need and method of delivery
- The main development components of the scheme would be hosted on land owned by TWUL
- Development on 3<sup>rd</sup> party land would be limited to intermediate drop shafts and the construction of the outfall on local authority open space land
- The WIA facilitates delivery of pipelines under 3<sup>rd</sup> party land and highways
- The scheme does not face any planning and land use issues that would be expected to prevent planning permission from being granted
- The delivery programme to consent including time required for any compulsory land acquisition via Inquiry facilitates a start on site approximately 6 months quicker than that associated with a DCO application
- The resulting TCPA permission benefits from the flexibility to be amended through non material and minor material amendment applications relatively quickly when contrasted with a DCO consent, whilst approved conditional details can be discharged when necessary

### ***Teddington DRA***

5.5.4 Considering the issues and characteristics raised above, it is recommended that securing planning consent under the TCPA 1990 is pursued for the Teddington option for the following reasons:

- The scheme does not automatically qualify as an NSIP
- Engagement with Local Planning Authorities has indicated a positive understanding of the scheme, its need and method of delivery
- Part of the main above ground development components of the scheme would be hosted on land owned by TWUL
- Development on 3<sup>rd</sup> party land would be limited to intermediate drop shafts and the construction of the outfall and intake structures on local authority open space land
- The scheme does not face any planning and land use issues that would be expected to prevent planning permission from being granted

- The delivery programme to consent including time required for any compulsory land acquisition via Inquiry facilitates a start on site approximately 6 months quicker than that associated with a DCO application
- The resulting TCPA permission benefits from the flexibility to be amended through non material and minor material amendment applications relatively quickly when contrasted with a DCO consent, whilst approved conditional details can be redischarged when necessary

5.5.5 Should the outcomes of modelling and water demand prediction changes such that the urgency for the delivery of a LWR SRO scheme can be moved from the early 2030’s towards circa 2040 or beyond, the route to consent recommendations should be revisited, although it is not expected that many of the planning, land ownership and environmental characteristics identified in the summaries above would change.

5.5.6 A longer lead in time would facilitate further exploration of the ability to implement this scheme using Thames Water’s powers under the Water Industry Act 1991, and, if appropriate, the likely reaction and involvement required for those 3<sup>rd</sup> party landowners along the route of the scheme being promoted. In particular, and given the higher amount of 3<sup>rd</sup> party land use associated with it, such investigations would be of particular use for any future promotion of the Mogden scheme, including developing an understanding as to whether further issues are identified that would merit seeking a direction from the SoS under S35 of the PA2008 for that scheme to be considered as a project for which a DCO is required.

5.5.7 Notwithstanding this, having taken all issues identified in this section of the report into account, it is concluded that, whether identified for urgent delivery or not, promotion of the LWR schemes via the TCPA 1990 would be expected to remain a feasible and beneficial option.

**Summary of Consenting Recommendations**

5.5.8 The Gate 2 route to planning consent recommendations for each of the London Water Recycling schemes are summarised in Table 5.1 below:

**Table 5.1 Gate 2 Route to Planning Consent Recommendations**

| <b>London Water Recycling Scheme</b>                     | <b>Recommended Route to Consent (based on 2022 WRSE Modelling)</b> |
|--|--|
| Beckton Water Recycling Tunnel Option                    | Town & Country Planning Act planning permission(s)                 |
| Mogden Water Recycling Option                            | Town & Country Planning Act planning permission(s)                 |
| Teddington Direct Abstraction Pipeline (pipejack) Option | Town & Country Planning Act planning permission(s)                 |

**5.6 Route to planning consent: indicative programme**

5.6.1 As explained in the London Water Recycling SRO Gate 2 Submission Report it is considered likely that a LWR Scheme will require early action and programming to facilitate a submission of an application for consent circa 2024 and to enable construction to deliver a scheme ready for

operation in 2030 / 2031.

5.6.2 As the recommended route to planning consent for all schemes reviewed in this report is via a TCPA planning application a consent programme for that process has been set out below at Figure 2.

5.6.3 However, it is recognised that the option to pursue an application for Development Consent remains open and, for completeness, a comparison consent programme for that consent route has been set out below at Figure 3.

**Figure 2 TCPA Planning Application Route to Consent Programme (High Level)**

| Activity   | 2022  |       | 2023  |       |       |       | 2024  |       |       |       | 2025  |       |       |       | 2026  |     |    |    | 2027 |  |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----|----|----|------|--|
|  | Q3    | Q4    | Q1    | Q2    | Q3    | Q4    | Q1    | Q2    | Q3    | Q4    | Q1    | Q2    | Q3    | Q4    | Q1    | Q2  | Q3 | Q4 | Q1   |  |
| Early engagement / consent route/ land referencing                         | Green | Green |       |       |       |       |       |       |       |       |       |       |       |       |       |     |    |    |      |  |
| EIA Scoping  |       | Green |       |       |       |       |       |     |    |    |      |  |
| EIA/ Tech. assessment/ Planning assessment/ Drawings/ Consultation         |       | Green |       |       |       |       |       |     |    |    |      |  |
| Submission – determination – Permission                                    |       |       |       |       |       |       |       |       |       | Red   | Green | Green | Green | Green | Green | Red |    |    |      |  |
| Conditions / obligations discharge   |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |     |    |    |      |  |
| Land assembly / Compulsory Purchase Order Inquiry & Decision (if required) |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |     |    |    |      |  |
| Secondary licences and consents  |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |     |    |    |      |  |

**Figure 3 PA2008 DCO Route to Consent Programme (High Level)**

| Activity   | 2022 |    | 2023 |    |    |    | 2024 |    |    |    | 2025 |    |    |    | 2026 |    |    |    | 2027 |   |
|--|------|----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|------|---|
|  | Q3   | Q4 | Q1   | Q2 | Q3 | Q4 | Q1   | Q2 | Q3 | Q4 | Q1   | Q2 | Q3 | Q4 | Q1   | Q2 | Q3 | Q4 | Q1   |   |
| Early engagement / consent route/ land referencing                                 | █    | █  |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |      |   |
| S.35 DCO Direction/ EIA Scoping  |      | █  | █    | █  | █  | █  |      |    |    |    |      |    |    |    |      |    |    |    |      |   |
| EIA/ Tech. assessment/ Planning assessment/ Drawings/ non-Stat & Stat Consultation |      | █  | █    | █  | █  | █  | █    | █  | █  | █  | █    | █  | █  | █  |      |    |    |    |      |   |
| Submission – determination – Consent   |      |    |      |    |    |    |      |    |    |    |      |    |    |    | █    | █  | █  | █  | █    | █ |
| DCO Requirements / obligations discharge   |      |    |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |      | █ |

- 5.6.4 The TCPA consent programme indicates that it may be possible to commence construction of the selected scheme in late Quarter 2 or early Quarter 3 of 2026. This would rely upon applications being submitted by or before Q2 of 2026 to discharge all pre-commencement of construction planning conditions attached to the planning consent, and anticipates that all secondary licenses and consents required to be in place under other legislation prior to commencement of construction would also be secured over 12 month period to Q2 2026.
- 5.6.5 Should there be a need for some form of compulsory purchase of land including recourse to a CPO Inquiry then a further 18 month period would be needed from the earliest confirmation that planning permission is likely to be granted for the scheme, typically approval at planning committee. Accordingly, it would be expected that the CPO Inquiry process would run between January 2025 – June 2026 which, if assumed to be successful, would help to facilitate a start on site in Quarter 3 of 2026.
- 5.6.6 If a CPO Inquiry were required, the same approach would be taken to discharge pre commencement conditions and secure secondary licences and consents in parallel to and prior to the conclusion of that CPO Inquiry process.
- 5.6.7 If one or more LPAs were to refuse permission then an appeal can be submitted to the Secretary of State, and an Inquiry would be held before an independent Inspector before a decision is issued. Where an appeal is submitted and an Inquiry held any eventual grant of planning permission would be delayed until that process completes, typically adding a delay period of 12 months to a project’s programme.
- 5.6.8 For the PA2008 route to consent a number of specific regulatory procedures must be followed that do not apply to the TCPA route to consent, including the preparation and consultation on a Statement of Community consultation, on a Preliminary Environment Information Report and the carrying out of appropriate programmed statutory consultation. Allowing for these activities and

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- time to incorporate their outcomes it is assumed that a DCO would be submitted in Quarter 1 of 2025 and granted in early Quarter 3 of 2026.
- 5.6.9 It would be expected that little progress would be made immediately following the grant of consent as the first action following determination by the Secretary of State will be for the project team to mobilise all affected LPAs and ensure appropriate resourcing and funding arrangements are in place to facilitate the approval of pre-construction matters governed by DCO Requirements and legal obligations.
- 5.6.10 Prior to formal submission it would be expected that some if not all pre commencement details would be circulated in draft to reduce the risk of post submission delay during the DCO-prescribed determination period, itself potentially 8 weeks in length. Taking account of these factors, under a PA2008 route to consent it may be possible to commence construction of the scheme in late Quarter 4 of 2026 or early Quarter 1 2027.
- 5.6.11 Should an application for a DCO not be granted or should an appeal against the decision to grant a DCO be lodged, the programme for delivery under the PA2008 route to consent would be delayed.
- 5.6.12 The high level programmes set out above will be kept under review in the context of the delivery programme for LWR.

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## 6. Strategy for obtaining other regulatory consents

### 6.1 Consents addressed within DCO or TCPA Application

- 6.1.1 As well as securing planning consent for LWR there will be a significant number of other consents, licences and authorisations that will need to be secured in advance of or during the implementation of the project.
- 6.1.2 One of the advantages of securing approval through a DCO is the ability to secure authorisation for a range of other consents alongside the planning approval, including land acquisition, legislative licences and approvals under numerous items of environmental and transport legislation, and in relation to statutory undertakers. This enables the DCO to act, as far as possible, as a single overarching consent.
- 6.1.3 Notwithstanding this, should planning consent be sought via the TCPA, it remains entirely feasible for the range of parallel consents and approvals to be obtained through comprehensive scheduling and programme planning to ensure that each necessary other consent is in place prior to the related activity being implemented.
- 6.1.4 With regards to land acquisition and assembly for the purposes of project delivery under the TCPA it is anticipated that, due to the minimal final infrastructure requirements that will remain post construction, such land assembly will be achieved via the use of powers made available to Thames Water under the Water Industry Act 1991.
- 6.1.5 However, if for any site or number of sites this is not a feasible strategy whilst at the same time a TCPA permission is being sought, Thames Water would have recourse to the provisions of compulsory purchase.

### 6.2 Consents required separately

- 6.2.1 Although at this early stage of scheme delivery the details of the other regulatory consents has not been finalised, preliminary work has been undertaken for the purposes of this Gate 2 submission. The list, which is not exhaustive at this stage of design development, presents the licences and consents that may be required as part of the solution design, scheme construction and operational phases of the project. The preliminary list is in the table included at Appendix 5 to this planning and consent strategy report.
- 6.2.2 The table in Appendix 5 identifies that under a DCO consenting route, some secondary consents will be automatically disappplied by the Planning Act 2008 (Category A in the table), some will only be included (or 'deemed') with the agreement of the consenting body (Category B in the table), and the need for others can be overridden by powers in the DCO itself (Category C in the table).
- 6.2.3 As the LWR may proceed via an application for TCPA planning permission the table in Appendix 5 also indicates how secondary consents would be dealt with through applications for planning permission.
- 6.2.4 The information in Appendix 5 will be reviewed and revised for Gate 3 submission, taking account of scheme design evolution and further stakeholder engagement and technical and environmental assessment work.

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## 7. Planning actions for completion beyond Gate 2

### 7.1 Planning scope beyond Gate 2

- 7.1.1 There is a clear and specific range of planning and consent strategy tasks that could appropriately be undertaken beyond Gate 2, in order to complete the current assessment of risks and issues relating to LWR and to focus further on planning risks and identify appropriate mitigation. This work will also provide a firm basis for the progression of LWR to achieve a delivery date of an operational scheme by 2030 / 2031, notwithstanding any provisions published in the final WRSE Regional Plan or within the final Thames Water WRMP24 in respect of timing for the delivery of the scheme. The tasks are summarised below.
- 7.1.2 **Planning input to refining and confirming the spatial scope of the scheme** (temporary and permanent development required) and the planning and consenting related to them will continue, working closely with the technical and environmental teams. This will take forward the work undertaken on tunnel and pipeline alignments as part of the Gate 2 work, and include focused environmental, engineering, planning and land work on pinch points and sites, key crossings and preliminary lands engagement with key landowners.
- 7.1.3 **Further engagement with the Thames to Affinity, Severn Thames Transfer and Thames to Southern Transfer SRO** promoters and legal advisors will take place to continue to define the relationship and procedural and, where they exist, transfer interdependencies between LWR and other SROs.
- 7.1.4 The **planning and land strategy will continue to be reviewed**, particularly the need for and timing of LWR delivery, and the consent programme actions and programme necessary as a result, in light of the final WRSE Regional Plan and WRMP24.
- 7.1.5 A detailed **'Route to Consent' report and planning programme** will be identified, including scoping the necessary stages of work, and the documentation that will need to be prepared as part of applications for consent, for both the assumed planning permission route and for the alternative development consent route. This will build on the Scheme Delivery Plan (Gate 2 Report Annex F).
- 7.1.6 The report will take forward the advice in this Gate 2 planning and consent strategy report, and develop in more detail the necessary steps towards submission of an application for planning consent. The report will set out the key building blocks that will be required for a successful application to be prepared, alongside more detailed assessment of the risks and mitigation measures relating to planning consent for LWR. The extent to which applying for a Section 35 Direction and subsequent DCO may play a role for LWR will also be re-examined.
- 7.1.7 The Route to Consent report will also review the intended approach to procurement or position under DPC as may be appropriately applied to LWR. There is the need for careful consideration of planning implications of DPC, particularly as powers afforded under the PA2008 are afforded to Water Undertakers, as defined under the Water Industry Act. The extent to which any DPC will be able to rely on PA2008 powers, including proceeding under a request for a direction under S35 of the Act will need to be carefully reviewed and taken into account, and the outcomes of that process then taken on board as part of any planning consent programming work.

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7.1.8 There will be **further preliminary engagement** with local planning authorities and other planning stakeholders. Further information on planned engagement is set out in section 7.2 below.

## **7.2 Planning stakeholder engagement strategy beyond Gate 2**

7.2.1 A detailed engagement report is submitted as part of the LWR Gate submission (Gate 2 Report Annex D). This section summarises planned activities beyond Gate 2 in relation to planning stakeholders.

