



South East Strategic Reservoir Options

Supporting Document G:

Planning, consenting and land acquisition strategy

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 and Affinity Water in the ongoing development of the proposed SROs. The intention of 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 and future funding requirements.
- Should a scheme be selected and confirmed in the companies' final Water Resources Management Plan, 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 and Affinity 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 and consideration should be given to that when reviewing the proposals. They are for the purposes of allocating further funding not seeking permission.

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 and Affinity Water's statutory duties. The information presented relates to material or data which is still in the course of completion. Should the solution presented in this document be taken forward, Thames Water and Affinity 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.

Executive Summary

Introduction

Delivery of SESRO will require planning permission, land, environmental permits for abstraction and discharge of water, and a range of secondary consents.

A Development Consent Order (DCO) under the Planning Act 2008 (PA2008) would grant planning permission, many of the other consents, and land acquisition rights but not the abstraction and discharge permits. There will be interconnected work to obtain the necessary rights and consents to construct and operate SESRO.

The interaction between these different processes and the related activities TW&AW are engaged with concerning their Water Resource Management Plans 2024 (WRMP24) and Water Resources South East's Regional Resilience Plan require understanding and careful management. The draft National Policy Statement (NPS) for Water Resources, being prepared under the PA2008 provides that need is established for schemes subject to DCO applications if they are required as part of a WRMP. The WRMP process is therefore important to establishment of need for a SESRO option to be advanced as a project.

The RAPID Stage Gate process provides a co-ordinated process drawing these themes together.

Land for SESRO is safeguarded in adopted development plans with TW&AW seeking continuation of this in emerging policy.

This document is required by RAPID for Gate 2 submissions and has been prepared to address the general requirements of the process and specific comments made on the Gate 1 submissions. It:

- Summarises work done related planning, land and consenting including “back-checking” of earlier project decisions
- Describes the preferred consenting route – based on DCO
- Identifies the other non DCO consents and licences, including in detail in Annex 1
- Sets out a strategy for land acquisition and describes integration of this into the DCO programme and other aspects of project delivery
- Describes activities proposed to support the planning, land acquisition and consenting processes including managing risk and stakeholder engagement. It cross refers as appropriate to other parts of the SESRO Gate 2 submission.
- Schedules the main SESRO DCO deliverables and likely responsibilities for their completion
- Concludes positively on the general planning and land feasibility of SESRO.

Overview of work undertaken since RAPID Gate 1

TW&AW have assessed and refined SESRO options informed by the requirements of the DCO process and other consenting regimes.

A strategic review and backchecking exercise has been undertaken to assess the suitability of previous assessments in supporting a DCO application. This work enhances the case for SESRO in WRMP24.

SESRO will require to be consented by DCO because it exceeds relevant thresholds to be considered a Nationally Significant Infrastructure Project (NSIP), which are set in the PA2008.

Consultation and engagement, set out in Supporting Document F: Project Delivery Plan has been considered carefully in the light of the requirements of the DCO process alongside those of WRMP24. Specific regard has been had to avoiding potential confusion over the purposes of different consultations, avoiding “consultation fatigue” and focussing on hard to reach groups.

Preferred Consenting Route

The reasons for focussing on the PA2008 DCO process are explained with reference the non-suitability of the alternatives, namely a Hybrid Bill or a Town and Country Planning Act 1990 process.

The relationship of a DCO process to the draft NPS for Water Resources Infrastructure and in turn the WRMP24 is set out. The draft NPS states that if an NSIP is included in a final published NPS the need for the project will have been demonstrated.

Reference is made to the land rights and supplementary consents opportunities within the DCO regime and to the potential to include Associated Development also within the DCO.

The possibility of more than one NSIP being included within the SESRO DCO are examined, which may be beneficial to energy, rail, road or water transfer aspects of the project.

The process for securing a DCO is set out with reference to the pre- and post-application and post-consent stages. The ability to build flexibility into the process are set out with reference to the alternative process of amending a DCO once it has been “made”. There is a strong preference to use the opportunities to achieve flexible implementation.

Other consents and licences

A summary is provided of the environmental permit process by which abstraction and discharge consent will be given. This will be separate to the DCO process.

Secondary consents are then set out and listed with specific note made where these may be included in the DCO. Annex 1 is a detailed document outlining these which has been prepared by Jacobs.

Strategy for land acquisition and land rights

With a preference for acquiring land and rights to land needed to deliver SESRO voluntarily and by negotiation, nevertheless the potential existence of compulsory purchase powers within the DCO will be an important aspect of TW&AW acquiring all the land and rights it needs for delivery of a SESRO option.

The land acquisition strategy will be aligned with the consenting strategy and the stakeholder engagement strategy. It will be designed to ensure information and support on land is available across the project team. It will support robust justification of inclusion of DCO powers as required in the DCO and ensure land matters are dealt with before DCO submission so far as possible. It will resolve matters that might cause reputational issues for TW&AW.

The land acquisition strategy interfaces with all other key aspects of the project, in particular design. The process for securing land through the pre- and post-application stages and implementation are set out reflecting the dual approach of seeking voluntary agreements whilst being ready to include compulsory powers in the DCO.

The interaction between land acquisition and general consultation is set out, reflecting that landowners are a specific group within the wider spectrum of consultation and may be fully engaged with or distant from the local community.

Interests in land required may be permanent or temporary and the different options for achieving appropriate interests are mapped out along with the process for compensation.

The approaches to statutory undertakers, exempt and special interest parties and types of land are set out.

TW&AW has considered its approach to land very carefully and the resulting strategy, which incorporates elements of flexibility, will achieve the acquisition of the rights and the land necessary for successful implementation of a SESRO option.

Pre planning activities to support the consenting process

In addition to preparing for the DCO application as set out in chapter 3 environmental survey and design work are being undertaken by TW&AW to support inputs to RAPID and the WRMPs and in advance of the DCO work.

Land referencing work has been underway for some time assisting the understanding of the area and preparing for the Book of Reference and Land Plans that will be needed for DCO submission. The work has also supported the safeguarding of land within the development plan.

Environmental surveys examining terrestrial and aquatic habitats have been and continue to be undertaken. These are reported in Supporting Document B1 and B2. Habitats Regulations Assessment work, Water Framework Directive Assessment and Biodiversity Net Gain and covered in Supporting Documents B4, B5 and B6 respectively.

As well as being undertaken for the specific purposes inherent in the Supporting Document titles, this work is being co-ordinated to facilitate an EIA Scoping Report and ultimately the Environmental Statement itself.

Design is being undertaken iteratively with environmental surveys and with regard to the specific design expectations of the draft NPS and with reference to Climate, People, Places and Value which are the design themes promoted by the National Infrastructure Commission (NIC).

Feedback from Stakeholder Engagement and design of the strategy for consultation are being considered within design, survey and land work.

It is also important pre-planning activities consider interaction with other SROs and this is being done specifically in regard of the Severn to Thames Transfer, Thames to Affinity Transfer, and Thames to Southern Transfer SROs.

Finally a risk register for SESRO includes specific planning, land acquisition and consenting risks which are summarised.

Main application deliverables

To assist with planning adequate systems and resources for effective delivery of SESRO, the principal components of a DCO application are set out. Legislation and guidance is listed and then some 33 specific deliverables that will be required for a duly made application are set out. In each case and to assist in resource and systems planning the generic lead is identified. TWAW has assembled and will continue to maintain an appropriately qualified and experienced team and bolster that team as the demands of the process change during the DCO lifecycle.

Conclusions and Next Steps

TW&AW demonstrate a high level of certainty over the planning, land acquisition and consenting strategy for SESRO.

The DCO process is well understood and is proven and the interactions between it, RAPID, WRMP and Environmental Permitting and Secondary Consents understood and mapped out.

There is a good appreciation of risk and mitigation.

The scope and content of a DCO including Associated Development are understood.

Thames Water's experience with Thames Tideway stands it in good stead for a successful outcome of another major NSIP project.

The draft NPS for Water Infrastructure is favourable to the project and will explicitly support projects in published WRMPs, which TW&AW are preparing to include SESRO.