7.2.2 Further preliminary engagement is planned to take place with local planning authorities and other planning stakeholders both prior to the Gate 2 submission and through to the Gate 2 determination, reflecting the timescales associated with the delivery of an operational LWR scheme for 2030 / 2031. Ongoing engagement has also been identified through the Gate 2 engagement to date as being important by the planning authorities involved, enabling them to understand more details of the Gate 2 proposals, and the regional and company context for LWR.

7.2.3 As further technical work is undertaken on the details of the LWR proposals, there will be engagement with local authority planning officers and technical specialists on the planning, environmental and engineering issues relating to the construction and operation of the scheme. This will enable initial discussion of issues including the methods to be utilised as part of environmental and other assessments, potential construction techniques and mitigation of impacts arising. Wider project issues including biodiversity net gain and plans for subsequent community and other engagement will also be discussed, as will the relationship of the LWR proposals with other planned and emerging development proposals.

7.2.4 Ensuring that there are clear and meaningful opportunities for stakeholder, community and customer engagement as the technical work on LWR progresses will be crucial, and an essential part of subsequent applications for planning and other consents. The timing and details of this engagement will be discussed with the planning authorities and other planning stakeholders. There is a need to ensure that the engagement is held sufficiently early in the project programme to enable comments to be made and taken into consideration before key decisions on routeing and the design of the scheme are made. Equally, however, there is a need for care to ensure that engagement is not undertaken too early or repetitively, and that the risks of consultation fatigue are avoided. The details and timing of this will be explored in the ongoing work beyond Gate 2.

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## 8. High Level Land Strategy

### 8.1 Land strategy and assembly

#### *Development*

- 8.1.1 Water undertakers have statutory powers under S159 of the Water Industry Act 1991 (WIA) to lay and repair pipelines through private land, and similar powers under S158 to lay pipelines in/under highways, including powers to enter land for the purposes of surveys and investigations.
- 8.1.2 Sections 158 and 159 WIA 1991 confer on TWUL powers to lay and keep any “relevant pipe” in, under or over any street (section 158) or other land which is not a street (section 159) i.e. third party land. Potentially both powers need to be considered since the route of some of the tunnel and pipeline alignments pass under streets and other land. The term “relevant pipe” has an extended meaning and includes:
- sewers, disposal mains, lateral drains and tunnels and conduits which serve the pipe/s in question;
  - drainage relief systems constructed under section 114A WIA – these are defined as structures designed to receive rainwater and other surface water (other than from rivers and streams) and whose purpose is to reduce the volume of rain and surface water entering the public sewer or the rate at which it does so; and
  - “accessories” – these are defined as including water mains, sewers and other pipes, manholes, ventilating shafts, inspection chambers, settling tanks, wash-out pipes, pumps, ferrules or stopcocks for the main, sewer or other pipe and any machinery or other apparatus which is designed or adapted for use in connection with the use or maintenance of the main, sewer or other pipe or of another “accessory” for it (but not communications apparatus unless this has a functional connection with the main, sewer or some other accessory).
- 8.1.3 Powers under Sections 158 and 159 WIA include the power to inspect, maintain, adjust, repair and alter the “relevant pipe”. They also include powers to carry out works requisite for or incidental to the laying of the “relevant pipe” or its later inspection, maintenance, adjustment, repair and alteration.
- 8.1.4 Powers of compulsory acquisition of land are also afforded to water undertakers under S155 of the Act.
- 8.1.5 The key requirements for land assembly will be to ensure that the construction and operation of each intermediate shaft can take place, and to ensure that the buried tunnel or pipeline infrastructure are not prejudiced by other developments of land uses. As the operational access to each shaft will be minimal, and the tunnel or pipeline constructed at depth, it is anticipated that reliance upon statutory powers will be a key element to assembling the necessary rights over each site. These rights can be implemented irrespective of whether the planning consent is obtained via the PA2008 or the TCPA.
- 8.1.6 For the Teddington DRA scheme there will be a requirement for a new discharge and a new intake and screening structure to be installed within the riverbank of the River Thames, and for the Mogden scheme a new outfall structure will need to be installed within the riverbank of the River

Thames. All of these items would be constructed on third party land. Subject to the statutory powers described above, should this require either acquisition by agreement or compulsory acquisition that will need to be programmed into the selected consenting route for that scheme if it is taken forwards. Such rights would also need to factor in the long term operational needs for the structure.

- 8.1.7 Through the work completed for the Gate 2 process it is recommended that, where possible, land agreements for purchase, rights or temporary use should be sought taking into account the provisions of the WIA, in particular Section 155. The land referencing process will complement this, and production of the required land schedules and plans to support the notices will be required. To achieve this TWUL will be required to gain approval from the Secretary of State. It must be defined what area of land is needed and the function it provides to the scheme. A compelling case in the public interest must be presented and evidence that agreement to purchase the land has been made, even if terms are rejected by a landowner. It must also be proved that there aren't any other viable options to achieve the means of the project and that if approved, the necessary planning requirements and funding are in place.
- 8.1.8 Where compulsory purchase is necessary and the process leads to Inquiry, it is necessary for the acquiring authority to demonstrate meaningful negotiation has been undertaken to secure voluntary agreement ahead of requesting compulsory acquisition powers. Successful negotiation of such agreements can significantly reduce the amount of preparation time needed for that Inquiry. It also helps maintain the goodwill of key stakeholders, landowners, and their advisers.
- 8.1.9 Heads of Terms (HoTs) for option agreements ahead of the application submission should be sought with all affected land interests where possible. Such agreements allow the businesses / landowners to understand the timescales attributable to the project and mitigate accordingly. It also allows the project to look at different scenarios, such as renting land elsewhere or facilitating land exchange, which may in some circumstances be more favourable than straightforward monetary compensation. Early engagement and an understanding of the impact on the land occupation allows time to tailor the negotiations to suit the individuals within an overarching payment strategy to maintain fairness and consistency.

### ***Construction***

- 8.1.10 Temporary possession of land will be required for areas where space for construction falls outside of the land which is being permanently acquired. Agreements can be made with landowners about the use and terms of use of land of this type, however articles within a prospective DCO will also accommodate this, as will Section 168 of the WIA. The period for temporary possession will be subject to time limits as part of a DCO, or in line with agreements made with the landowner.
- 8.1.11 Before land is returned to the landowner, TWUL or its affiliates will be required to remove all temporary works and restore / compensate to the landowner's reasonable satisfaction and in accordance with the provisions of any planning consent. Land taken under temporary possession will become the responsibility of TWUL, however this will allow them to begin construction on site where permanent possession the acquisition of rights (pipeline easement) of a site is due to be taken. This allows flexibility when detailing the final land boundaries which will need to be purchased. It does however mean a landowner will need to be compensated for the time of temporary possession.

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### ***Mitigation***

- 8.1.12 There may also be a need for on and off-site environmental mitigation and/or compensation associated with the construction of the scheme, including for biodiversity net gain, landscaping and for specific protected species and habitats.

### ***Maintenance***

- 8.1.13 The acquisition of rights will also be required across the scheme for the purposes of maintenance of the asset which includes access across private land. TWUL will seek to implement these rights through agreement initially but could use the powers of an approved DCO / WIA to implement if required. These will be registered as a charge to title for TWUL.

### ***Land Referencing***

- 8.1.14 Land referencing is an essential pre-requisite for the identification and assessment of the requirements for temporary or permanent land acquisition, establishing the legal interests in land, as the basis for engagement and negotiation. However, for the LWR schemes this will be a significant body of work due to their locations within London, and it is important to ensure that the detailed work is undertaken at a time sufficiently early to enable information gained as a result to be taken into account in the further design evolution and assessment of the scheme, whilst not so early that the information gained becomes effectively redundant before applications for planning permission or a DCO are required.
- 8.1.15 Given the timescales associated with LWR it will be necessary for land strategy actions to be taken forward as soon as is practicable either prior to Gate 2 determination or following. These are described further below. The activities described would be applicable to applications for planning permission or DCO processes. Each would provide a diligent, compliant approach to the land referencing and would not result in any abortive work.

## **8.2 Land strategy action beyond Gate 2**

- 8.2.1 As part of the continuation of the current stage of technical work on LWR it is considered that the following tasks could appropriately be undertaken as part of the development of the land strategy beyond Gate 2:

- **Identification of owners of site specific landholdings relating to the Gate 2 Preferred Options** – undertaking land registry checks to identify the interests in land for specific identified parts of the corridor sections or sites which are identified as requiring further assessment, e.g. to enable environmental, engineering or planning risks to be further reviewed and moderated through site surveys or investigations, or to begin owner briefings and access negotiations for the final development
- **Identification of special category land interests for the Gate 2 Preferred Options** – to enable the scale and location of special category land to be better understood and to inform whether potential amendments are required as part of design evolution as a result
- **Preparation of land strategy and programme** – to provide a detailed land strategy reflecting the timing of the need for LWR implementation, and to scope and cost out a land work package of works for procurement.

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- **Review of temporary and permanent land acquisition costings** – to provide updated land acquisition costings to inform LWR scheme costing.

8.2.2 The completion of the above tasks beyond Gate 2 will reduce land strategy risks relating to the project and enable the more detailed land strategy work package to be procured in a timely manner at the most appropriate point in the overall project programme. As project refinement continues, the land referencing process will also contribute to the consideration of alternatives as part of final site selection and to aid the reduction of planning and land acquisition risk.

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## Appendix 1: Relevant NPS, NPPF and London Plan Policy

### 1. National Policy

#### Draft National Policy Statement for Water Resources Infrastructure

- 1.1. The Draft National Policy Statement (NPS) was published for consultation in November 2018. At the time of drafting this report the final NPS has not been published. The lack of a final NPS represents a continuing risk to the progression of the Strategic Resource Options as the final wording of the NPS could give rise to new or materially different policy tests needing to be met by an applications for Development Consent or otherwise addressed as material considerations for applications for planning permission.
- 1.2. Paragraph 1.4.5 of the NPS addresses the need for water resource Nationally Significant Infrastructure Projects (NSIPs) advising that if an NSIP is included in a published final WRMP, the need for that scheme will have been demonstrated in line with government policy, and the applicable statutory requirements, and does not need to be revisited as part of the application for development consent. The Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by this NPS on that basis.
- 1.3. Chapter 2 sets out the factors driving the need for demand management and new water resources developments, highlighting the significant scale of future challenges and the role of new infrastructure provision in meeting the need. This is expanded upon further in paragraphs 2.6.8 – 2.6.10 in which the NPS specifically recognises the key role of water transfers in meeting future water resources needs, encouraging water companies to work together in planning and delivering new transfer schemes.
- 1.4. Similarly, regarding the appraisal of options and alternatives, the NPS at paragraph 3.1.6 recognises that NSIPs included within WRMPs will have undergone full options appraisal in accordance with WRMP requirements. The Examining Authority and the decision maker need not reconsider the details of this options appraisal process when considering applications for development consent. That said, the NPS nevertheless recognises at Section 3.5 that the consideration of alternatives is an important part of any project EIA or Habitats Regulations Assessment (HRA) (NPS Sections 3.2 and 3.3), and is also of importance for policy relating to flood risk, national parks and AONBs, and that there will be a need for the issue of alternatives to be considered accordingly.
- 1.5. Elsewhere within Chapter 3 of the NPS guidance is provided on the following policy matters relevant to the London Water Recycling schemes:
  - Section 3.4 – **Environmental Net Gain** – The NPS identifies the requirement for applications for Development Consent to be accompanied by a Statement demonstrating how opportunities for environmental enhancement have been incorporated into the detailed design (including any relevant operational aspects) of the project. The NPS states that the Statement should, in particular, summarise how environmental enhancement has been assessed and quantified.
  - Section 3.6 – **Good Design** – The importance of good design for water infrastructure NSIPs is recognised in the NPS, and sufficient information on design choices must be included as part of applications for Development Consent. The NPS does recognise that operational, safety and security standards may affect design decisions.
  - Section 3.7 – **Climate Change Adaptation** – The NPS identifies that as new water resources infrastructure will typically be a long-term investment which will need to remain operational over many decades, there is a need to consider the impacts of climate change at design, build and operational stages.

- Section 3.8 – **Environmental Regulation** – The NPS recognises the potential need for other consents under Environmental Permitting legislation and advises early engagement with the Environment Agency and other regulatory bodies to ensure that such consents are likely to be forthcoming.
- Section 3.9 – **Nuisance** - The NPS identifies that the Planning Act gives a potential statutory defence from action against nuisance for any works or operations authorised under the DCO. The importance of identifying and scrutinising potential nuisance as part of the Examination is highlighted.
- Section 3.10 – **Safety** – The NPS highlights the need to engage with the HSE and local authority bodies on safety matters, noting that the implications of major accidents and disasters need to be considered as part of the EIA.
- Section 3.11 – **Security** – The NPS notes that water resources infrastructure may have national security implications and that the design and detail of proposed NSIPs need to reflect DEFRA’s guidance for the water industry.
- Section 3.12 – **Health** – As well as direct effects on people’s health, well-being and quality of life, the NPS recognises that indirect and cumulative effects on health are possible. These need to be identified and assessed as part of application for Development Consent.

1.6. Chapter 4 of the NPS identifies the generic impacts and associated guidance specifically related to the delivery of water transfer NSIPs. These are summarised below in Table 1.