This report addresses the requirements for Gate 2 identified by RAPID's review of the SESRO Gate 1 submission.

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1. Introduction

1.1 Purpose of the report

1.1. This report forms Supporting Document G to the submissions by Thames Water and Affinity Water (TW&AW) for Gate 2 of the Regulators' Alliance for Progressing Infrastructure Development (RAPID) in respect of the South East Strategic Reservoir Option (SESRO). SESRO is one of a number of nominated Strategic Regional Water Resource Options (SROs) nationwide.

1.2. This report provides the following.

- a) It identifies the requirements for securing planning permission or an equivalent development consent for the preferred SESRO option described in TW&AW's Gate 2 Reports, including risks and outline costs (prepared for TW&AW by Savills UK Limited).
- b) It outlines the strategy for the acquisition of land and rights over land, as a part of the consenting approach (Savills UK Limited).
- c) It provides an overview of the environmental permits required for the scheme, particularly abstraction, discharge and transfer licences required from the Environment Agency (Atkins Limited).
- d) It outlines the secondary consents that may be required by the scheme, subsequent to any DCO and environmental permits (Jacobs UK Limited).

1.3. The speed and ease with which a planning permission and compulsory purchase order, or development consent, can be secured for major water infrastructure has implications for project delivery. The planning and compulsory purchase order processes impose requirements and timescales that do not align automatically with water industry plans and investment programmes. TW&AW recognised from the outset that the reconciliation of these external influences with their own regulatory obligations is a precondition for effective project assessment, programming and ultimate delivery.

1.4. Accordingly, this report examines how consenting requirements for the preferred SESRO option relate to the following:

- The progress of SESRO through the RAPID Gate stages.
- The preparation of TW&AW's Water Resource Management Plans 2024. WRMP24 is particularly relevant from a planning perspective because of the reliance that Defra's draft National Policy Statement for Water Resources is likely to place on WRMPs for establishing the need for major water infrastructure.

- The development of a Regional Resilience Plan by Water Resources South East ¹. Work on the Regional Resilience Plan is underway with a final plan due for publication in 2023, alongside the water companies' Water Resource Management Plans.

1.5. The relationship between these water industry strategies and the consenting that it requires for any of the subsequent water infrastructure is important for the following reasons.

- The strategies play an important role in substantiating the need case for new infrastructure (as established through the National Policy Statement for Water Resources). This has implications for the timing of applications for planning consent;
- Appropriate public consultation on industry plans can help a water company to demonstrate a coherent and staged process of pre-application consultation. This can be relevant particularly to projects that constitute Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008, for reasons explained in the next chapter of this report.

1.2 Overview of the preferred SESRO option

1.6. SESRO is intended to provide storage of river water during high flows and a raw water supply to the River Thames during periods of low flow, for release and subsequent re-abstraction by Thames Water in London and the wider Lower Thames supply areas or for transfer to other water companies in the South-East, and possibly (a potential long-term option) to bolster supplies locally within the Swindon and Oxford water resources zone. The resource could be used by new and existing infrastructure on the River Thames for supply to TW&AW, and potentially also for Southern Water through the integration of the Thames to Southern Transfer solution, or for South East Water through its existing surface water intake on the River Thames at Bray.

1.7. The definitive description of the preferred SESRO option presented at RAPID Gate 2 is provided in *SESRO Supporting Technical Document A1: Concept Design Report*. In summary, the principal elements of the scheme are as follows:

- A fully bunded reservoir in Oxfordshire, 5 km south-west of Abingdon, with total storage capacity between 75 and 150 million cubic metres (Mm³).
- A pumping station at the toe of the reservoir embankment, containing pumps for filling the reservoir and turbines for energy recovery during periods when the reservoir releases water to the River Thames.
- A conveyance tunnel, indicatively 3-4km long, to transfer flows via the pumping station to or from an intake / outfall structure on the bank of the River Thames

¹ WRSE is made up of an alliance of the six water companies that cover the South East region of England, including Thames Water and Affinity Water. Its aim is to secure the water supply for future generations through a collaborative, regional approach to managing water resources.

near Culham. Raw water would be abstracted from the river when pumps are operating to fill the reservoir, and flows would be discharged into the river when the reservoir is releasing water, via energy recovery turbines.

- An auxiliary drawdown channel, aligned with a proposed section alignment of the Wilts & Berks Canal, to allow the release of water from the reservoir in the event of an emergency.
- A main access road to the reservoir from the A415 and the diversion of the existing East Hanney to Steventon Road to the south.
- Rail sidings to facilitate delivery of construction materials by train.
- Recreational facilities, including a visitor centre, education centre, café and water-based sports facilities.
- Landscaping and creation of aquatic / grassland habitats, flood management infrastructure.
- Biodiversity Net Gain areas.

1.8. SESRO may also include renewable energy generation such as floating solar.

1.9. The adopted development plan (Vale of White Horse (VoWH) Local Plan) safeguards land for the SESRO project. This means that other forms of development that might frustrate implementation of SESRO are discouraged. The policy has been successful and TW&AW submitted representations in June 2022 to seek a similar safeguard within the emerging Joint Local Plan VoWH is preparing with South Oxfordshire. Whilst not an allocation of land for a reservoir, the existence of the safeguarding is also reflective of the absence of significant planning constraints affecting the area the SESRO options affect, in turn a result of previous alternatives assessment work.

1.10. The Oxfordshire Minerals and Waste Local Plan (OMWLP) concerns both the location of minerals and waste development and the safeguarding of areas of mineral resource from sterilisation by other forms of development. These planning matters are the responsibility of Oxfordshire County Council (OCC). The proposed SESRO location is not affected by safeguarding nor contain sites allocated for minerals or waste uses. The OMWLP encourages recycling and re-use of aggregates and the use of rail transport, including new railheads.

1.3 [Feedback from RAPID Gate 1](#)

1.11. The SESRO Gate 1 report identified three consenting routes potentially available for SESRO development depending on circumstances, namely planning permission under the Town and Country Planning Act 1990, Development Consent under the Planning Act 2008 and a Hybrid Act of Parliament. For each route the report explained the qualifying criteria, the powers granted and not granted, the consenting process and generic timeline, the need for environmental impact assessment (EIA), consultation requirements and general risks. The relationship with RAPID, WRSE and WRMP24 was also considered.

1.12. Under the Infrastructure Planning (Water Resources) (England) Order 2019, reservoirs with storage exceeding 30 million cubic metres or with a deployable output of more than 80 million litres per day and water transfers with an output of more than 80 million litres per day qualify as NSIPs for which a Development Consent Order (DCO) must be sought under the Planning Act 2008. This means that all of the SESRO reservoir options qualify as NSIPs as a matter of course and will need to be consented by means of a DCO application under the 2008 Act. It follows that a Section 35 direction under the Planning Act 2008 will not be necessary.

1.13. At the end of 2021 RAPID published its *Standard gate one final decision for South East Strategic Reservoir Option*. In respect of the planning aspects of concern here, section 4.3.3 *Programme and planning* of RAPID's decision concluded:

Our assessment of the programme and planning considered whether Thames Water and Affinity Water presented a programme with key milestones and whether its delivery is on track. The assessment also considered the quality of the information provided on risks and issues to solution progression, the procurement and planning route strategy and subsequent gate activities with outcomes, penalty assessment criteria and incentives.

We consider that the progress and quality of the gate one investigation completed by Thames Water and Affinity Water regarding the programme and planning, risks and issues and the procurement and planning route strategy for SESRO has been good. Going into gate two, a full risk register should be shared with the Environment Agency to ensure a work programme is in place to address environmental risks.

1.14. The final risk register for the purpose of the Gate 2 submission is presented in Supporting Document F: Project Delivery Plan.

1.4 Requirements for Gate 2 and the structure of this Document

1.15. In April 2022 RAPID published *Strategic regional water resource solutions guidance for gate two*. In respect of the planning, consenting and land considerations addressed in the current report, section 7.2 of RAPID's guidance (page 23) advised as follows.