**Table 1 Draft NPS Chapter 4 (Generic Impacts), specifically associated with applications for water transfer NSIPs**

| Construction Impacts   | Operational impacts   | Potential mitigation or Enhancement   |
|--|---|---|
| Air Quality  |   |   |
| Emissions to air (including dust) from vehicle movements and the use of plant.   | No significant impacts identified.  | <ul style="list-style-type: none"> <li>• HGV movements and construction vehicles could be routed and timed to avoid peak traffic periods and sensitive receptors.</li> <li>• Use of best practice methods including the development and implementation of Construction Environmental Management Plans should be considered.</li> <li>• Dust suppression measures could be utilised during construction.</li> <li>• Air quality monitoring could be undertaken where appropriate.</li> <li>• Lower emissions plant and vehicles could be used.</li> <li>• Detailed air quality and transport assessments could be undertaken as required.</li> </ul> |
| Biodiversity and nature conservation   |   |   |
| Construction activities for pipelines and associated works can occur over long distances and could result in the loss of or disturbance to habitats and species.<br>Watercourse crossings present particular risks such as | Some disturbance to habitats and species associated with the operational maintenance of any water transfer infrastructure and risks associated with the transfer of non-native species. | The layout of development could seek to avoid damage to designated nature conservation sites and the area of works could be minimised to reduce the risk of adverse impacts on local biodiversity.<br>Species and habitat surveys could be undertaken pre, during and post construction to inform the application of appropriate management and mitigation procedures.<br>For underground works, following construction there is the potential for the reinstatement of the environment to its pre- construction condition. Where this cannot be  |

| Construction Impacts   | Operational impacts   | Potential mitigation or Enhancement   |
|--|---|---|
| <ul style="list-style-type: none"> <li>• the loss or damage of habitats and species;</li> <li>• creating a barrier to the movement of fish and other wildlife;</li> <li>• preventing sediment and woody debris being moved downstream; and</li> <li>• prevention of natural river movement.</li> </ul> <p>There is also the potential for the transfer of non-native species</p> |   | <p>achieved, it may be necessary to create compensatory habitat depending on the type and sensitivity of any designated nature conservation sites that may be affected.</p> <p>Where a river crossing cannot be avoided, the design and engineering of the crossing should be undertaken in accordance with best practice guidance.</p> <p>Use of best practice methods including the development and implementation of Construction Environmental Management Plans should be considered. These could incorporate for example seasonal restrictions on timings of vegetation clearance and impacts on species and need for 'watching briefs'.</p> <p>Design measures to mitigate the risk of adverse effects on aquatic flora and fauna could be identified and implemented including, for example:</p> <ul style="list-style-type: none"> <li>• Fish passages may be required where there is a physical obstruction to a water course.</li> <li>• The design of screens on intake pipes could minimise the risks to fish and other marine organisms</li> <li>• The timing, method and location of discharges from desalination plants could be considered to minimise the effects on marine flora and fauna.</li> </ul> <p>Biodiversity enhancement measures (such as new habitat creation and provision of green corridors) could be incorporated where possible into the project design.</p> |
| <b>Carbon Emissions</b>  |   |   |
| <p>The construction activities required for water transfer schemes could generate emissions of greenhouse gases from HGV movements, construction plant and the embodied carbon in raw materials.</p>   | <p>Greenhouse gas emissions could be mainly associated with the energy use required for pumping of water (and other associated infrastructure needs) and a small number of vehicle movements.</p>   | <p>The use of low emission plant could be considered. Maximising the use of on-site materials could reduce HGV movements (see sections 4.12 and 4.14 on resource use and transport also)</p> <p>New infrastructure could be designed to incorporate the use of energy efficient materials, building techniques and energy efficient pumping and water treatment equipment.</p> <p>Gravity fed transfers could require less energy requirements for pumping.</p> <p>Opportunities could be sought for the use of, or generation of, renewable energy to help offset additional operational carbon emissions.</p>   |
| <b>Historic Environment</b>  |   |   |
| <p>Adverse impacts on the significance of heritage assets could occur directly (through the loss of, or harm to, assets) or indirectly (through effects on setting). Construction activities (such as associated vehicle movements, dust and noise generation) may also have impacts on heritage assets.</p>   | <p>Although most pipelines would be subsurface, associated development such as water treatment works could continue to affect the settings of heritage assets.</p> <p>Any operational changes in river flows could affect heritage assets such as mills and bridges or water dependent archaeological assets.</p> | <p>Site layout and visual screening options could be considered to reduce impacts on any heritage assets.</p> <p>Construction methods could adopt practices which seek to reduce potential adverse impacts to heritage assets.</p> <p>Archaeological watching briefs could be put in place during construction to identify, record and protect heritage assets.</p> <p>Careful consideration should be given to the operational impacts of infrastructure on heritage assets associated with changes in water flows.</p>  |
| <b>Flood Risk</b>  |   |   |

| Construction Impacts  | Operational impacts   | Potential mitigation or Enhancement   |
|---|---|---|
| Construction works may be liable to flooding, and/or cause or exacerbate flooding elsewhere, particularly where development sites are located in Flood Zones 2 or 3 or cross watercourses.  | An increase in impermeable areas as a result of any associated development may also cause increased flood risk elsewhere due to surface water runoff.   | A flood risk sequential approach could be taken towards the siting of infrastructure within the development area.<br>Sustainable drainage approaches and other measures such as planting could be adopted to ensure no net change in fluvial, estuarine or surface water flood risk, arising from site run-off.<br>Where required flood storage measures could be included in the design of development.  |
| <b>Landscape and Visual Impacts</b>   |   |   |
| Construction activity associated with long distance pipelines could have detrimental impacts on the visual amenity of nearby receptors and landscape quality, particularly where development affects designated landscapes, as well as townscapes.                          | The impacts of subsurface pipelines are likely to be negligible. However, any aboveground infrastructure such as pumping stations and water treatment works may continue to have adverse impacts on landscape character and visual amenity. | Construction activity could be screened where possible to avoid or minimise adverse landscape and visual impacts.<br>Site layout and infrastructure design could minimise landscape and visual impacts including utilising existing, and providing new, landscape features.<br>Opportunities could be sought to enhance landscape character through, for example, green infrastructure provision.<br>Opportunities could be sought to improve public access to the countryside. |
| <b>Land Use, including open space, green infrastructure and green belt</b>  |   |   |
| Possible temporary or permanent loss or damage to existing land uses.<br>Construction activity could lead to soil contamination as a result of accidental spillage, disturb existing contaminated land, or cause soil compaction as a result of the use of heavy machinery. | Expected to be negligible.  | Site layout design could seek to avoid development on the best and most versatile agricultural land and geologically sensitive sites.<br>Where possible, land could be reinstated following construction.<br>Development should seek to remediate contaminated land.<br>Undertake all construction activities in accordance with relevant best practice pollution prevention guidance.  |
| <b>Resource and waste management</b>  |   |   |
| Construction materials use and waste arisings (although any soil displaced during pipeline works could be reinstated).  | Any associated development or processes (such as water treatment) could generate waste and involve resource use (such as chemicals).  | Efficient use of existing on site materials and infrastructure assets could be utilised.<br>Where possible, reused or recycled materials could be used during construction.<br>Construction and operational waste could be reused or recycled where possible.<br>Infrastructure could be designed to incorporate the use of resource efficient processes, materials and building techniques.  |
| <b>Socio Economic Impacts</b>   |   |   |
| Represents a large capital investment that could have a significant positive impact on the local economy associated with employment opportunities and supply chain benefits generated   | Minor opportunity for job creation for day-to-day operation and maintenance of infrastructure.  | Where possible, work could be carried out by local firms and contractors that could help contribute to the local economy and meet any employment needs.<br>Potential opportunities for public education could be identified as part of proposals.<br>Opportunities for proposals to provide recreation/tourism opportunities could be considered.   |

| Construction Impacts  | Operational impacts   | Potential mitigation or Enhancement   |
|---|---|---|
| <p>by the development together with spend by construction workers and contractors. However, potential direct adverse impacts by loss of existing land uses and indirect effects on existing nearby businesses and the tourism sector due to, for example, loss of amenity. An influx of construction workers to host communities could potentially increase pressure on existing services and facilities (albeit temporarily).</p>  |   |   |
| <b>Traffic and Transport</b>  |   |   |
| <p>Vehicle movements associated with the movement of materials, waste and workers to/from sites (pipelines may have simultaneous multiple working areas along the route). There may also be a requirement for pipeline works within or across roads. Depending on location and the capacity of the highways network, this could result in congestion and driver delay as well as road safety impacts. Vehicle movements could also have the potential to cause nuisance to the host community and impacts on wildlife and habitats. Potential requirement for the temporary (and possibly permanent) closure of public rights of way.</p> | <p>Minor impacts expected.</p>  | <p>HGV movements and construction vehicles could be routed and timed to avoid peak traffic periods and sensitive receptors. Consideration could be given to the utilisation of waterborne and rail transport to deliver large quantities of construction materials. Where new transport infrastructure is required (for example, roads) consideration should be given to how this can be delivered to maximise public benefit. A detailed transport assessment including a Construction Traffic Management Plan could be undertaken and implemented. Siting and construction activities could be undertaken so as to minimise any short term adverse effects on public rights of way.</p> |
| <b>Water Quality and Resources</b>  |   |   |
| <p>Potential for contamination to affect groundwater, surface water and water courses from construction activities. Where pipelines cross watercourses, there may be changes to the</p>   | <p>Transfer schemes can adversely affect various parameters of water quality. The effects are dependent on the baseline conditions of the two water bodies that the water transfer is taking place between. The rate of</p> | <p>Care should be taken during construction regarding the potential for contaminants such as silt, concrete or fuel oil to pollute water courses or groundwater. Construction activities should be undertaken in accordance with relevant best practice pollution prevention guidance. Realignment of or compensation for directly affected watercourses subject to Water Framework Directive requirements.</p>   |

| Construction Impacts  | Operational impacts   | Potential mitigation or Enhancement  |
|---|---|--|
| hydrological regime, continuity, or morphological conditions. | transfer and seasonal timing can also have a significant effect on factors such as iron concentration and the growth of cyanobacteria. These effects in turn could lead to a failure to meet 'good ecological status' or 'good ecological potential' under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Potential to spread invasive non-native species. | Appropriate and efficient water treatment processes could be used subject to approval with the relevant authorities and consenting / licensing requirements. |

### National Planning Policy Framework

- 1.7. The National Planning Policy Framework (2021) is a recognised material consideration to be taken into account in the determination of planning applications made under the TCPA, and will carry weight in the decision making process for DCOs as guided by Sections 104 and 105 of the PA2008 and recognised at paragraph 5 of the NPPF.
- 1.8. Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development, which it summarises as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 then identifies the three key objective areas of sustainable development: economic, social and environmental, whilst paragraphs 10 and 11 of the NPPF explains that the key means of delivering and achieving sustainable development that works towards the aims of the three key objective areas is the presumption in favour of sustainable development.
- 1.9. Section 9 of the NPPF advises at paragraph 104 that “*Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; and d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains...*”
- 1.10. In section 11 the NPPF advises that planning decisions should promote an effective use of land whilst safeguarding the environment (paragraph 119), encourage multiple benefits from urban and rural land, recognise that some undeveloped land can perform many functions, and give substantial weight to the value of using suitable brownfield land within settlements for other identified needs (paragraph 120).
- 1.11. Section 12 of the NPPF addresses the need to achieve well designed spaces and to ensure that design evolves through community engagement. Paragraph 132 states: “*Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*”

- 1.12. Whilst paragraph 134 makes it clear that: *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*
- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
  - b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*
- 1.13. A considerable number of potential sites and surface level trenches for each of the schemes are located either in Green Belt or Metropolitan Open Land. The NPPF provides clear guidance and policy in respect of Green Belt and its protection from inappropriate development in Section 13. Paragraph 150 of the NPPF also recognises that there are certain limited forms of development that would not be considered to be inappropriate in the Green Belt provided that *“they preserve its openness and do not conflict with the purposes of including land within it”*, and identifies engineering operations as being one such form of development.
- 1.14. Whilst the majority of each of the London Water Recycling schemes would be comprised of buried shafts and pipelines or tunnels, all require some form of built above ground development to facilitate the recycling and conveyance of effluent and its discharge into identified recipient watercourses. In addition to the need for good design as guided by Section 12 of the NPPF, Section 14 of the NPPF sets out the Government’s planning policy for tackling climate change and the management of flood risk in new development. Paragraph 157 advises that *“...local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*
- 1.15. Although none of the London Water Recycling schemes are located close to sensitive landscape areas such as National Parks or AONBs, aspects of each scheme under consideration site within close proximity to features of biodiversity importance and so Section 15 of the NPPF addressing the conservation and enhancement of the natural environment will be of relevance.
- 1.16. Section 15 also addresses the relationship between development and ground conditions and states that planning decisions (and therefore proposals) should ensure that *“a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination” (paragraph 180), and that “new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment...”*.
- 1.17. Section 16 of the NPPF sets out the Government’s policies for conserving and enhancing the historic environment, and places great emphasis on the need for proposals to identify the significance of any heritage assets affected by development. Paragraph 197 states that *“In determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) *the desirability of new development making a positive contribution to local character and distinctiveness.”*

## 2. London Plan

*Strategic Policy: Good Growth, Spatial Development Patterns and Design*

- 2.1. The new London Plan was adopted in 2021 and, as the overall strategic plan for London, it sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years.
- 2.2. The London Plan is part of each of the Greater London’s Local Planning Authorities’ Development Plan and must be taken into account when planning decisions are taken in any part of Greater London. Planning applications should be determined in accordance with it, unless there are material planning considerations which indicate otherwise.
- 2.3. Addressing the water industry, London Plan Policy S15 ‘Water Infrastructure’ states that “*Development Plans should promote improvements to water supply infrastructure to contribute to security of supply. This should be done in a timely, efficient and sustainable manner taking energy consumption into account*” and that “*In terms of water quality, Development Plans should...support wastewater treatment infrastructure investment to accommodate London’s growth and climate change impacts. Such infrastructure should be constructed in a timely and sustainable manner taking account of new, smart technologies, intensification opportunities on existing sites, and energy implications. Boroughs should work with Thames Water in relation to local wastewater infrastructure requirements*”
- 2.4. Paragraph 9.5.3 builds on Policy S15 and states that “*Security of supply should be ensured. Demand forecasts need to continue to be monitored and based on the consistent use of demographic data across spatial and infrastructure planning regimes*”, whilst paragraph 9.5.4 states:  
  
“*Thames Water has set out through the water resource management planning process its preferred approach to strategic water supply options to serve London and parts of the Wider South East. It is considering a suite of options, including a potential new reservoir, effluent reuse, water transfers and new groundwater sources*”
- 2.5. More widely within the London Plan a number of policies will provide direct support for or otherwise be required to be complied with by any proposals for the London Re-Use Beckton Tunnel scheme. These are summarised In Table 2 below, and provided in extract format in Appendix 1.

**Table 2 Relevant Planning Policy – London Plan**

| <b>Policy or Paragraph Reference</b> | <b>Title or Topic</b>                                    |
|--------------------------------------|--|
| Policy GG1                           | Building Strong and Inclusive Communities                |
| Policy GG2                           | Making the Best Use of Land                              |
| Policy GG6                           | Increasing Efficiency and Resilience                     |
| Policy D1                            | London’s Form, Character and Capacity for Growth         |
| Policy D2                            | Infrastructure Requirements for Sustainable Densities    |
| Policy D3                            | Optimising Site Capacity Through the Design Led Approach |
| Policy D4                            | Delivering Good Design                                   |
| Policy D8                            | Public Realm   |
| Policy D14                           | Noise  |
| Policy S4                            | Play and Informal Recreation                             |
| Policy S5                            | Sports and Recreation Facilities                         |

| <b>Policy or Paragraph Reference</b> | <b>Title or Topic</b>  |
|--------------------------------------|--|
| Policy E4                            | Land for Industry, logistic and services to support London's Economic Function |
| Policy E5                            | Strategic Industrial Locations (SIL)   |
| Policy HC1                           | Heritage Conservation and Growth   |
| Policy G1                            | Green Infrastructure   |
| Policy G2                            | London's Green Belt  |
| Policy G3                            | Metropolitan Open Land   |
| Policy G4                            | Open Space   |
| Policy G5                            | Urban Greening   |
| Policy G6                            | Biodiversity and Access to Nature  |
| Policy G7                            | Trees and Woodlands  |
| Policy G9                            | Geodiversity   |
| Policy SI1                           | Improving Air Quality  |
| Policy SI2                           | Minimising Greenhouse Gas Emissions  |
| Policy SI5                           | Water Infrastructure   |
| Policy SI7                           | Reducing Waste and Supporting the Circular Economy                             |
| Policy SI12                          | Flood Risk Management  |
| Policy SI13                          | Sustainable Drainage   |
| Policy T7                            | Deliveries, Servicing and Construction   |

## Appendix 2: Relevant Local Plan Policy – Beckton Water Recycling Scheme

### 1. London Borough of Newham [Advanced Water Treatment Plant (AWTP) / Tunnel / Potential Shaft Sites]

**Table 1 Relevant Planning Policy – London Borough of Newham Local Plan (2018)**

| Policy or Paragraph Reference | Title or Topic   |
|-------------------------------|--|
| Policy S5                     | Beckton : 1.a (Strategic utilities infrastructure needs)         |
| Policy S5                     | Beckton : 2.i (development capacity of Beckton STW)              |
| Policy SP1                    | Borough-wide Place Making: 1.a                                   |
| Policy SP1                    | Borough-wide Place Making: 2.a                                   |
| Policy SP2                    | Healthy Neighbourhoods : 1.a.ii, iii                             |
| Policy SP2                    | Healthy Neighbourhoods : 2.a                                     |
| Policy SP3                    | Quality Urban Design within Places : 1.a, d, e, f                |
| Policy SP5                    | Heritage and other Successful Place Making : 1.a, b, c,          |
| Policy SP5                    | Heritage and other Successful Place Making : 2.a                 |
| Policy SP8                    | Ensuring Neighbourly Development : 1.a                           |
| Policy SP8                    | Ensuring Neighbourly Development : 2.a.i. ii. lii, iv, v, vi, xi |
| Policy J1                     | Business and Jobs Growth : 1.a, b                                |
| Policy J1                     | Business and Jobs Growth: 2.a, d,                                |
| Policy J2                     | Providing for Efficient Use of Employment Land : 2.a             |
| Policy SC1                    | Environmental Resilience 1.a, b, f,                              |
| Policy SC1                    | Environmental Resilience: 3.a, c, e                              |
| Policy SC2                    | Energy and Zero Carbon: 1.a, b                                   |
| Policy SC3                    | Flood Risk and Drainage: 1.a, b, c, d                            |
| Policy SC3                    | Flood Risk and Drainage: 2, a, b                                 |
| Policy SC3                    | Flood Risk and Drainage: 3. b, c                                 |
| Policy SC4                    | Biodiversity: 1.a, b, c  |
| Policy SC4                    | Biodiversity : 2.a   |
| Policy SC4                    | Biodiversity: 3.a, b   |
| Policy SC5                    | Air Quality: 1.a, b  |
| Policy SC5                    | Air Quality : 3. a, b, d   |
| Policy INF3                   | Waste and Recycling : 1.a. b                                     |
| Policy INF3                   | Waste and Recycling: 3.b, c                                      |
| Policy INF6                   | Green Infrastructure and Blue Ribbon Network: 1.a, b             |
| Policy INF6                   | Green Infrastructure and Blue Ribbon Network : 2.a               |
| Policy INF7                   | Open Spaces and Outdoor Recreation: 2.a                          |

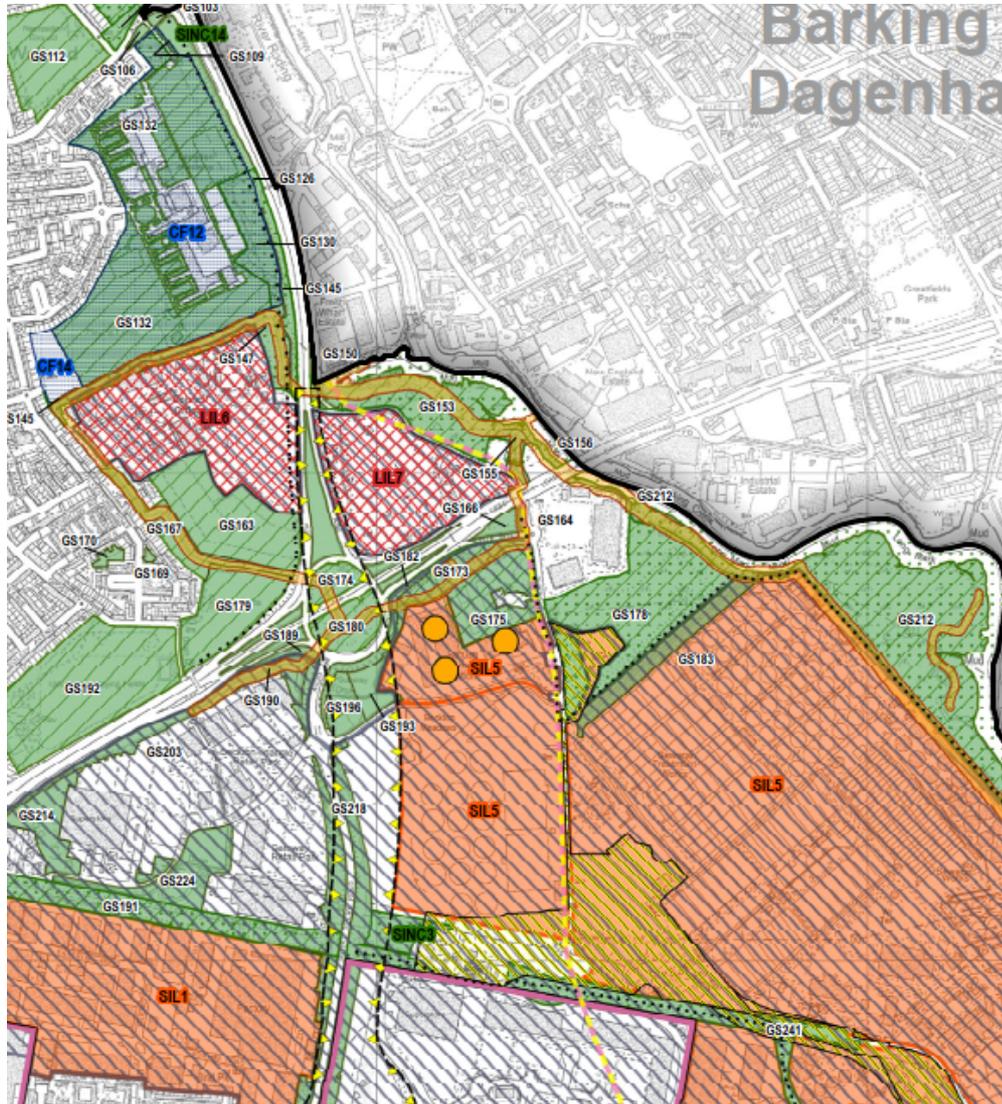
#### *Land Allocations*

Beckton STW (AWRP/ tunnel drive site) is not subject to any specific site allocations for future development but is sited adjacent to a Strategic Industrial Land (SIL) designation (SIL5) as indicated on the Local Plan Policies Map (see Figure 2 below). The site also includes three sites which are identified in the Joint Waste

Plan as safeguarded sites (Policy INF3 of the Local Plan)

The AWRP site and the drive shaft site are located in designated Projected Green Space designated for Open Space.

Figure 1 Extract from LBN Local Plan Policies Map



## 2. London Borough of Barking and Dagenham [Tunnel]

Table 2 Relevant Planning Policy – London Borough of Barking and Dagenham Core Strategy

| Policy or Paragraph Reference | Title or Topic                                   |
|-------------------------------|--|
| Policy CM1                    | General Principles for Development:              |
| Policy CM3                    | Green Belt and Public Open Spaces                |
| Policy CR1:                   | Climate Change and Environmental Management      |
| Policy CR2:                   | Preserving and Enhancing the Natural Environment |
| Policy CR4:                   | Flood Management                                 |

| Policy or Paragraph Reference | Title or Topic                                    |
|-------------------------------|---|
| Policy CE3                    | Safeguarding and Release of Employment Land       |
| Policy CP2                    | Protecting and Promoting our Historic Environment |
| Policy CP3:                   | High Quality Built Environment                    |

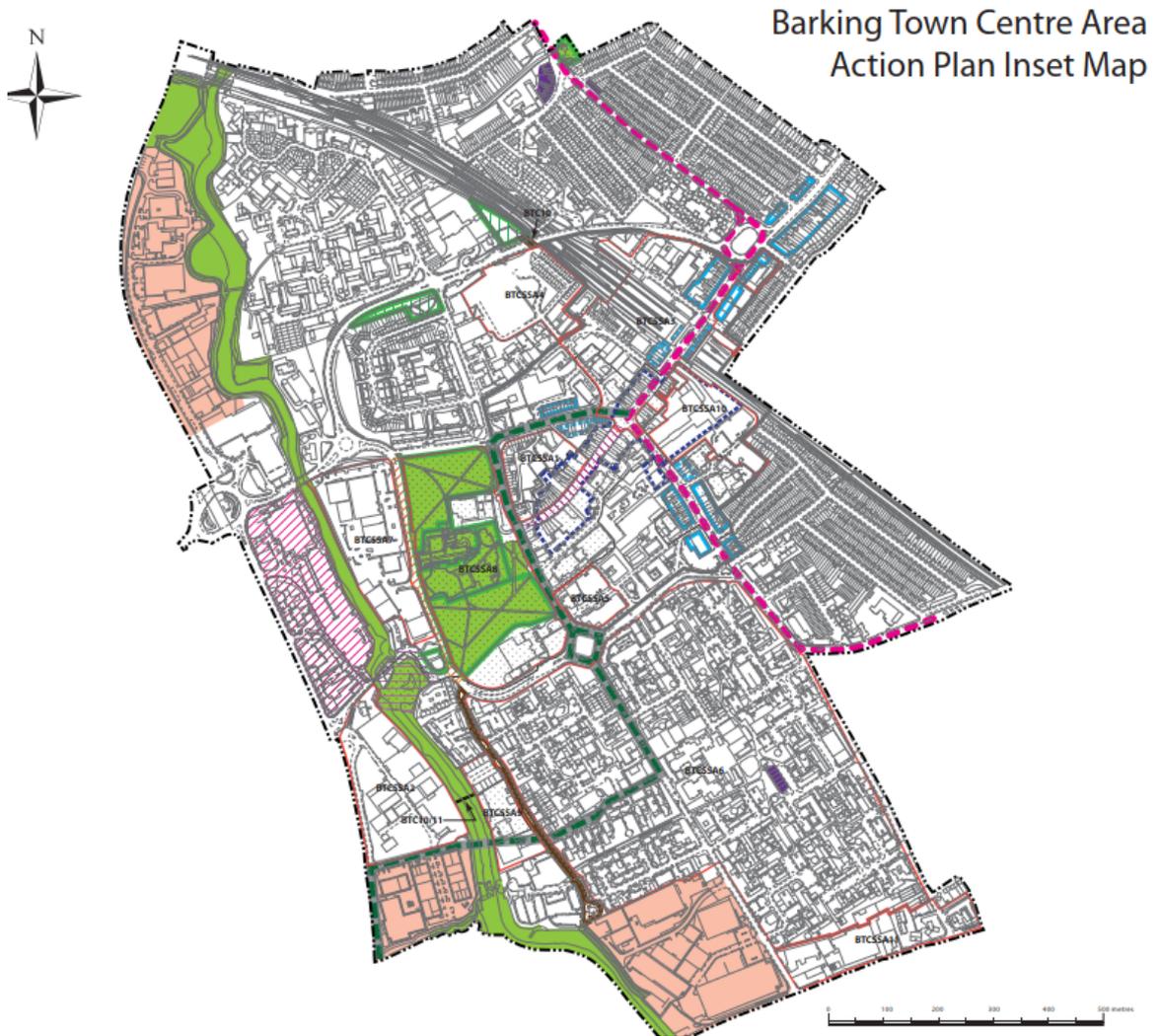
**Table 3 Relevant Planning Policy – London Borough of Barking and Dagenham Draft Local Plan**

| Policy or Paragraph Reference | Title or Topic   |
|-------------------------------|--|
| Strategic Policy SP1          | Delivering a high quality designed and resilient built environment |
| Policy DMD1                   | Securing high quality design                                       |
| Policy DMD4 remains           | Heritage assets and archaeological                                 |
| Policy DMD5                   | Local Views  |
| Policy DMS1                   | Protecting and enhancing existing facilities                       |
| Policy DEM1                   | Efficiently Utilising the boroughs employment land more            |
| Policy SP6                    | Green and Blue Infrastructure                                      |
| Policy DMNE1                  | Parks, Open Spaces and Play Space                                  |
| Policy DMNE3                  | Nature Conservation  |
| Policy DMNE4                  | Water Environment  |
| Policy DNME5                  | Trees  |
| Policy DMS1                   | Sustainable Design and Construction                                |
| Policy DMSI2                  | Energy Heating and Carbon Emissions                                |
| Policy DMSI3                  | Nuisance   |
| Policy DMSI4                  | Air Quality  |
| Policy DMSI5                  | Land Contamination   |
| Policy DMSI6                  | Flood Risk and defences  |
| Policy DMSI7                  | Water Management   |
| Policy DSMI8                  | Demolition and Construction Waste                                  |

*Land Allocations – Barking and Dagenham Core Strategy and Draft Local Plan*

The route of the pipeline could follow the boundary of Newham and Barking and Dagenham Councils to the east, and the Policies Maps for both the Core Strategy and the Draft Local Plan identify three sites adjacent to the boundary (Fresh Wharf Estate, Tescos Car Park and Abbey Retail Park North) which are allocated for mixed use residential development proposals.