A land and planning strategy for the solution should be provided. This should cover:

- *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.*
- *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.*

- *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.*
- *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.*
- *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.*
- *Risks and issues relating to land and planning and explaining how the strategy supports the management/mitigation of the risks.*

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.

1.16. In response to this guidance, this Supporting Document G is arranged as follows.

- **Chapter 2** provides an overview of the work related to planning, consenting and land acquisition that has been undertaken in preparation for the SESRO Gate 2 submission. As the chapter explains, this work includes the ‘back-checking’ of earlier project decisions in the light of current information to examine whether options previously dismissed should be reconsidered.
- **Chapter 3** describes the preferred consenting route for SESRO – a DCO application under the Planning Act 2008. Amongst other things the chapter sets out the indicative timings of a DCO application and outlines the activities that would take place during the main stages of the application process.
- **Chapter 4** identifies other consents and licences likely to be required to enable the project to be built and operated. Annex 1 provides more detail.
- **Chapter 5** sets out the proposed strategy and plan for acquiring the land and land rights required to deliver SESRO. The chapter explains how the land strategy will be integrated into the programmes for securing a DCO and delivering the project on the ground.
- **Chapter 6** describes the activities proposed and in development to support the SESRO consenting and land acquisition process, including measures to manage and mitigate risk and the proposed strategy for stakeholder engagement. Where these entail systems, resources and governance arrangements described in other documents in the SESRO Gate 2 submission, chapter 5 provides a summary and clear cross-referencing to avoid repetition.
- **Chapter 7** provides a schedule of the main SESRO DCO application deliverables and the proposed responsibility for their development and completion.
- **Chapter 8** offers concluding observations on the general feasibility of SESRO from a planning and land perspective.

2. Overview of work undertaken since RAPID Gate 1

2.1 Introduction

- 2.1. The assessment and refinement of options described in TW&AW's RAPID Gate 2 reports has been informed by consideration of the consenting strategy for the companies' emerging SROs. Any SRO will need to secure a range of consents, permits, land rights and agreements before implementation can proceed.
- 2.2. These consenting requirements can exert a considerable influence on the timing, cost and feasibility of a major project. They can also give rise to particular demands that, if not acknowledged during the formative stages of a project, can cause delay and uncertainty later on.
- 2.3. This chapter describes how TW&AW has taken these considerations into account during its work for RAPID Gate 2. It begins with a summary of a strategic 'backchecking' review of the long list of options that TW&AW originally considered, a review undertaken for reasons that will be explained. It then documents how the consenting strategy for the preferred SESRO option has been refined, and identifies associated requirements for consultation and engagement.

2.2 Strategic review and backchecking

- 2.4. Inherent in the preparation of WRMPs and in the RAPID gated process are obligations to define and appraise the options available for meeting future water supply needs. As exemplified by the SESRO project, the process typically begins with consideration of a large number of engineering and locational options, the list of which is progressively narrowed down through a staged process of assessment and shortlisting until a single preferred option is identified.
- 2.5. The planning system imposes specific requirements for applicants to consider alternative sites for development in particular circumstances, and the extent to which an applicant has done this can be scrutinised closely at the consenting stage. A material failure to fulfil obligations to consider alternatives might result in the application being refused. It can also impede the project promoter's ability to secure land and rights over land through compulsory acquisition.
- 2.6. Section 3.5 of the draft National Policy Statement for Water Resources ('the draft NPS') sets clear expectations in respect of the consideration of alternatives, and is cited here in full.

3.5 Assessing alternatives

3.5.1. *The applicant should comply with all legal obligations and policy set out in this NPS on the assessment of alternatives. In particular:*

- *The Environmental Impact Assessment Directive requires projects with significant environmental effects to include a description of the reasonable alternatives studied by*

the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the significant effects of the project on the environment;

- *There may also be other specific legal obligations requiring the consideration of alternatives, for example, under the Habitats and Water Framework Directives; and*
- *There may be policies in this NPS requiring consideration of alternatives, for example the flood risk sequential test and the assessment of alternatives for developments in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB).*

3.5.2. Relevant information from the WRMP options appraisal process (see section 3.1.5) will be useful to demonstrate how alternative options have been considered.

2.7. Some of the specific circumstances in which alternative sites might need to be considered include the following.

- **Flood risk** - Defra and the Environment Agency require a sequential test to be applied to establish the vulnerability of development to flooding.
- **Nature conservation** – including where there would be significant harm to biodiversity resulting from a development (see paragraph 180 of the government’s National Planning policy Framework (NPPF), July 2021). As explained in para. 3.5.1 of the draft NPS for water, there are specific legal obligations to consider alternatives under the Habitats Regulations.
- **Water Framework Directive** – for which one of the derogation tests is whether the benefits of the project cannot be achieved by a significantly better environmental option.
- **Green belt** – for which consideration of whether ‘very special circumstances’ exist to justify development in the green belt are generally assessed in the light of what alternatives are available.
- **Landscape** - paragraph 3.5.1 of the draft NPS highlights the need to consider alternatives when contemplating development in an AONB. NPPF para. 177 does likewise, advising that the consideration of such applications ‘*should include an assessment of . . . the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way . . .*’.
- **Cultural heritage** - the requirement for ‘clear and convincing justification’ for the harm to or loss of a designated heritage assets (draft NPS for water section 4.7 and NPPF para. 200) can often include an assessment of alternatives.
- **Agricultural land** - an assessment of alternative sites and schemes might be required to substantiate why such a loss of the best and most versatile agricultural land is justified.
- **Land acquisition**– applicants seeking compulsory acquisition powers over land must demonstrate a compelling need for the infrastructure and that compulsory

acquisition is in the public interest in the location proposed, and an assessment of alternatives can form an important part of this justification.

- 2.8. In addition to the various policy and regulatory reasons for the consideration of alternative sites and schemes, summarised above, there are pragmatic reasons why a balanced and transparent review of options is desirable, including the local community's interest in understanding how a site was selected and the project promoter's commercial and regulatory interest in ensuring that the chosen option is consentable, deliverable and cost-effective to build and operate.
- 2.9. Options appraisal involves an accumulation of knowledge and takes place in a constantly-evolving policy, regulatory, technological and environmental context, which can give rise to questions about assumptions made earlier in a project. With these considerations in mind, TW&AW are applying the following three-stage screening process for the consideration of alternatives for the purpose of WRMP24, to determine whether past judgements made about the selection of options for the SESRO project remain valid in the light of the knowledge since accumulated:
- a review of the previous reservoir feasibility and site selection work undertaken for WRMP19 and earlier plans;
 - the identification and review of sites where additional consideration could be given to level 1 screening, to verify the robustness of previous decision making;
 - the identification and review of options screened out for environmental or heritage reasons at the level 1 screening stage, in order to determine whether the weight given to the protection of environmental assets calibrates with the weight given to the fulfilment of national need in the case of a project that qualifies as an NSIP under the Planning Act 2008. Options identified in this review are being reconsidered through more detailed level 2 screening.
- 2.10. The WRMP24 process by its nature involves an analysis of options to identify which are preferred. It is an objective process subject to intense regulatory scrutiny. The WRMP, as distinct particularly from the suite of documents of which this forms a part that outline TW&AW's approach to identifying solutions, will set out the strategic choices for new infrastructure. The draft NPS bases future decisions on DCOs largely on the outcome of the WRMPs. TW&AW's screening exercise referred to above applies contemporary approaches to option selection, on the basis of which an NSIP will be examined independently in the DCO process, to work undertaken previously and during different phases of option identification and analysis. The DCO process for SESRO will set out in full the lengthy and detailed processes undertaken to analyse alternatives and which will have led to the specific form of SESRO project subject to a consent application. The work in Gate 2 has been focussed on back-checking earlier pieces of work, some two decades old, for their relevance to support a DCO in maybe three years' time. This work enhances the case for SESRO in WRMP24.