Figure 2 Extract from draft LBB Local Plan Policies Map



### 3. London Borough of Redbridge [Tunnel / Potential Shaft Sites]

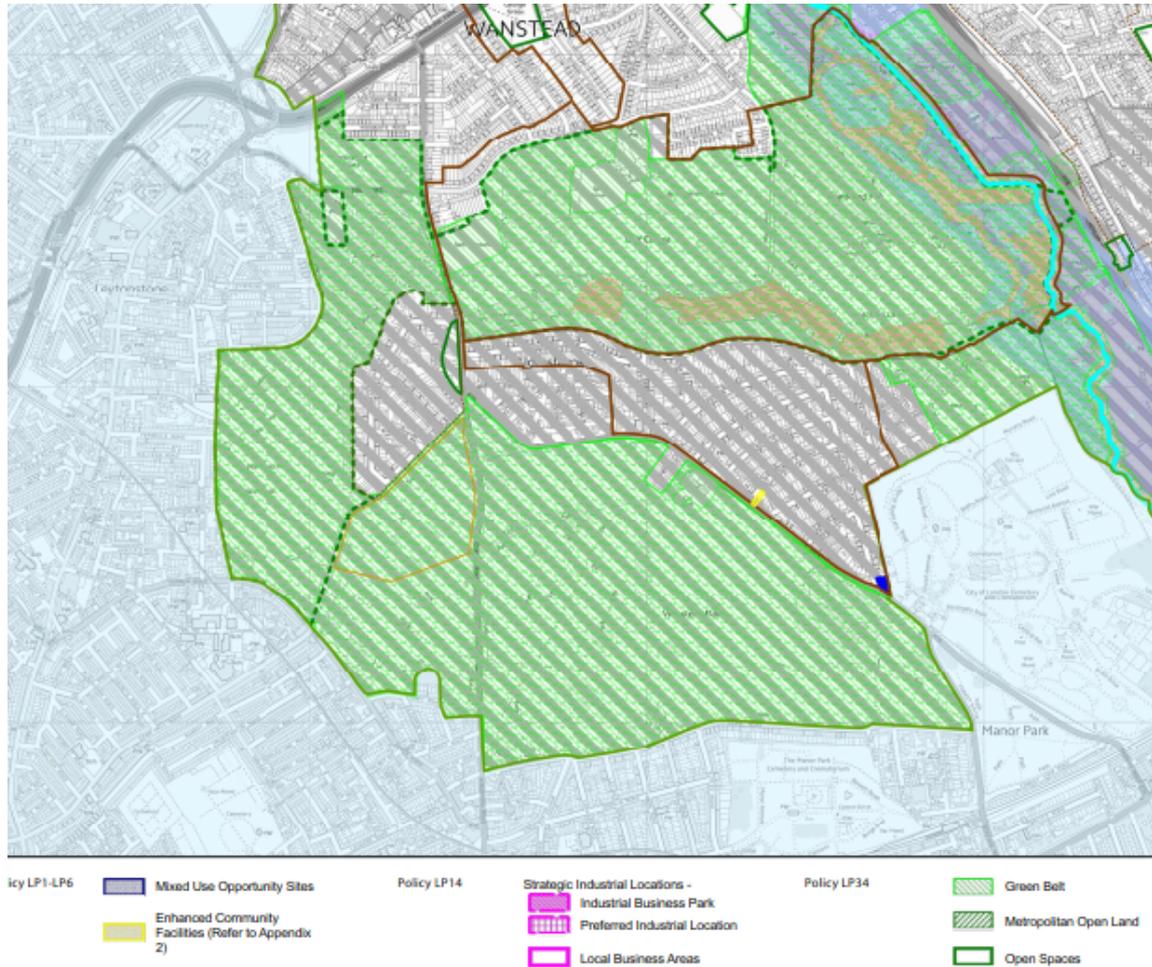
Table 4 Relevant Planning Policy – London Borough of Redbridge Local Plan

| Policy or Paragraph Reference | Title or Topic   |
|-------------------------------|--|
| Policy LP19                   | Climate Change Mitigation                                  |
| Policy LP24                   | Pollution  |
| Policy LP26                   | Promoting High Quality Design                              |
| Policy LP32                   | Sustainable Design and Construction                        |
| Policy LP33                   | Heritage   |
| Policy LP34                   | Managing the Boroughs Greenbelt and Metropolitan Open Land |
| Policy LP35                   | Protecting and Enhancing Open Spaces                       |
| Policy LP37                   | Green Infrastructure and Blue Ribbon Network               |
| Policy LP38                   | Protecting Trees and Enhancing the Landscape               |
| Policy LP39                   | Nature Conservation and Biodiversity                       |

*Land Allocations*

The tunnel cuts through the southern edge of Redbridge Council through Green belt. There are no site allocations indicated on or adjacent to the potential route.

**Figure 3** Extract from LBR Local Plan Policies Map



**4. London Borough of Waltham Forest [Pumping Station / Tunnel / Potential Shaft Sites]**

**Table 5** Relevant Planning Policy – London Borough of Waltham Forest Draft Local Plan

| Policy or Paragraph Reference | Title or Topic                                      |
|-------------------------------|---|
| Policy 1:                     | Presumption in Favour of Sustainable Development    |
| Policy 3:                     | Location and Management of Growth                   |
| Policy 4:                     | Ensuring Good Growth                                |
| Policy 56:                    | Loss of Existing Social or Community Infrastructure |
| Policy 59:                    | High Quality Environment                            |
| Policy 62:                    | Delivering High Quality Design                      |

| Policy or Paragraph Reference | Title or Topic                                   |
|-------------------------------|--|
| Policy 64:                    | Amenity  |
| Policy 77:                    | Designated Heritage Assets                       |
| Policy 78:                    | Listed Buildings                                 |
| Policy 79:                    | Conservation Areas                               |
| Policy 80:                    | Archaeological Priority Zones                    |
| Policy 81:                    | Non-Designated Heritage Assets                   |
| Policy 82:                    | Locally Listed Buildings                         |
| Policy 84:                    | Green Infrastructure and the Natural Environment |
| Policy 85:                    | Open Spaces Sports and Recreation                |
| Policy 86:                    | Biodiversity and Geodiversity                    |
| Policy 88:                    | Waterways  |
| Policy 92:                    | Sustainable Design and Construction              |
| Policy 93:                    | Air Pollution                                    |
| Policy 94:                    | Water  |
| Policy 95:                    | Contaminated Land                                |
| Policy 96:                    | Managing Flood Risk                              |
| Policy 99:                    | Waste Management                                 |

**Table 6 Relevant Planning Policy – London Borough of Waltham Forest Adopted Core Strategy**

| Policy or Paragraph Reference | Title or Topic                                       |
|-------------------------------|--|
| Policy CS1:                   | Location and Management of Growth                    |
| Policy CS3                    | Providing Infrastructure                             |
| Policy CS4:                   | Minimising and Adapting to Climate Change            |
| Policy CS5:                   | Enhancing Green Infrastructure and Biodiversity      |
| Policy CS6:                   | Promoting Sustainable Waste Management and Recycling |
| Policy CS12:                  | Protecting and Enhancing Heritage Assets             |
| Policy CS13:                  | Promoting Health and Well Being                      |
| Policy CS15:                  | Well Designed Buildings, Places and Spaces           |

**Table 7 Relevant Planning Policy – London Borough of Waltham Forest Development Management Policies (DMD)**

| Policy or Paragraph Reference | Title or Topic   |
|-------------------------------|--|
| Policy DM1                    | Sustainable Development and Mixed Use Development      |
| Policy DM12                   | Open Space, Sport and Recreation                       |
| Policy DM17                   | Social and Physical Infrastructure                     |
| Policy DM19                   | Borough Employment Areas                               |
| Policy DM24                   | Environmental Protection                               |
| Policy DM28                   | Heritage Assets  |
| Policy DM29                   | Design Principles, Standards and Local Distinctiveness |
| Policy DM34                   | Water  |

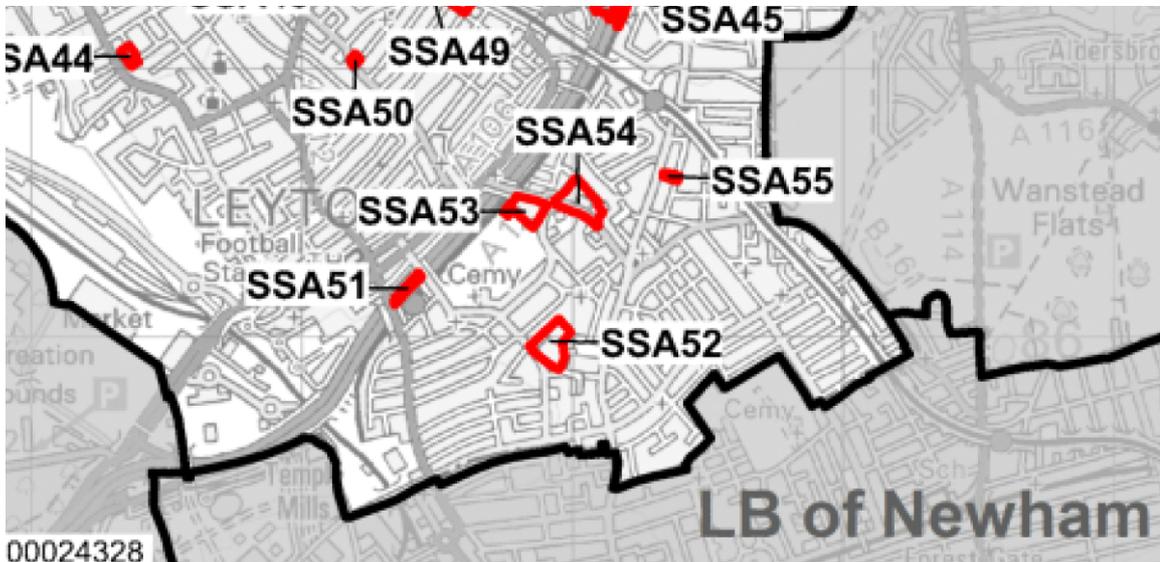
| Policy or Paragraph Reference | Title or Topic                |
|-------------------------------|-------------------------------|
| Policy DM35                   | Biodiversity and Geodiversity |

*Land Allocations*

The tunnel route could interact with areas designated for Crossrail 2 which was safeguarded in the Local Plan in 2008.

The tunnel route may cross/run adjacent to two sites in the Site Specific Allocations document next to St Patricks Roman Catholic Cemetery in Leyton. One site allocation is part of the safeguarded area for Crossrail 2 (SSA53), however, should it not be required, it is allocated for residential uses. The second site (SSA54) proposes a new two storey sports hall part of the existing leisure centre and community centre uses.

**Figure 4 Extract from LBWF Site Allocations**



**5. London Borough of Haringey [Tunnel]**

**Table 8 Relevant Planning Policy – London Borough of Haringey: Strategic Policies DPD**

| Policy or Paragraph Reference | Title or Topic                                   |
|-------------------------------|--|
| Policy SP0:                   | Presumption in Favour of Sustainable Development |
| Policy SP1:                   | Managing Growth                                  |
| Policy SP4:                   | Working Towards a Low Carbon Haringey            |
| Policy SP5:                   | Water Management and Flooding                    |
| Policy SP6:                   | Waste and Recycling                              |
| Policy SP8:                   | Employment                                       |
| Policy SP11:                  | Design   |
| Policy SP12:                  | Conservation                                     |
| Policy SP13:                  | Open Space and Biodiversity                      |
| Policy SP14:                  | Health and Well-being                            |

**Table 9 Relevant Planning Policy – London Borough of Haringey: Development Management Policies DPD**

| Policy or Paragraph Reference | Title or Topic  |
|-------------------------------|---|
| Policy DM1:                   | Delivering High Quality Design                            |
| Policy DM9:                   | Management of the Historic Environment                    |
| Policy DM19:                  | Nature Conservation                                       |
| Policy DM20:                  | Open Space and Green Grid                                 |
| Policy DM23:                  | Environmental Protection                                  |
| Policy DM24:                  | Managing and Reducing Flood Risk                          |
| Policy DM25:                  | Sustainable Drainage Systems                              |
| Policy DM27:                  | Protecting and Improving Groundwater Quality and Quantity |

*Land Allocations*

The potential route of the tunnel would pass below a strategic site allocation indicated as TH9 in the Tottenham Area Action Plan. The site is referred to as Hale Wharf as is allocated as a mixed use, residential, employment and leisure site providing link to the Lee Valley Regional Park. The site is currently designated as employment use and includes the Paddock Community Nature Park.