2.3 Refinement of the consenting strategy

- 2.11. The Planning Act 2008 identifies a series of qualifying thresholds for NSIP projects. The threshold for water industry NSIPs were amended by the Infrastructure Planning (Water Resources) (England) Order 2019. Under the 2019 Order, reservoirs with storage exceeding 30 million cubic metres or with a deployable output of more than 80 million litres per day and water transfers with an output of more than 80 million litres per day qualify as NSIPs.
- 2.12. All of the SESRO storage solutions considered exceed these thresholds, meaning that SESRO qualifies as an NSIP as a matter of course and will need to be consented by means of a DCO application.
- 2.13. During its preparations for the RAPID Gate 2 submission TW&AW have given consideration both to the practical logistical requirements for making a DCO application and the relationship between the programmes for RAPID and WRMP24 on the one hand and a SESRO DCO application in the other. The outcome of this analysis is reported in later chapters of this report.

2.4 Consultation and engagement planning

- 2.14. *Supporting Document F-1: Project Delivery Plan* sets out a timeline for community engagement after Gate 2. A particular aspect of concern in the relationship between the RAPID and WRMP workstreams and the eventual preparation and submission of a DCO application for the final SESRO project is the potential for confusion amongst affected communities over the process through which the proposals are emerging. SESRO has already been promoted as an option and consulted upon through several rounds of WRMP production. There is a risk of consultation fatigue and this can be compounded if the same project can feature in separate consultations undertaken for different purposes.
- 2.15. In response, consultations held by TW&AW will include a clear explanation of the overall decision-making context for SESRO and the particular purpose of individual rounds of consultation within that framework. New and different consultation approaches will be used to maintain interest and with a particular focus on traditionally “hard to reach” groups. Messaging will however be consistent in style and graphic design. Amongst other things it is hoped that this will assist stakeholders to align their responses with matters in hand whilst being reassured that there will be fair opportunities to raise additional concerns in subsequent consultation events.
- 2.16. On a related point, the DCO application process includes a substantial commitment to consultation at the pre-application stage. Typically this include at least one round of statutory consultation in accordance with sections 42 and 47 of the Planning Act 2008, supplemented by one or more rounds of non-statutory consultation. Consultations can be about the project overall or defined aspects of it, such as landscape or highways and traffic.
- 2.17. By explaining clearly the purpose of individual consultation exercises and always

setting them in the wider context, TW&AW aim to ensure that consultations on WRMP24 can provide a sound platform for pre-application consultations on a future SESRO DCO submission. Rather than launching a programme of pre-application consultations in isolation once the DCO application process is formally initiated, TW&AW intend to show consideration for the feedback received about SESRO through earlier consultations and to use this as a foundation for further stakeholder engagement. This approach will be set out in the Statement of Community Consultation (SoCC) for the project, which TW&AW will prepare in accordance with section 47 of the Planning Act 2008 once the intention to submit a DCO application has been formally confirmed.

- 2.18. In June 2022 TW&AW made representations seeking a continuation of safeguarding for SESRO within the development plans affecting the area. This is a public process and an important opportunity to maintain dialogue with the local authorities and the populations they serve, including that local to the area of the SESRO options.

3. Preferred consenting route

3.1 Introduction

- 3.1 This chapter describes the proposed consenting route for the SESRO project. It begins by outlining the range of consenting options reviewed by TW&AW and proceeds to describe the primary route under consideration – a DCO application made under the Planning Act 2008.
- 3.2 Although a range of consents and rights can be sought under the umbrella of a DCO, additional consents and licences will be required to build and operate the SESRO scheme. These are identified in the following chapter of this report.

3.2 Consenting routes considered

- 3.3 The SESRO Gate 1 report identified three potential primary consenting routes for SESRO – namely planning permission under the Town and Country Planning Act 1990, Development Consent under the Planning Act 2008 and a Hybrid Act of Parliament.
- 3.4 For each consenting route the Gate 1 report explained the qualifying criteria, the powers granted and not granted by the consent, the consenting process and generic timeline, the need for environmental impact assessment (EIA), consultation requirements and general risks. From a procedural standpoint these narratives remain current and for brevity will not be recited in full here.
- 3.5 In respect of the decision as to which consenting route is appropriate for SESRO, TW&AW have reviewed the available options for Gate 2 and arrived at the same conclusion. The qualifying thresholds for water industry NSIP projects remain as set out in the Infrastructure Planning (Water Resources) (England) Order 2019. Under the 2019 Order, reservoirs with storage exceeding 30 million cubic metres or with a deployable output of more than 80 million litres per day and water transfers with an output of more than 80 million litres per day qualify as NSIPs. This means that all of the SESRO reservoir options qualify as NSIPs as a matter of course.
- 3.6 As such the option of applying for a conventional planning permission under the Town and Country Planning Act 1990 is unavailable for SESRO.
- 3.7 The other consenting option considered for SESRO during Gate 1 – a Hybrid Act of Parliament remains available. Hybrid Bills are initiated by Government to assist the delivery of major infrastructure that is considered to be in the national interest and which would affect many private interests significantly. This consenting route was employed for the Channel Tunnel, the Dartford Crossing, Crossrail and High Speed 2. A project that secured drinking water supply for a large area of London and the South East is arguably of comparable or greater significance.
- 3.8 Hybrid Bills are promoted only exceptionally and in the current context it would need to be demonstrated that other available consenting routes are unsuited to the task. This is not considered to be the case for SESRO. The Planning Act 2008 affords a

proven consenting route capable of delivering a DCO for major infrastructure on a timely basis. The application process is well established and provides extensive opportunities for community and stakeholder engagement. Once a DCO application has been made it enters a closely timetabled process of acceptance, pre-examination, examination, reporting and determination that assists accurate project programming. A Hybrid Bill, in contrast can be affected by competing or what is perceived as more urgent Parliamentary business, can at its early stages become subject to political intervention, and there is consequently less control.

- 3.9 As will now be explained, additional benefits of the Planning Act 2008 consenting route from the perspective of the SESRO project include a clear means of demonstrating project need, the ability to secure the land and land rights required for the project, and the ability to include a wide range of associated development and more than one NSIP into a single DCO application.

3.2.1 Project need

- 3.10 In accordance with Part 2 of the Planning Act 2008 the national need for major infrastructure is set out in National Policy Statements (NPS), which are approved in Parliament. The overall need for a project does not need to be established afresh on a scheme by scheme basis for proposals that comply with the NPS.

- 3.11 The draft National Policy Statement for Water Resources Infrastructure 2 ('the draft NPS for water') sets out the need and government's policies for the development of nationally significant infrastructure projects relevant to water resources in England. It aims to ensure that where nationally significant water resources infrastructure is needed, it can be delivered in a timely manner to a high standard. According to paragraph 1.4.5 of the draft NPS for water:

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.

- 3.12 Assuming that the final 'designated' NPS continues to follow this approach then the confirmation of need through the WRMP process, assuming SESRO forms part of it, adds certainty to the subsequent consenting process for individual projects.

3.2.2 Land rights and supplementary consents

- 3.13 A DCO can grant rights to compulsorily acquire land, including temporary possession, extinguish private rights over land or impose restrictive covenants (and other similar powers). It can also incorporate a range of other consents, obviating the need for separate applications. These include rights to undertake street works, identify

² The draft NPS for water Resources can be viewed at https://consult.defra.gov.uk/water/draft-national-policy-statement/supporting_documents/draftnpswaterresourcesinfrastructure.pdf

landowners, enter land for surveys, remove or undertake works to protected trees and hedgerows, override easements and discharge water. The DCO will include Protective Provisions that define how existing utilities infrastructure will be protected during the development.

3.2.3 Associated development

3.14 A DCO application can also include a very wide range of ‘Associated Development’, which may be off-site but which is necessary to help deliver the main development. Associated Development of benefit to SESRO might include:

- new or improved vehicular and pedestrian access;
- alterations to roads, footpaths and bridleways;
- temporary haul roads;
- railway works including sidings, passing loops, level crossings, and lines for moving aggregates during construction;
- public transport infrastructure;
- electricity, water, wastewater and telecommunications networks;
- electricity generation or storage for operational purposes;
- landscape works;
- flood defences and mitigation;
- creation of compensatory habitats and green spaces;
- noise barriers;
- relocation of statutory undertakers’ equipment;
- alteration of watercourses;
- pumping stations, water transfer tunnels, pipelines and kiosks;
- temporary accommodation during construction;
- recreational amenities where a reservoir is required to serve as a public amenity.

3.2.4 DCO for multiple NSIPs

3.15 The SESRO project has the potential to include more than one NSIP. If it was to include water transfers with an output of more than 80 million litres per day, electricity generation with a capacity of more than 50 megawatts (MW)³, railways with a continuous length of more than two kilometres or new roads meeting relevant size and use criteria and intended for adoption by the Strategic Highways Authority,

³ Except for wind turbine development, which sits currently outside the Planning Act 2008 regime and would be the subject of a planning application under the Town and Country Planning Act 1990.

- none of which can be ruled out at this stage - any of these has the potential to constitute an NSIP in its own right.

3.16 Whether SESRO constitutes one NSIP or more will become evident as the design matures. In the current context the relevant point is that a multiple of NSIPs making up one overall project can be consented in a single DCO. There would be no need to apply separately for each NSIP: instead there would be one DCO application with one set of documentation, determined through a single process. This ability to accommodate a complex multi-faceted project is a particular advantage of the Planning Act 2008 process.

3.17 Having reaffirmed that the Planning Act 2008 process is the preferred consenting route for SESRO, the next section of this chapter describes the consenting route in further detail.

3.3 Primary consenting route for SESRO

3.3.1 The process: pre-application

3.18 When an NSIP project promoter has sufficient confidence in the definition of the project and its preferred location, the Planning Inspectorate (PINS) can be notified of the intention to make a DCO application. PINS administers DCO applications on behalf of the relevant Secretary of State who will ultimately be responsible for its determination – in this case, the Secretary of State for Environment, Food and Rural Affairs. Notification is in itself a simple process in which the promoter provides an outline written description of the proposals, an indication of the programme for submission of the application and a GIS shapefile for all of the land to which the DCO is likely to apply.

3.19 Once PINS has received the notification it will set up a web page for the project on the National Infrastructure Planning website⁴. Engagement between the applicant and PINS during the preparation of a DCO application is a transparent process, with correspondence and the minutes of meetings normally be posted on the project web page.

3.20 In keeping with this commitment to transparency, a duty for the applicant following notification is the preparation of a Statement of Community Consultation (SoCC), as required under section 47 of the 2008 Act. This explains how the applicant intends to carry out consultation with the local community. Before drawing up the statement, the promoter must consult the relevant local authority (or authorities if the land needed for the project crosses local authority boundaries), giving them 28 days in which to respond.

3.21 Thereafter the successive rounds of non-statutory and statutory consultations provided for in the SoCC become milestone events in the pre-application stage of a DCO project. Consultation feedback and the applicant's response to it will be recorded in detail in a Consultation Report submitted with the DCO application. The

⁴ <https://infrastructure.planninginspectorate.gov.uk/>

adequacy of consultation will be a significant consideration in the Secretary of State's decision as to whether to accept the DCO application, once made, for examination. Relevant local authorities will be consulted on this point.

- 3.22 Another early task for the applicant, though not obligatory, will be the submission of an EIA scoping report to the Secretary of State⁵. Once in receipt of the Secretary of State's scoping opinion, work on the project can proceed in a focused manner through iterative rounds of survey and assessment, consultation and design refinement until the project is in a suitable stage of maturity and refinement to allow the DCO application to be made.
- 3.23 Amongst provisions relating to land, the 2008 Act provides powers to facilitate the survey and assessment work required during the preparation of a DCO application and its supporting documents. These include section 52: *Obtaining information about interests in land* and section 53: *Rights of entry to land*⁶. In addition, Regulation 11(3) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires public bodies to provide the applicant with any information in their possession that is considered relevant to the preparation of the environmental statement, on request and subject to conditions set out in the 2017 Regulations.
- 3.24 Chapter 6 of this report describes the pre-planning activities proposed to support the consenting process. Landmark events during the formal pre-application stage of a DCO project will include the following.
- Discussions with landowners on access to and for the purpose of surveys, and on the future acquisition of land and land rights where required. Control of land for the purpose of the project might be temporary to enable construction or permanent where operational development is proposed.
 - Non-statutory public consultations. These might concern the project in the round or specific aspects of it, such as options for temporary and permanent road access.
 - At least one round of statutory consultation, undertaken in accordance with section 42: *Duty to consult* and section 47: *Duty to consult local community* of the Planning Act 2008. In reality this minimum requirement will be exceeded.
 - Detailed dialogue with local authorities and with relevant statutory consultees identified in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (S.I. 2009 No. 2264). These include the Environment Agency, Historic England, Natural England, National Highways and the local highways, health, police, fire and rescue services.
 - Regular dialogue with the Planning Inspectorate's Infrastructure Planning Unit, including updates on the timing of the DCO application and discussions about the

⁵ Applications for an EIA scoping opinion are made under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017 No. 572).

⁶ Section 172 of the Housing and Planning Act 2016 provides applicants with an alternative and more administratively convenient means of securing rights to enter and survey land.

composition of the Examining Authority's 'panel' of planning inspectors, to be appointed once the application has been made.

- An iterative process of design refinement and assessment, including where appropriate the further testing of alternatives, reflecting the feedback received during consultations.
- Production of the main application deliverables identified in chapter 6 of this report, including a Consultation Report that will describe the consultations that the applicant has undertaken and explain how the submitted scheme responds to consultation feedback in accordance with section 49: *Duty to take account of responses to consultation and publicity* of the Planning Act 2008. Another important submission document is the Book of Reference, a definitive record of the land interests that the project would affect.
- In preparation of the DCO submission and in an iterative manner with the design process thought should be given to setting parameters which will allow a degree of flexibility in the subsequent implementation of the DCO. Alongside a "Rochdale Envelope" approach to EIA, this "parameter plan" approach may avoid time consuming and procedurally difficult amendments post consent. Associated development would be used as appropriate to bring as much of the project as possible and suitable within the DCO scope.

3.3.2 The process: post-application

- 3.25 Once a DCO application has been made, the Planning Inspectorate, acting on behalf of the Secretary of State, has 28 days in which to review submitted documents and decide whether the application is in a suitable state to be 'accepted' for examination. If it is, the application moves into a pre-examination phase in which the application is publicised, with 'interested parties' (IPs) invited to register their interest and submit 'relevant representations', summarising their views on the proposals. The relevant representations assist the examining authority (ExA) to identify particular issues of concern that warrant investigation during the examination of the application.
- 3.26 During the pre-examination period TW&AW will aim to conclude extensive Statements of Common Ground with local authorities, statutory bodies and other parties such as Network Rail.
- 3.27 Approximately 4-6 months after a DCO application has been accepted for examination, a Preliminary Meeting will be held to discuss the procedure for the examination of the application. The examination itself normally begins immediately after the preliminary meeting and follows a closely-timetabled six month process.
- 3.28 The examination features the publication of rounds of written questions by ExA, to which the applicant and other identified parties are typically given three weeks in which to respond; submissions of Local Impact Reports by local authorities and detailed 'written representations' by IPs; opportunities for parties to comment on each other's submissions, and round-table hearings on specified matters including environmental topics and land acquisition. Before the close of the examination,

applicants will normally submit updated versions of the draft DCO and the Book of Reference.

- 3.29 Once the examination closes, ExA has three months in which to report its findings and recommend a decision to the Secretary of State. (S)he then has a further three months to decide whether the DCO is 'made' (i.e. granted) or not.

3.3.3 The process: post-consent

- 3.30 Once a DCO is made a series of actions follow before development can commence. If the DCO includes compulsory land acquisition powers, these can be used to acquire the necessary land and land rights⁷. If the acquiring authority (formerly the applicant) has not agreed compensation with a landowner, the matter, as a last resort, can be referred to the Upper Tribunal (Lands Chamber). Pre-commencement DCO Requirements (similar to planning conditions) will need to be discharged. This is normally done through submissions to the relevant planning authorities although the DCO may specify discharge by the Secretary of State or other authorities, and the DCO will set out the process and timeline for this process.