**Figure 5 Extract from Tottenham Area Action Plan**



**6. London Borough of Enfield [Tunnel / Potential Shaft Sites / Outfall]**

**Table 10 Relevant Planning Policy – London Borough of Enfield Draft Local Plan**

| <b>Policy or Paragraph Reference</b> | <b>Title or Topic</b>   |
|--------------------------------------|---|
| Policy SS1                           | Spatial Strategy  |
| Policy SS2                           | Making Good Places  |
| Policy SE1                           | Responding to the Climate Emergency                               |
| Policy SE2                           | Sustainable Design and construction                               |
| Policy SE8                           | Managing Flood Risk   |
| Policy SE10                          | Sustainable Drainage Systems                                      |
| Policy BG1                           | Enfield’s Blue and Green Infrastructure Network                   |
| Policy BG2                           | Protecting Nature Conservation Sites                              |
| Policy BG3                           | Biodiversity Net Gain, rewilding and offsetting                   |
| Policy BG4                           | Green Belt and Metropolitan Open Land                             |
| Policy BG5                           | Green Belt and Edges of the Countryside/Urban Areas               |
| Policy BG6                           | Protecting Open Space   |
| Policy BG8                           | Urban Greening and Biophilic Principles                           |
| Policy BG11                          | Blue and Green Infrastructure Plans                               |
| Policy DE1                           | Delivering a Well Designed High Quality and Resilient Environment |
| Policy DE4                           | Putting Heritage at the Centre of Place Making                    |
| Policy DE5                           | Strategic and Local Views   |
| Policy DE10                          | Conserving and Enhancing Heritage Assets                          |
| Policy DE11                          | Landscape Design  |
| Policy E3                            | Protecting Employment Locations and Managing Change               |
| Policy CL5                           | Sport, Open Space and Recreation                                  |
| Policy ENV1                          | Local Environmental Protection                                    |

**Table 11 Relevant Planning Policy – Enfield Core Strategy**

| <b>Policy or Paragraph Reference</b> | <b>Title or Topic</b>  |
|--------------------------------------|--|
| Core Policy 1                        | Strategic Growth Areas   |
| Core Policy 11                       | Recreation, Leisure, Culture and Arts                                    |
| Core Policy 14                       | Safeguarding Strategic Industrial Locations                              |
| Core Policy 15                       | Locally Significant Industrial Sites                                     |
| Core Policy 21                       | Delivering Sustainable Wate Supply, Drainage and Sewerage Infrastructure |
| Core Policy 28                       | Managing Flood Risk Through Development                                  |
| Core Policy 30                       | Maintaining and Improving the Quality of the Built and Open Environment  |
| Core Policy 31                       | Built and Landscape Heritage   |
| Core Policy 32                       | Pollution  |
| Core Policy 33                       | Green Belt and Countryside   |
| Core Policy 34                       | Parks, Playing Field and Other Open Spaces                               |
| Core Policy 36                       | Biodiversity   |

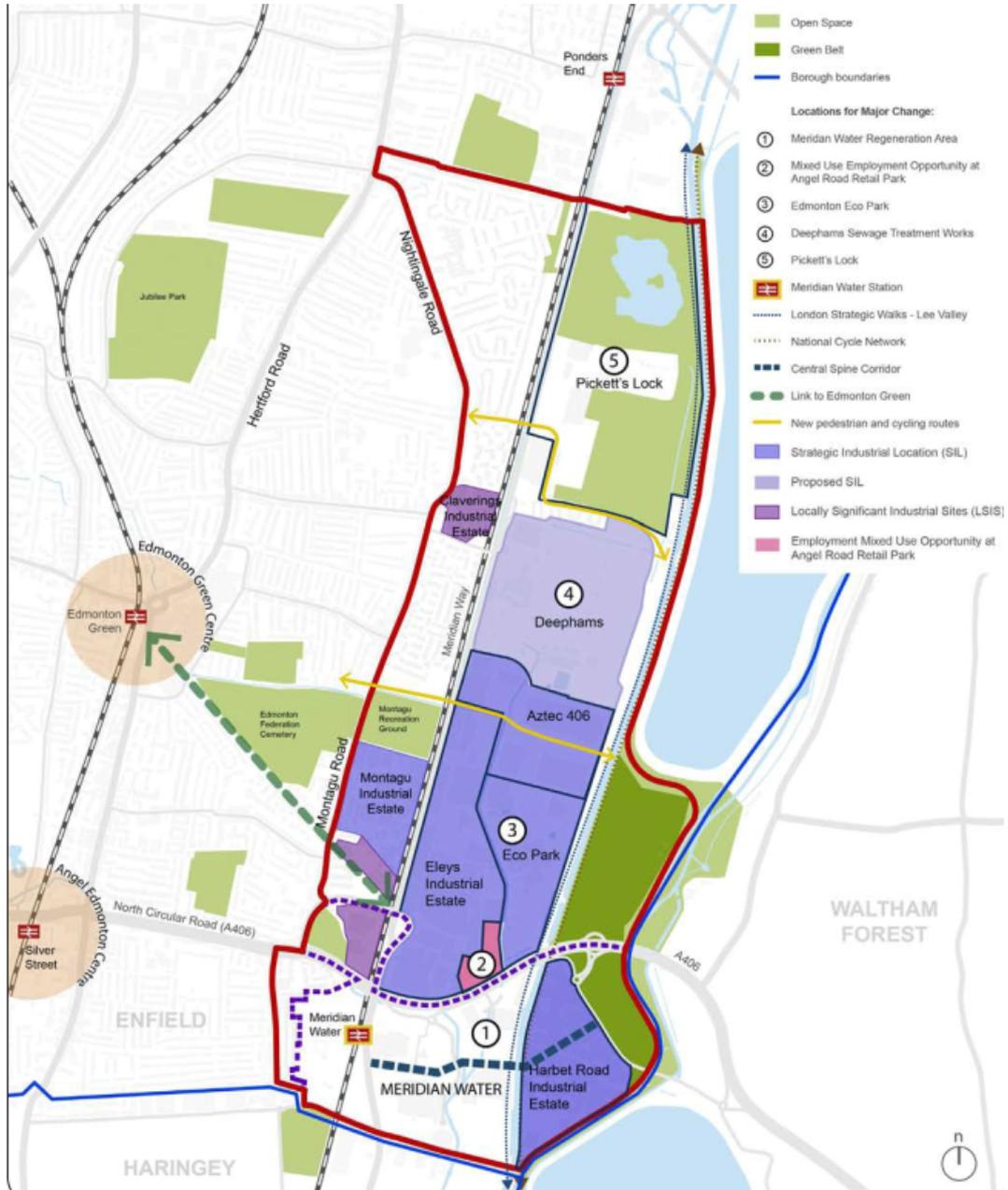
**Table 12 Relevant Planning Policy – Enfield Development Management Document**

| <b>Policy or Paragraph Reference</b> | <b>Title or Topic</b>   |
|--------------------------------------|---|
| Policy DMD 17                        | Protection of Community Facilities  |
| Policy DMD 19                        | Strategic Industrial Locations  |
| Policy DMD 20                        | Locally Significant Industrial Sites  |
| Policy DMD 37                        | Achieving High Quality and Design Led Development                           |
| Policy DMD 44                        | Conserving and Enhancing Heritage Assets                                    |
| Policy DMD 48                        | Transport Assessments   |
| Policy DMD 49                        | Sustainable Design and Construction Statements                              |
| Policy DMD 57                        | Responsible Sourcing of Materials, Waste Minimisation and Green Procurement |
| Policy DMD 59                        | Avoiding and Reducing Flood Risk  |
| Policy DMD 60                        | Assessing Flood Risk  |
| Policy DMD 61                        | Managing Surface Water  |
| Policy DMD 64                        | Pollution Control and Assessment  |
| Policy DMD 65                        | Air Quality   |
| Policy DMD 66                        | Land Contamination and Instability  |
| Policy DMD 68                        | Noise   |
| Policy DMD 71                        | Protection and Enhancement of Open Space                                    |
| Policy DMD 76                        | Wildlife Corridors  |
| Policy DMD 77                        | Green Chains  |
| Policy DMD 78                        | Nature Conservation   |
| Policy DMD 79                        | Ecological Enhancements   |
| Policy DMD 80                        | Trees on Development Sites  |
| Policy DMD 81                        | Landscaping   |
| Policy DMD 82                        | Protecting the Green Belt   |
| Policy DMD 83                        | Development Adjacent to the Green Belt                                      |

*Land Allocations*

The proposed tunnel route falls within the Edmonton Leaside and the North East Enfield AAPs. This will require consideration alongside the AAP and the Meridian Water Regeneration Area Masterplan and associated emerging proposals, whilst appropriate discussions with Thames Water will be required regarding any interface with Deephams STW. The route of the tunnel also passes below both areas as well as Eleys Industrial Estate.

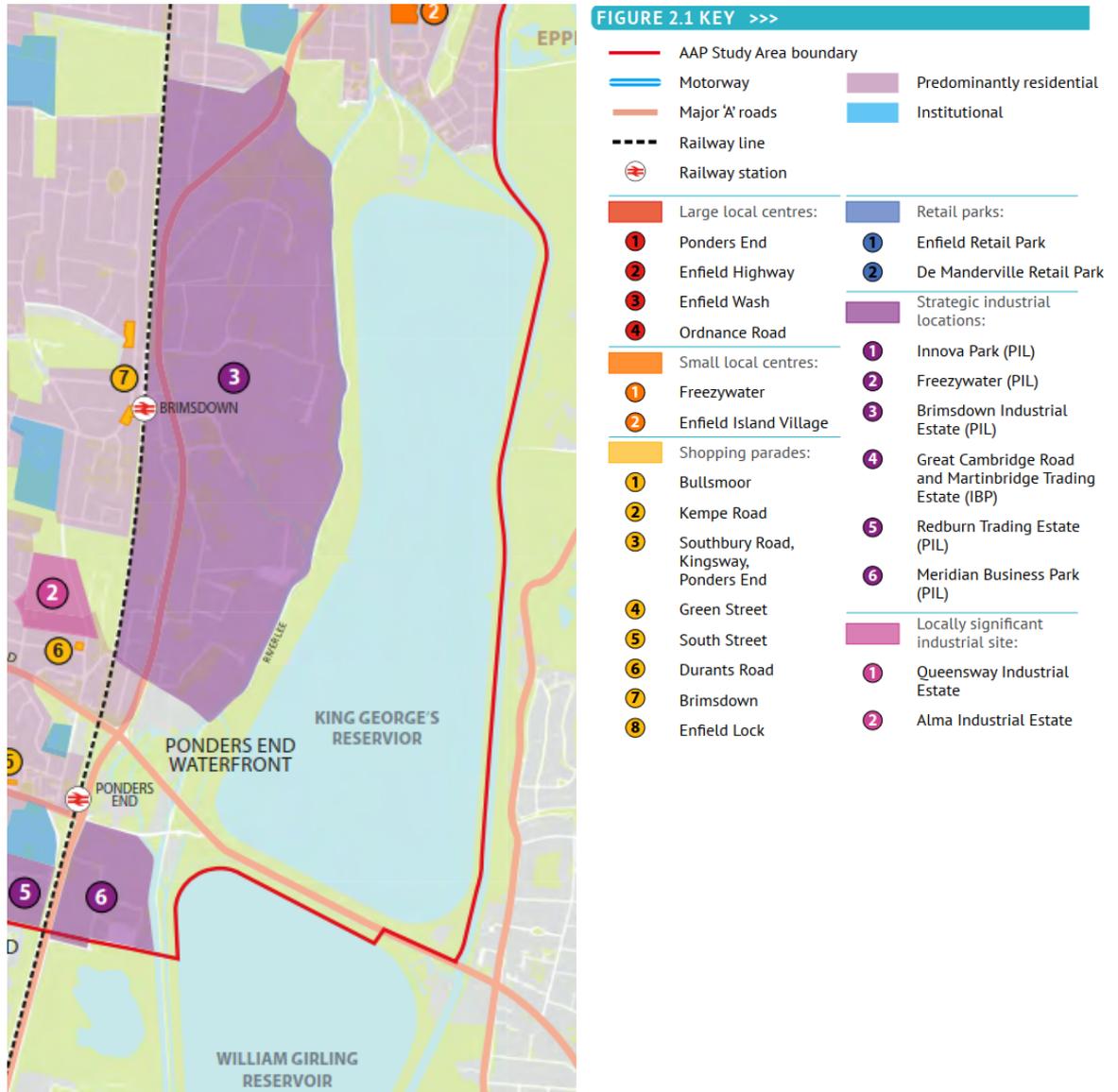
Figure 6 Extract from Edmonton Leaside AAP



The proposed tunnel route continues through the North East Enfield AAP with a further shaft site proposed within a car park within the Brimsdown Industrial Estate, which is a designated Strategic Industrial Location.

The route would finish at the King George V Reservoir. The structure would be located in Green Belt. The area is within the North East Enfield AAP although no site allocations affect the proposed site.

Figure 7 Extract from North East Enfield AAP



## Appendix 3: Relevant Local Plan Policy – Mogden Water Recycling Scheme

### 3. London Borough of Hounslow [Trenched / Trenchless / Potential Shaft Sites]

**Table 1 Relevant Planning Policy – London Borough of Hounslow Adopted Local Plan**

| Policy or Paragraph Reference | Title or Topic                                    |
|-------------------------------|---|
| Policy CC1                    | Context and Character                             |
| Policy GB1                    | Green Belt and Metropolitan Open Land             |
| Policy GB2                    | Local Open Space                                  |
| Policy GB7                    | Biodiversity                                      |
| Policy GB9                    | Play space, outdoor sports facilities and burials |
| Policy EQ1                    | Energy and Carbon Reduction                       |
| Policy EQ2                    | Sustainable and construction                      |
| Policy EQ5                    | Noise   |
| Policy EQ7                    | Sustainable Waste Management                      |
| Policy EQ8                    | Contamination                                     |

#### *Land Allocations*

There are no specific site allocations along the section of the corridor within the London Borough of Hounslow as per the Adopted Local Plan - Hounslow Local Plan 2015-2030 Volume 2 Site Allocations.

However, there is a mixed use allocation (light Industrial (B1b/c) and residential) in close proximity (adjacent to Twickenham Stadium), site reference 30 - Isleworth - Rugby Road. The mixed-use allocation is based on a floorspace ratio of 50:50 residential to commercial uses. The site has been identified through the London SHLAA 2013 as it has a potential housing capacity during the plan period. Proposals for light industrial uses (B1b/c) should safeguard the residential amenity in the remaining areas of the site. Expected phasing of this development is between 2021-2025.

### 4. London Borough of Richmond upon Thames [AWRP/ Trenched / Trenchless / Potential Shaft Sites]

**Table 2 Relevant Planning Policy – London Borough of Richmond upon Thames Adopted Local Plan**

| Policy or Paragraph Reference | Title or Topic   |
|-------------------------------|--|
| Policy LP 7                   | Archaeology  |
| Policy LP 12                  | Green Infrastructure                                     |
| Policy LP 13                  | Green Belt, Metropolitan Open Land and Local Green Space |
| Policy LP 14                  | Other Open Land of Townscape Importance                  |
| Policy LP 15                  | Biodiversity   |
| Policy LP 16                  | Trees, Woodlands and Landscape                           |
| Policy LP 18                  | River corridors  |
| Policy LP 21                  | Flood Risk and Sustainable Drainage                      |
| Policy LP 23                  | Water Resources and Infrastructure                       |
| Policy LP 24                  | Waste Management   |
| Policy LP 31                  | Public Open Space, Play Space, Sport and Recreation      |

**Table 3 Relevant Planning Policy – London Borough of Richmond upon Thames Draft Local Plan**

| Policy or Paragraph Reference | Title or Topic   |
|-------------------------------|--|
| 6                             | place based Strategy for Hampton and Hampton Hill                                      |
| 8                             | Place-based Strategy for Twickenham, Strawberry Hill & St Margarets                    |
| Policy 3.                     | Tackling the climate emergency (Strategic Policy)                                      |
| Policy 4.                     | Minimising Greenhouse gas emissions and promoting energy efficiency (Strategic Policy) |
| Policy 6                      | Sustainable construction standards   |
| Policy 7.                     | Waste and the circular economy (Strategic Policy)                                      |
| Policy 8.                     | Flood risk and sustainable drainage (Strategic Policy)                                 |
| Policy 9                      | Water Resources and infrastructure   |
| Policy 33                     | Archaeology  |
| Policy 34                     | Green and Blue Infrastructure  |
| Policy 35                     | Green belt, metropolitan open land and local green space                               |
| Policy 37                     | Public open space, play, sport and recreation  |
| Policy 39                     | Biodiversity and Geodiversity  |
| Policy 40                     | Rivers and river corridors   |
| Policy 42                     | Trees, woodland and landscape  |
| Policy 46                     | Amenity and living conditions  |
| Policy 51                     | Health and Wellbeing   |
| Policy 53                     | Local environmental impacts  |

*Land Allocations – contained in the Adopted Local Plan 2018 and Emerging Local Plan - Pre-Publication' Draft Local Plan (Regulation 18) (December 2021)*

The route corridor is located close to Site Allocation SA10 The Stoop (Harlequins Rugby Football Club), Twickenham. There is a need to retain, and where possible enhance the continued use of the site as a sports ground. Any development proposal is required to protect and, where possible, enhance, the River Crane corridor as well as the Duke of Northumberland River, as well as the setting of the Rosecroft Conservation Area.

This section is also adjacent to SA11: Richmond upon Thames college, Twickenham

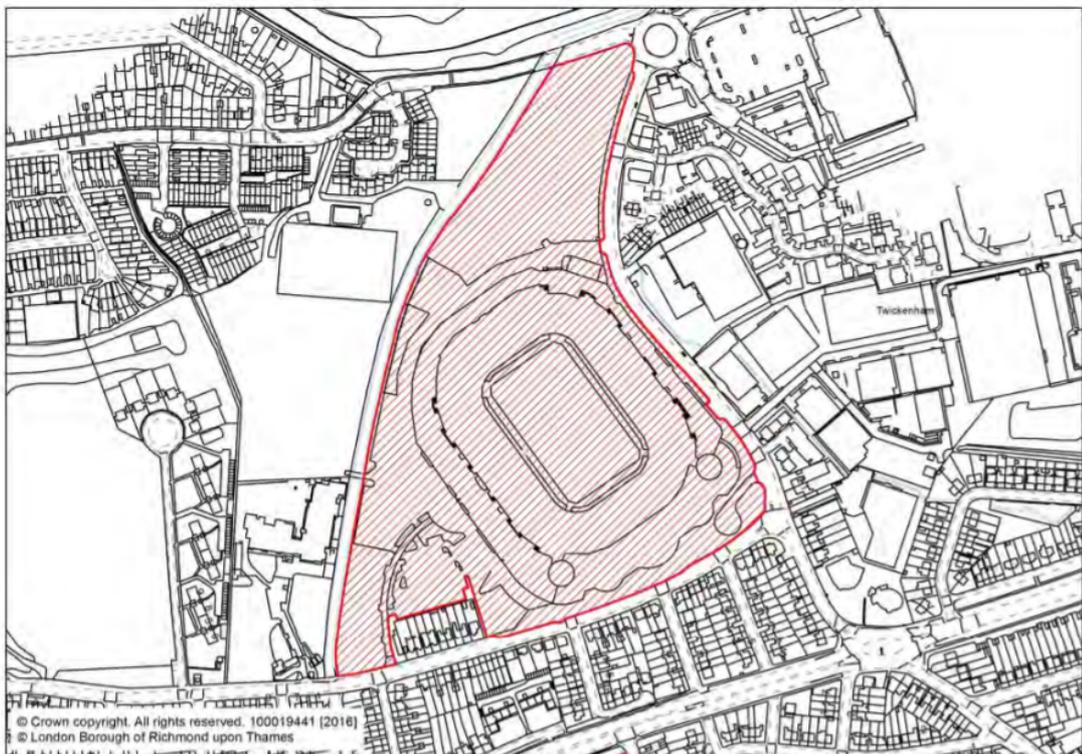
There is also a site allocation for Twickenham Stadium, Twickenham. There is a need to retain, and where possible enhance, this nationally important sporting venue with its associated facilities to ensure it remains a world class standard of facilities and visitor experience. Any development proposal is required to protect and, where possible, enhance, the Duke of Northumberland River, including access to it, and the associated Metropolitan Open Land.

Shaft 3 is near to a site allocation SA 12 Mereway Day Centre, Mereway Road, Twickenham.

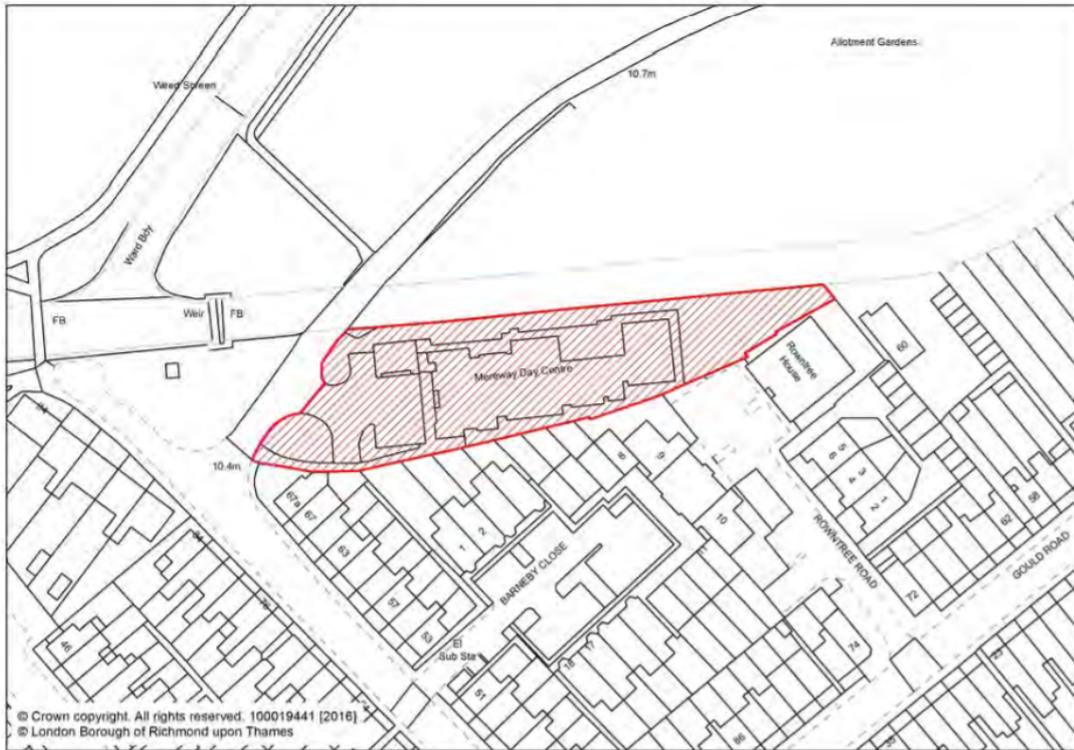
Figure 1 Extract SA10 from Publication Draft Local Plan



Figure 2 Extract SA11 from Publication Draft Local Plan



**Figure 3 Extract SA12 from Publication Draft Local Plan**



**5. Spelthorne Borough Council [AWRP/ Trenched / Trenchless / Potential Shaft Sites/ Outfall]**

**Table 4 Relevant Planning Policy – Spelthorne Borough Council Saved Policies and Proposals**

| Policy or Paragraph Reference | Title or Topic                                   |
|-------------------------------|--|
| Saved Policy GB1              | Green Belt                                       |
| Saved Policy RU11             | Sites of nature conservation importance          |
| Saved Policy RU14             | Sites of nature conservation importance          |
| Saved Policy BE25             | Sites and Areas of high archaeological potential |

**Table 5 Relevant Planning Policy – Spelthorne Borough Council Adopted Core Strategy and Policies Development Plan**

| Policy or Paragraph Reference | Title or Topic  |
|-------------------------------|---|
| Policy EN4                    | Provision of Open Space and Sport and Recreation Facilities |
| Policy EN8                    | Protecting and Improving the Landscape and Biodiversity     |
| Policy CO2                    | Provision of Infrastructure for New Development             |
| Policy SP1                    | Location of development                                     |
| Policy LO1                    | Flooding  |

**Table 6                      Relevant Planning Policy – Spelthorne Borough Council Draft Local Plan**

| <b>Policy or Paragraph Reference</b> | <b>Title or Topic</b>   |
|--------------------------------------|---|
| Policy ST1                           | Presumption in favour of sustainable development              |
| Policy E1                            | Green Belt  |
| Policy E2                            | Flooding  |
| Policy E3                            | Environmental protection                                      |
| Policy E4                            | Green and Blue infrastructure                                 |
| Policy E5                            | Open Space  |
| Policy DS2:                          | Sustainable Design and Renewable/Low Carbon Energy Generation |
| Policy ID1:                          | Infrastructure and delivery                                   |

## Appendix 4: Relevant Local Plan Policy –Teddington DRA Scheme

### 1. London Borough of Hounslow [Tunnel / Potential Shaft Sites]

**Table 1 Relevant Planning Policy – London Borough of Hounslow Adopted Local Plan**

| Policy or Paragraph Reference | Title or Topic                                    |
|-------------------------------|---|
| Policy CC1                    | Context and Character                             |
| Policy GB1                    | Green Belt and Metropolitan Open Land             |
| Policy GB2                    | Local Open Space                                  |
| Policy GB7                    | Biodiversity                                      |
| Policy GB9                    | Play space, outdoor sports facilities and burials |
| Policy EQ1                    | Energy and Carbon Reduction                       |
| Policy EQ2                    | Sustainable and construction                      |
| Policy EQ5                    | Noise   |
| Policy EQ7                    | Sustainable Waste Management                      |
| Policy EQ8                    | Contamination                                     |

### 2. London Borough of Richmond upon Thames [Tunnel / Potential Shaft Sites / Outfall]

**Table 2 Relevant Planning Policy – London Borough of Richmond upon Thames Adopted Local Plan**

| Policy or Paragraph Reference | Title or Topic   |
|-------------------------------|--|
| Policy LP 7                   | Archaeology  |
| Policy LP 12                  | Green Infrastructure                                     |
| Policy LP 13                  | Green Belt, Metropolitan Open Land and Local Green Space |
| Policy LP 14                  | Other Open Land of Townscape Importance                  |
| Policy LP 15                  | Biodiversity   |
| Policy LP 16                  | Trees, Woodlands and Landscape                           |
| Policy LP 18                  | River corridors  |
| Policy LP 21                  | Flood Risk and Sustainable Drainage                      |
| Policy LP 23                  | Water Resources and Infrastructure                       |
| Policy LP 24                  | Waste Management   |
| Policy LP 31                  | Public Open Space, Play Space, Sport and Recreation      |

**Table 3 Relevant Planning Policy – London Borough of Richmond upon Thames Draft Local Plan**

| Policy or Paragraph Reference | Title or Topic   |
|-------------------------------|--|
| 6                             | place based Strategy for Hampton and Hampton Hill                                      |
| 8                             | Place-based Strategy for Twickenham, Strawberry Hill & St Margarets                    |
| Policy 3.                     | Tackling the climate emergency (Strategic Policy)                                      |
| Policy 4.                     | Minimising Greenhouse gas emissions and promoting energy efficiency (Strategic Policy) |



**3. Royal Borough of Kingston upon Thames [Intake Structure / Pipejack / Drop Shaft]**

**Table 4 Relevant Planning Policy – London Borough of Kingston upon Thames Core Strategy**

| <b>Policy or Paragraph Reference</b> | <b>Title or Topic</b>   |
|--------------------------------------|---|
| Vision for Kingston in 2027          |   |
| Policy CS2                           | Climate Change Adaptation                                       |
| Policy DM1                           | Sustainable Design and Construction Standards                   |
| Policy DM4                           | Water Management and Flood Risk                                 |
| Policy CS3                           | The Natural and Green Environment                               |
| Policy DM5                           | Green Belt, Metropolitan Open Land (MOL) and Open Space Needs   |
| Policy DM6                           | Biodiversity  |
| Policy CS8                           | Character, Design and Heritage                                  |
| Policy DM10                          | Design Requirements for New Developments                        |
| Policy DM11                          | Design Approach   |
| Policy DM12                          | Development in Conservation Areas and Affecting Heritage Assets |
| Policy DM17                          | Protecting Existing Employment Land and Premises                |
| Policy DM21                          | Health Impacts  |
| Policy DM24                          | Protection and Provision of Community Facilities                |
| Policy IMP1                          | Partnership Working in Kingston                                 |
| Policy IMP2                          | Sewerage and Water Infrastructure                               |