- 3.31 TW&AW will also put in place community engagement arrangements that will operate throughout the construction process, in conjunction with the main contractor or contractors for the project. These arrangements will include provision for prompt investigation and responses to any complaints.

- 3.32 By using a "limits of deviation" approach to DCO plans and "parameters plan" based approach for the EIA, TW&AW will incorporate a degree of flexibility in the subsequent DCO. Should there be a need for amendments beyond this flexibility then, for non-material amendments a 6 to 12 month process is available, extending to 12 to 18 months for material changes. Extensive changes would require a fresh DCO.

- 3.33 Associated development would use to the best advantage of the project as amendments to associated development may be achieved by locally-made planning applications and do not require amendment of the DCO.

3.4 Other consents and licences

- 3.34 As noted, additional consents and licences will be required to enable the SESRO project to be built and operated. These are set out in Chapter 4 and Annex 1.

⁷ This can either be done using a general vesting declaration or through the service of notices to treat and of entry, depending on the method chosen by the applicant.

4. Other consents and licenses

4.1 Introduction

- 4.1. The previous chapter of this document sets out the route for the principal consenting activity that would lead to a Development Consent Order. As an operational water project there will of course also need to be abstraction and other permits to facilitate the interface with the water environment, particularly the river system. The regulator for these is the Environment Agency. There will also need to be a wide variety of other consents covering multifarious regulatory areas to deliver the construction and operation of the scheme. As indicated in the table below, some of these may be included in the DCO.
- 4.2. This chapter provides firstly a summary of the abstraction permits and other permits related to the water environment. Abstraction and discharge licencing falls within the broader environmental permitting regime with environmental permits effectively providing both abstraction and discharge licences. The terms licence/licencing and permit/permitting tend to be used interchangeably albeit “licence” tends to relate to specific abstraction or discharge. Atkins has prepared an initial draft permit strategy for water which covers all of the SROs that Thames Water is involved with. The aspects of that document relevant to SESRO are drawn out in Section 4.2 below.
- 4.3. The chapter then lists in Section 4.3 the secondary consent requirements, namely all those consents, licences and other processes envisaged that are additional to principal consents.
- 4.4. Section 150 of the Planning Act 2008 provides for other consent requirements to be removed if the regulator concerned has consented to this. It might hence be possible for say abstraction licencing then to be included in the DCO. However the EA regime for abstraction and discharge licencing via Environmental Permits is complex and endures as a regulatory regime for the whole lifetime of a project. It is considered unlikely the EA would so consent to inclusion of these processes within a DCO or that it would be beneficial for that to happen.
- 4.5. For some of the other consents the Planning Act 2008 explicitly allows them to be included in a DCO and this is indicated in section 4.3. For the others Section 150 might also apply and they might be included in a DCO, with the consent of the normal consent giving regulator. At this stage and in order to not over-complicate the DCO process, it is assumed that would not happen.

4.2 Abstraction and discharge licencing

- 4.6. Regulation of abstractions from the Thames is divided into the Upper and Lower Thames areas. Upper Thames is the stretch of river between Lechlade and east of Reading. The city of Oxford is within this area to the south of which Abingdon is the closest town to the SESRO development area. SESRO is central within the Upper Thames area. The Lower Thames is that part of the river east of Reading east to

Teddington, where the river becomes tidal.

- 4.7. TW's existing abstractions from the Upper Thames are managed by abstraction licences, some subject to Operating Agreements under Section 20 of the Water Resources Act 1991. Didcot power station also draws water from the river and there are multiple smaller abstractions as well.
- 4.8. Extraction of water to maintain SESRO reservoir levels will require a new abstraction licence and Operating Agreement. This permit may also allow for discharge of water back to the Thames. Consideration will be required of the interaction of these activities with the Lower Thames Operating Agreement (LTOA) that covers all abstractions in the Lower Thames area including those of Thames Water, Affinity Water, and South East Water. Other SROs under current consideration contain options for additional abstraction from the Lower Thames and so there is an interaction with existing and proposed abstraction licences and Operating Agreements. Account also needs to be taken for example of agricultural abstractions. The rationale for SESRO is to support these existing and planned abstractions providing a robust supply unaffected by variations in natural flow levels, topping up river flows using water extracting during high flow events.
- 4.9. Smaller discharges from treatment activities associated with SESRO will also be required. These are as yet not fully defined and it is important to note SESRO fundamentally would store raw water for return to the river and hence not generate the discharges associated with a large water treatment works producing potable water. Nevertheless there will be some treatment elements that will generate discharge flows requiring licencing.
- 4.10. The permit strategy considers, in addition to operations and water supply, environmental opportunities.
- 4.11. Other components and considerations concerning abstraction and discharge licencing which would need consideration to achieve SESRO would be:
 - Thames Conservancy Act 1933 concerning river levels;
 - Thames Tideway water quality management;
 - Flood management specifically the Maidenhead, Eton and Windsor Flood Alleviation Scheme (MEWFAS) and the River Thames Scheme;
 - Other existing licences, particularly abstractions including RWE Didcot, South East Water Bray, Affinity Water and non-strategic abstractions eg for agriculture; and
 - Water Framework Directive Assessment.
- 4.12. Three broad approaches to licencing of abstractions and discharges necessary to achieve SESRO are being considered. These approaches form part of a broader consideration of all SROs affecting the Thames and the supply of water to Affinity Water, South East Water and Southern Water from the Thames Water area. These are:

- Least change – using the current licences and amending them as necessary albeit SESRO would require a new permit;
- Holistic change – including reconstructing the LTOA to reflect the situation once the current WRSE, RAPID and Ofwat processes of SRO selection have been completed; or
- A hybrid of the above two approaches.

4.3 Secondary consents

4.13. A wide range of permits and consents will be required to deliver either of the two options. Annex 1 to this document provides a comprehensive list of those considered likely to be required, identifying those which may be included in the DCO without invoking Section 150 of the Planning Act 2008 (see 4.4 and 4.5 above). A summary list is provided below.

4.14. The list of secondary consents is as follows in Table 4.1. This sets out the title of the permit or consent and the authority from which it will be sought and the legislative basis. Some of the consents referred to below relate to planning processes (eg Listed Building consent) and are referred to within Chapter 3 above and some to abstraction licensing and are referred to in section 4.2 above. Nevertheless it is considered helpful to have a comprehensive list of what is likely to be required in addition to the principal consents. Please see the notes following the table concerning Local Planning Authorities (LPAs) and Highway Authorities.

Table 4.1: List of Secondary Consents (see Annex 1 for full details)

	Permit or Consent, Authority	Legislative basis	May be within DCO?
1	SSSI Assent, Natural England	Section 28E of the Wildlife and Countryside Act 1981	N
2	Habitats Regulations, Secretary of State DEFRA	Conservation of Habitats and Species Regulations 2017	N
3	European Protected Species Licence, Natural England	Conservation of Habitats and Species Regulations 2017	N
4	Wildlife Licence, Natural England	Section 16 Wildlife and Countryside Act 1981 Conservation of Habitats and Species Regulations 2017	N
5	Badger licence, Natural England	Protection of Badgers Act 1992	N
6	Hedgerow Removal Notice, LPA	Hedgerow Regulations 1997	Y
7	Tree Preservation Order Consent, LPA	Town and Country Planning (Tree Preservation) (England) Regulations 2012	Y

	Permit or Consent, Authority	Legislative basis	May be within DCO?
8	Trees in Conservation Area notification, LPA	Section 211 of the Town and Country Planning Act 1990	Y
9	Tree felling licence Forestry Commission	Forestry Act 1967	Y
10	Listed Building Consent, LPA	Planning (Listed Buildings and Conservation Areas) Act 1990	Y
11	Land Drainage Consent, LPA	Land Drainage Act 1991	Y
12	Flood Risk Activity Permit or Exemption	Environmental Permitting (England and Wales) Regulations 2016	N
13	Environmental Permit (dewatering), Environment Agency	Environmental Permitting (England and Wales) Regulations 2016	N
14	Environmental Permit (surface water discharge), Environment Agency	Environmental Permitting (England and Wales) Regulations 2016	N
15	Water Abstraction Licence (temporary), Environment Agency	S24, 24A, 25, 32 Water Resources Act 1991	N
16	Potable connection, Water company	Water company	N
17	Trade Effluent Consent, Water company	Section 118 Water Industry Act 1991	N
18	Environmental Permit (waste), Environment Agency	Environmental Permitting (England and Wales) Regulations 2016	N
19	EP exemption for waste bricks, Environment Agency	Environmental Permitting (England and Wales) Regulations 2016	N
20	Waste carrier registration, Environment Agency	Waste (England and Wales) Regulations 2016	N
21	Environmental Permit (low impact operation), Environment Agency	Environmental Permitting (England and Wales) Regulations 2016	N
22	Environmental Permit (local air pollution), LPA	Environmental Permitting (England and Wales) Regulations 2016	N
23	Environmental Permit (medium combustion plant – ie generators),	Environmental Permitting (England and Wales) Regulations 2016	N

	Permit or Consent, Authority	Legislative basis	May be within DCO?
	Environment Agency		
24	Section 61 Noise and / or vibration consent, LPA	Control of Pollution Act 1974	N
25	Mobile plant permit standard rules, Environment Agency	Environmental Permitting (England and Wales) Regulations 2016	N
26	Temporary Traffic Regulation Order, Local Highways Authority	Road Traffic Regulation Act 1984	Y
27	Section 278 Agreement, Local Highways Authority	Highways Act 1980	Y
28	Notice of Street Works, Local Highways Authority	New Road and Street Works Act 1991	Y
29	Highway works permit, Local Highways Authority	Traffic Management Act 2004	Y
30	Abnormal load transport permit Local Highways Authority/ SoS Transport/ National Highways/ police/ structure owners	Road Vehicle (Authorisation of Special Types) (General) Order 2003 / Road Traffic Act 1988	N
31	Temporary Traffic Regulation Order – beyond DCO order limits, Local Highways Authority	Road Traffic Regulation Act 1984	N
32	Basic Asset Protection Agreement, Network Rail	none	N
33	Hazardous Substances Consent, LPA	Planning (Hazardous Substances) Act 1990 and Regulations 2015	N
34	Notification of Construction Project (F10), HSE	Construction (Design and Management) Regulations 2015	N
35	Building Regulations Approval, LPAs	Building Regulations 2010	N
36	Notice of Demolition, LPAs	Building Act 1980 (s80)	N

4.15. Annex 1 contains details of timing implications and interplay with the DCO regime.

4.16. In the above table LPAs are Vale of White Horse District Council for the reservoir site and most of the area affected although the River Thames (ie for abstraction and discharge) is largely within South Oxfordshire District Council's area. The Local Highways Authority is Oxfordshire County Council.

5. Strategy for land acquisition and land rights

5.1. The purpose of this chapter is to provide a Land Strategy for SESRO. The strategy sets out the recommended steps for SESRO to secure the necessary land and rights in land required for its delivery. It confirms details of the current land ownership of the footprint of the largest reservoir option (150Mm³) and an updated estimate of the total land purchase cost.

5.2. The strategy also sets out the pros and cons of compulsory acquisition. Early, open-market, land purchase is also considered. It should be noted that Thames Water already owns some property in relation to the project.

5.3. The strategy contains the following sections:

Section 5.1: Background and acquisitions by agreement

Section 5.2: Objectives of the Land Acquisition Strategy

Section 5.3: Interfaces with other elements of the project

Section 5.4: Programme for land elements of the project

Section 5.5: Interface between land elements and the consultation processes

Section 5.6: The acquisition of land and interests in land

Section 5.7: Statutory Undertakers

Section 5.8: Parties exempt from powers of compulsory acquisition; and special interest categories

Section 5.9: How land related DCO requirements will be discharged

Section 5.10: Post construction land matters

Section 5.11: TW&AW's operational requirements relating to land

5.4. Adoption of the Water National Policy Statement and WRMP24 will be important to the land acquisition strategy as, for a DCO, these will establish need and a compelling case in the public interest.

5.1 Background and acquisitions by agreement

5.5. Parties seeking powers of compulsory acquisition are required to enter into negotiations with land owners and occupiers before an application for those powers is made. It is also normally commercial good practice to do so because it reduces costs and risks. The early start of those discussions increases the chances of agreeing terms with the parties concerned, and decreases the risk of objections being made

and heard at the DCO Examination.

- 5.6. It will also be important to include discussions with land owners as part of an overall stakeholder engagement strategy to ensure compliance with the relevant statutory requirements.
- 5.7. As a result, TW&AW's land acquisition strategy will need to include the requirements to enter into those discussions as early as possible. The goal of entering into agreements would be to cover the following:
 - Entering into options to acquire land;
 - Agreement on the commercial terms of the acquisition, including any additional requirements; and
 - An undertaking from the landowners and occupiers not to object to the DCO application, planning applications or CPO application.
- 5.8. To reduce the risk of not entering into those agreements before the relevant examination, or being required to enter into unfavorable agreements, these discussions must start as early as possible and have the necessary information available for terms to be agreed. This is one of the interfaces with other parts of the project team.
- 5.9. Powers of compulsory acquisition are likely to be needed because SESRO will require land and rights to be acquired from third parties both temporarily and permanently. Given the nature, size and likely location of the infrastructure to be built by the project, it is unlikely that all the required land and rights land could be acquired by agreement from landowners.
- 5.10. In addition, it is likely for the project to need to gain vacant possession from some of the occupiers. This would be difficult to do without the benefit of a statutory mechanism to enforce owners and occupiers giving up their ownership and occupation of it.
- 5.11. The process of gaining these powers (see below) gives two particular benefits to the owners and occupiers land.
- 5.12. First, it allows them to participate in the process by which powers of compulsory acquisition are granted by the relevant Secretary of State. This process allows them to make representations to that process, to ensure their views are heard and recorded. This also gives them an opportunity, prior to powers of compulsory acquisition being confirmed, to secure some financial benefit that might not, necessarily, be available once the powers have been confirmed.
- 5.13. Secondly, using powers of compulsory acquisition provides certainty to land owners and occupiers regarding the basis of the compensation claim they could submit for the acquisition of their land or rights in land.
- 5.14. TW&AW will try to carry out land acquisitions in advance of the CPO process being

used, in line with Government guidance. This is because the use of powers of compulsory acquisition can be difficult for some landowners.

- 5.15. In order to receive powers of compulsory acquisition, the project will need to show an overriding public interest to acquire the land compulsorily. This fundamental tenet for the granting of compulsory purchase powers will draw significantly on many areas of the project's preparation, particularly the needs case (established in the NPS).
- 5.16. In addition, the project will need to show it has tried to acquire the necessary land by agreement from the land owners.

5.2 Objectives of the Land Acquisition Strategy

- 5.17. The following are the guiding objectives of the land acquisition strategy:
- A. To be aligned with the consenting strategy for SESRO.
 - B. To be aligned with the stakeholder engagement strategy for the project.
 - C. To ensure land related information and support is provided to other parts of the project when required.
 - D. To develop a robust justification for the inclusion of powers of compulsory acquisition in the DCO.
 - E. To ensure land related matters are dealt with before the submission of the DCO application as far as possible.
 - F. To resolve any land related matters that might cause reputational issues for TW&AW.
- 5.18. Detailed objectives:
- To set out the interfaces with other elements of the project the land elements will support, and be supported, by other aspects of the project team;
 - To set out the overall programme for land elements of the project;
 - To set out how the timely delivery of access to land for will be delivered;
 - To set out how land matters interface with the consultation processes and how these interfaces will be managed;
 - To gather and maintain the data necessary to produce a book of reference for the DCO application;
 - To set out how land and interests in land will be acquired, both under and outside of the powers contained within the DCO;
 - To set out how it is compellingly in the public interest for the DCO to contain powers of compulsory acquisition;

- To set out how all special and exempt categories of land owners will be identified and managed, and how clean title will be provided for land acquired;
 - To set out how compensation claims will be minimised;
 - To set out how land related DCO requirements will be discharged (if any);
 - To set out how post construction land matters will be dealt with; and
 - To set out how TW&AW's operational requirements will be fulfilled by the land elements of the project.
- 5.19. The DCO process allows for powers of compulsory acquisition to be incorporated into the DCO for the project. In effect, this will allow the necessary statute to be incorporated into the DCO, providing TW&AW with the ability to use powers to acquire the land and rights in land necessary for the project.
- 5.20. SESRO will require land and interests in land to be acquired from third parties both temporarily and permanently. Given the nature, size and likely location of the reservoir, it is unlikely that all the required land and interests in land could be acquired by agreement from landowners.
- 5.21. In addition, it is likely for the project to need to gain vacant possession from some of the occupiers. This would be difficult to do without the benefit of a statutory mechanism to enforce owners and occupiers from giving up their ownership and occupation of it.
- 5.22. In preparing this strategy document, Savills has undertaken a review of land ownership information and produced a register of land owners for the footprint of the reservoir.