- This table sets out the secondary licenses and consents that may be required for LWR.
- The list, which is not exhaustive at this stage of design development, presents the licences and consents that may be required as part of the solution design, scheme construction and operation.
- The required consents and licenses will differ depending on the consenting route for the scheme:
  - under a DCO consenting route, some secondary consents will be automatically disapplied by the Planning Act 2008, some may only be included (or 'deemed') with the DCO. However, some consents may be capable of being disapplied by powers in the DCO itself (Category C)
  - under a DCO consenting route it may also be the case that some consents will need to be secured outwith the DCO
  - under an application for planning permission, there is a broader range of separate consents that will need to be applied for

| Activity  | Licence / Consent / Permit or Permission                           | Regulating or Consenting body | Application Preparation Timescale (approx.) | Timescale for determination | Surveys and assessments required | Notes  | Relevant to Preferred Option   |
|---|--|-------------------------------|---|-----------------------------|----------------------------------|--|--|
| Works within, or with the ability to effect, a SSSI   | SSSI Assent, Section 28E of the Wildlife and Countryside Act 1981. | Natural England               | 4 weeks                                     | 28 days                     | Phase 1 Ecology Survey           | The consent is personal to the owner / occupier of the land included in the SSSI (s 28E WCA 1981). Where consent is required for operations within a SSSI, this must be sought from NE by the owner / occupier so that those operations may be lawfully carried out. | Yes.<br>Beckton Tunnel @ Lockwood Reservoir SPA & SSSI<br>Mogden WR at Hydes Field adj. to SPA SSSI  |
| Works within, or with the ability to effect, a European designated habitat site                           | Habitats Regulation Assessment Report                              | Secretary of State            | 6 weeks                                     | At point of project consent | Habitat Regulation Assessment    | HRA will need to be complete as part of the application for consent. The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive and the 2017 Habitats Regulation.   | Yes.<br>Beckton Tunnel @ Lockwood Reservoir SPA & SSSI<br>Mogden WR at Hydes Field adj. to SPA SSSI  |
| Works that could disturb European protected species (e.g. badger, bats, great crested newt, listed birds) | European Protected Species Licence                                 | Natural England               | Species-dependent                           | 30 days                     | Protected species surveys        | Some species may require translocation under licence. The Conservation of Habitats and Species Regulations 2017, regulation 55. Also Protection of Badgers Act 1992, Section 10.   | Desk and site based assessment [has / has not] indicated presence of protected species within study area - to be completed at future detailed stages |
| Works that could disturb wild birds or the nest of wild birds   | Wildlife Licences  | Natural England               | 4 weeks                                     | TBC                         | Phase 1 Habitat Survey           | Wild birds or the nest of wild birds are protected under the Wildlife and Countryside Act 1981 (s16). Likely that works will be designed to avoid disturbance to nesting birds. Licences only likely to be granted in exceptional circumstances.                     | SPA, SSSI sites affected ref. nesting/breeding birds   |

|   |   |                             |         |          |   |  |  |
|---|---|-----------------------------|---------|----------|---|--|--|
| <p>Works affecting an important hedgerow, if the hedge is:</p> <ul style="list-style-type: none"> <li>- A rural hedge, more than 20m long (or any part of such a length)</li> <li>- Less than 20m long but meets another hedge at each end</li> </ul> <p>Located on or next to:</p> <ul style="list-style-type: none"> <li>- Land used for agriculture or forestry</li> <li>- Land used for keeping horses, ponies or donkeys</li> <li>- Common land</li> <li>- A SSSI</li> <li>- A local nature reserve</li> <li>- A PRoW</li> </ul> | Hedgerow Removal Notice                 | Local Planning Authority(s) | 4 weeks | 6 weeks  | Phase 1 Habitat Survey<br>High Resolution Aerial Photography<br>Hedgerow condition assessment | <p>The hedgerow removal notice must be served by either the owner of the hedgerow or a 'relevant utility operator' (as defined by the Hedgerow Regs 1997, if to be removed by or on behalf of that operator) who is not the owner, following which the LPA will either serve on that person written notice that the hedgerow may be removed, or the 42 day period has expired without the LPA serving a hedgerow retention notice (Regulation 5, HR 1997).</p> <p>Reg 6(1)(e) of the Hedgerow Regs permits hedgerow removal if it is required for development authorised by a planning permission or deemed planning permission - hence may perhaps be disapplied by grant of a DCO.</p> | Potentially – Hyde Field (if progressed open space and LNR/SINC sites)         |
| Works to trees with Tree Preservation Orders  | Tree Preservation Order Consent         | Local Planning Authority(s) | 6 weeks | 8 weeks  | Arboriculture Impact Assessment and Method Statement  | <p>Regulation 13 Tree Preservation Regs 2012 states that subject to the exceptions in regulation 14, no person shall (a) cut down;(b) top;(c) lop;(d) uproot;(e) wilfully damage; or(f) wilfully destroy, any tree to which an order relates, or shall cause or permit the carrying out of any of the activities in sub-paragraphs (a) to (f) to such a tree, except with the written consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions</p>   | Potentially to be kept under review  |
| Works to trees located within a Conservation Area   | Notification of works                   | Local Planning Authority(s) | 6 weeks | 6 weeks  | Arboriculture Impact Assessment and Method Statement  | <p>The outcomes are either: the local authority makes a Tree Preservation Order (TPO) to protect the tree; or does not make a TPO and allows the work to go ahead</p>  | Potentially, to be kept under review   |
| Tree Felling Licence required where more than 5m <sup>3</sup> per quarter for non-statutory functions, i.e. habitat restoration / management  | Tree Felling Licence                    | Forestry Commission         | 4 weeks | 12 weeks | Arboricultural survey   | <p>An application for a felling licence may be made by 'a person having such an estate or interest in the land on which the trees are growing as enables him, with or without the consent of any other person, to fell the trees' (s 10 FA 1967)</p>   | [Yes]<br>Whilst impacts to trees to be avoided some trees may require felling. |
| Requirement to temporarily close a PRoW   | Temporary Closure Order                 | Local highway Authority(s)  | 2 weeks | 8 weeks  | PRoW condition assessment   | <p>The DCO would include a schedule of roads and PRoW to be closed. However, there would still be a requirement to serve notice of the closure. Closures and diversions are likely to be required at multiple stage.</p>   | Potentially, to be kept under review   |
| Requirement to permanently close or divert a PRoW   | Stopping up or extinguishment of a PRoW | Local highway Authority(s)  | 2 weeks | 16 weeks | PRoW condition assessment   | As above   | Potentially, to be kept under review   |

|   |                              |   |         |          |  |   |   |
|---|------------------------------|---|---------|----------|--|---|---|
| Works or demolition, alteration or extension to a listed building that affects its character as building of special architectural or historic interest. The requirement applies to all types of works and to all parts of those buildings covered by the listing protection (possible including attached and curtilage buildings or other structures), provided the works affect the character of the building as a building of special interest. | Listed Building Consent      | Local Planning Authority(s)                     | 2 weeks | 8 weeks  | HER Records Search<br>Heritage Statement | N/A   | [Potentially applied] detailed review of listed buildings required to identify relationship during construction and in terms of access. |
| Works and other activities that physically affect a scheduled monument  | Scheduled Monument Consent   | Historic England                                | 8 weeks | 8 weeks  | HER Records Search<br>Heritage Statement | N/A   | To be kept under review   |
| Building of operational buildings where those buildings are staffed and therefore not covered by the exemptions set out in Building Regulations 2010  | Building Regulation Consent  | Local Planning Authority(s)                     | 2 weeks | 12 weeks | Building Regulation                      | This would be sought by the contractor. Exemption set out in Buildings Regulations 2010, Regulation 9 & Schedule 2 'Exempt Buildings and Work', Part 2 CLASS2, Buildings not frequented by people.  | [Yes]<br>Likely to apply to t<br>AWRP.  |
| Works in, over, under or affecting the flow of an ordinary watercourse  | Ordinary Watercourse Consent | Lead Local Flood Authority(s) or Drainage Board | 4 weeks | 8 weeks  | Flood Risk Assessment                    | Section 120(3) of the Planning Act 2008 states that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. s 120(4) and Schedule 5 state that this may include in particular the diversion of navigable or non-navigable watercourses.<br>Section 23(1) of the LDA 1991 provides that no person shall erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction or erect a culvert in an ordinary water course or alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse, without the consent of the drainage board concerned.<br>Section 23(6) states that nothing in this section shall apply to any works carried out or maintained under or in pursuance of any Act or any order having the force of an Act. The DCO is an order having the force of an Act, so land drainage consent is not required. | [Yes]<br>Crossings of main rivers will be tunnelled.  |

|   |   |                             |          |                               |  |  |   |
|---|---|-----------------------------|----------|-------------------------------|--|--|---|
| Works on or near a main river, on or near a flood defence structure, in a flood plain or, on or near a sea defence  | Standard or Bespoke Flood Risk Activity Permit          | Environment Agency          | 4 weeks  | 12 weeks                      | Topographic Survey<br>Flood Risk Assessment<br>WFD Compliance Assessment<br>Phase 1 Ecology Survey | Environmental Permits are granted to the 'operator' of a regulated facility ((Reg 13, EPR 2016). The 'operator' is the person who has control of the facility (Reg 7, EPR 2016). The regulator (the EA in England) may transfer an Environmental Permit to a proposed transferee on the joint application of the operator and proposed transferee (Reg 21, EPR 2016) | [Yes] Pipeline and Tunnel routes cross main rivers (e.g., Thames / Lee)       |
| Works on or near a main river, on or near a flood defence structure, in a flood plain or, on or near a sea defence  | Flood Risk Activity Exemption                           | Environment Agency          | 4 weeks  | 7 days                        | -  | As above   | [Yes] Pipeline and Tunnel routes cross main rivers (e.g., Thames / Lee)       |
| Discharging liquid or wastewater into surface water that does not comply with the 'Temporary dewatering from excavations to surface water'  | Standard or Bespoke Environmental Permit for dewatering | Environment Agency          | 4 weeks  | 12 weeks                      | Flood Risk Assessment<br>Protected Species Surveys   | N/A  | [Potentially applies] Requires Early Contractor Involvement at relevant stage |
| New water discharge activity  | Standard or Bespoke Environmental Permit                | Environment Agency          | 8 weeks  | 12 weeks                      | Flood Risk Assessment  | NA   | [Yes]   |
| Operation of Part A1 Low Impact Installation  | Standard or Bespoke Environmental Permit                | Environment Agency          | 8 weeks  | 16 weeks                      | Protected Species Surveys<br>HRA<br>EIA<br>WFD Assessment  | N/A  | [?]   |
| Operation of Part B Activities related to Local Air Pollution Prevention and Control (this includes the processing of used concrete with a mechanical crusher (for use onsite or at another nominated site) | Environmental Permit                                    | Local Planning Authority(s) | 12 weeks | 4 weeks' notice of deployment | EIA  | N/A  | [Yes]   |
| New requirement to abstract over 20 cubic metres a day and / or impound water by creating a new sluice, weir or dam   | Abstraction / Impoundment Licence                       | Environment Agency          | 12 weeks | 16 weeks                      | Protected Species Surveys<br>HRA<br>WFD Assessment   | N/A  | [Yes]   |
| Temporary abstraction of more than 20 cubic metres a day over a period of less than 28 days   | Temporary abstraction licence                           | Environment Agency          | 12 weeks | 28 days                       | N/A  | N/A  | Potentially applies to be confirmed by Early Contractor Involvement           |
| Connection to a mains sewer   | N/A   | Local Water                 | 8 weeks  | Varies                        | N/A  | N/A  | [Yes]   |

|   |  |   |         |                |   |  |  |
|---|--|---|---------|----------------|---|--|--|
| New potable mains water connection  | N/A  | Local Water Authority   | 8 weeks | Varies         | Varies  | N/A  | [Yes]  |
| For connection of a business to the main sewer supply   | Trade Effluent Consent   | Local Water Authority   | 8 weeks | Up to 2 months | N/A   | Section 118, Water Industry Act 1991. Required if trade effluent is discharged to the public sewer.  | [Yes]  |
| Activities involving use, treatment, disposal or storage of waste (e.g., screening and blending of waste, aerosol crushing, composting, etc.) | Standard or Bespoke Environmental Permit for using, treating, storing and disposing of waste | Environment Agency  | 8 weeks | Up to 4 months | N/A   | Assume that waste carriers are registered with the Environmental Agency.   | [Yes]  |
| Activities involving use, treatment, disposal or storage of waste (e.g., screening and blending of waste, aerosol crushing, composting, etc.) | Exemption for using, treating, storing and disposing of waste                                | Environment Agency  | 8 weeks | 5 working days | N/A   | N/A  | [Yes]  |
| Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size   | T7 waste treatment exemption   | Local Waste Planning Authority(s)   | 4 weeks | 5 working days | Ground Investigation  | N/A  | Potentially applies to be confirmed through ground investigation         |
| Approval of noise generating activities during construction   | Section 61 consent (noise and / or vibration)  | Local Planning Authority(s)   | 4 weeks | 4 weeks        | Noise Impact Assessment   | Control of Pollution Act 1974  | [Yes]<br>Proximity of development to residential / sensitive receptors   |
| The operation of a mobile plant for the treatment of soils and contaminated material, substances or products                                  | Standard rules mobile plant permit   | Environment Agency  | 8 weeks | Up to 4 months | Ground Investigation  | N/A  | Potentially applies  |
| Permanent alterations or improvements to a public highway   | Section 278 highways agreement   | Local Highway Authority(s)  | 8 weeks | Up to 6 months | Topographical Survey<br>Traffic Count Data<br>Visibility Splays | N/A  | Potentially applies<br>May be required to enable construction activities |
| Transport of an Abnormal Load   | Notification   | Police, Highways Authorities and bridge structure owners such as Network Rail | 8 weeks | 1 week         | N/A   | An 'abnormal load' is a vehicle that has any of the following:<br>- a weight of more than 44,000kg<br>- an axle load of more than 10,000kg for a single non-driving axle and 11,500kg for a single driving axle<br>- a width of more than 2.9 metres<br>- a rigid length of more than 18.65 metres | Potentially applies to be confirmed by Early Contractor Involvement      |

|  |   |   |          |                |                       |   |  |
|--|---|---|----------|----------------|-----------------------|---|--|
| Transport of a Special Load  | Notification  | Police, Highways Authorities and bridge structure owners such as Network Rail   | 8 weeks  | Up to 10 weeks | N/A                   | N/A   | As above   |
| Applications for road closures and other restrictions which require a Temporary Traffic Regulation Order (TTRO). This includes restrictions on country roads, footpaths and bridleways | Temporary Traffic Regulation Order  | Local Highway Authority(s)  | 4 weeks  | 12 weeks       | N/A                   | Road Traffic Regulations Act 1984.  | [Yes]  |
| Works affecting Network Rail Land (within 15m)   | Asset Protection Agreement  | Network Rail  | 12 weeks | 8 weeks        | N/A                   | N/A   | [Yes]<br>Railway line crossings (tunnels)  |
| Hold certain quantities of hazardous substances at or above defined limits   | Hazardous Substances Consent, Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 2015 | Local Planning Authority(s)   | 9 weeks  | 8 weeks        | N/A                   | N/A   | [Potentially applied at AWRP, TTP or as part of conveyance commissioning]                                |
| Working in close proximity to fuel pipeline  | Part 4 Energy Act 2013  | CLH Pipeline System Limited. Potential for other pipelines within corridor too. | TBC      | TBC            | N/A                   | CLH Pipeline Systems acquired the Government Pipeline and Storage System and has the benefit of Part 4 of the Energy Act. This includes safe operation of pipelines.              | [Potentially – to be kept under review]  |
| Works within Common Land and / or Village Greens   | Section 38 Consent, Commons Act 2006  | Secretary of State  | 8 weeks  | 6 months       | EIA, Land referencing | Land referencing to be completed. Consent for works affecting Common Land.  | Potentially, unless land can be avoided via trenchless construction                                      |
| Works within Crown Land  | Section 135, Planning Act 2008  | Secretary of State  | TBC      | TBC            | Land referencing      | Land referencing to be completed. Consent to acquire third party interests in Crown land  | Route selection would seek to avoid requirement for Crown land. Not able to rule this out at this stage. |
| Notification of Construction Project   | Construction (Design and Management) Regulations 2015   | Health and Safety Executive   | 1 week   | N/A            | N/A                   | The CDM Regs require that the Health and Safety Executive is notified of the construction project. The contractor would issue this notice, in advance of construction commencing. | Yes  |