5.3 Interfaces with other elements of the project

- 5.23. It is important for the land elements of the project to be worked in closely with the other elements of the project. It is particularly important to have good interaction between the design processes and the land elements of the project. This reduces the risk of not identifying the necessary land or rights in land to be acquired. It also extends the possibilities of reducing cost and identifying other opportunities to enhance the delivery of the project, and/or opportunities to enhance the area around the reservoir for the benefit of local people and TW&AW.
- 5.24. The land adviser will need to interact regularly with the advisory team covering the following aspects of the project:
- Legal and Counsel;
 - Planning;
 - Design, Engineering and Construction;
 - EIA;
 - Stakeholder Engagement;

- Finance and Accounting;
- Operations; and
- TW&AW's Biodiversity Net Gain Team.

5.25. These interfaces illustrate the inter-relation of issues and requires the alignment of requirements across the project. This alignment should be captured in the consenting strategy⁸, with the two evolving during the life of the project.

5.26. The preparation of the land related documents for the DCO application will require an on-going interface with other advisers and TW&AW, including those involved with the finance for the project because of the need to produce a Funding Statement as part of the DCO application.

5.4 Programme for land elements of the project

5.27. The Land Acquisition Strategy needs to align with the overall programme for the project. For the most part, this requires the land elements to be carried out at the right time to ensure they support the project at all stages. This is true for the pre-DCO application phase, the DCO application examination and the implementation of the DCO once granted (see below).

5.28. There is, however, one area where it is important for other elements of the project to support the land element. This is at the design freezes ready for the consultation events. At these points, the design elements must be ready to provide accurate information in time for the land requirements to be calculated with enough time before the consultation events. This is important because the land requirements will be important in the communication to the external stakeholders, particularly the landowners and occupiers impacted by the project.

5.4.1 Pre-DCO application process

5.29. The programme for the pre-DCO application phase will be driven by a number of requirements such as: ecological survey seasons, stakeholder consultation event timing, and the time required for design phases. Once these are known, the land elements can be programmed to support the other elements of the project.

5.30. During this phase of the project, access to carry out surveys will be an important land element supporting the rest of the project.

5.31. Another main element of land support during this phase will be providing a point of contact with landowners and occupiers, which is an important part of the DCO application process. Land issues tend to be the focus of a project at this stage, partly because of the access requirements of the surveys, but also because landowners and occupiers will realise what the land elements of the project are at the point of

⁸ See paragraph 4.9 of *Strategic storage and flow transfer options: Potential consenting routes, key planning steps and risks, South East Strategic Reservoir Option*, Draft for Review, Savills, March 2021

interaction with the project.

- 5.32. The preparation of the DCO application documents will require a programme to be made and agreed between the various parties involved. The length and inter-related nature of these documents means TW&AW and their advisers will be reliant on each other to produce documents and information to allow them to deliver their outputs ready for the submission of the application.
- 5.33. Internally, an important land element will be the estimation of costs and risk impact from land related activities. The main one will be the estimation of compensation payable to landowners and occupiers. Another area of growing importance is the interaction with TW&AW obligations, both current and future, to provide Biodiversity Net Gain, and how this can be accommodated (financially and literally) in the arrangements agreed with landowners. Compulsory acquisition powers do not currently exist for BNG use in isolation from other purposes for which land may be acquired. TW&AW will keep under review the approach to acquiring land for BNG and, as with all land required for other purposes associated with the reservoir, will seek voluntary agreements before any reliance on statutory powers.

5.4.2 DCO Application examination

- 5.34. The land elements to be prepared for the DCO examination will depend on the issues raised by the examining panel.

5.4.3 Implementation of the DCO

- 5.35. The implementation of the DCO may seem distant, but early preparation for it, in addition to the work carried out for the preparation of the DCO itself, will be imperative. This includes planning and seeking appropriate sign offs for the work necessary to satisfy the DCO Requirements, which are similar to planning conditions for a planning permission. Some of these are likely to be pre-implementation requirements, meaning the main construction activities can not start until they have been fulfilled.
- 5.36. In the same way, contractual requirements within agreements with landowners may require work, construction or otherwise, to be undertaken before the main construction activities can proceed on their land. Programming these events and co-ordination of the land and construction elements is important for a successful project.

5.5 The interface between the land elements and the consultation processes

- 5.37. Consultation is an important part of the DCO application process. Co-ordination of stakeholder engagement and land acquisition work will be close as landowners are part of the wider community with general interests in the project. There must be clarity for landowners so that they understand the basis on which they are being communicated with. Therefore, engagement with landowners, occupiers and interested parties (including their agents, solicitors and other advisers) will be

necessary.

- 5.38. One of the land related documents required for the DCO application is a book of reference. This provides details of all the landowners and occupiers whose land will be acquired. Within the Consultation Report there is also a requirement to confirm the parties listed in the book of reference have received communication from the project. This relationship will be managed by the land and communication teams using the transfer of data between the database containing the data to produce the book of reference and the system to be used to produce the Consultation Report.

5.6 The acquisition of land and interests in land

- 5.39. Land and interests in land can be acquired by using the CPO within the DCO, or by agreement. Within CPO law, acquiring authorities are required, and are encouraged, to negotiate with landowners to see if the acquisition of the necessary land can be negotiated and agreed with landowners before using powers of compulsory acquisition.

- 5.40. This extends to trying to agree the acquisitions before the submission of the DCO application. This is also tactically important because when negotiations with landowners continue beyond the submission date of a DCO some may seek to protect their rights and positions in such negotiations by objecting to it.

- 5.41. There is a balance to be struck between agreeing terms for an acquisition that might cost more than using compulsory powers and the issues raised by having an objection to the DCO. These can only be decided at the time by looking at the commercial position of the parties. There is, however, generally, a tendency to want to agree terms and have fewer objections to deal with at the examination.

5.6.1 The nature of land and the interest in land to be acquired

- 5.42. Land and interests in land will be acquired to allow the construction and operation of the reservoir. There are several categories of land, as follows, but the list will evolve as the design process continues.

5.6.2 The freehold of the reservoir footprint and associated landscaping

- 5.43. The freehold of the access to the reservoir from the existing public highway (for subsequent adoption by the highways authority as part of the any s278 agreement(s)) will be required.

- 5.44. The freehold of land for the modification of existing highway (for subsequent adoption by the highways authority as part of the any s278 agreement(s)) will be required.

5.6.3 Other interests in land that may be required

- 5.45. The freehold of land required for any pumping stations and access to them from the

public highway will be required.

5.46. The freehold of land required for mitigations works, such as the planting of trees for land scape mitigation (if any) (and rights if access to those areas) will be required.

5.47. Additionally, the following will be required:

- Rights needed for the installation of infrastructure under Network Rail land;
- Rights needed for the installation of infrastructure by other statutory undertakers;
- Temporary rights needed to occupy land for the purposes of construction.

5.6.4 DCO application documents

5.48. The DCO application will include the following land related documents and the land advisers will be responsible for the production of them.

- Book of Reference
- Statement of Reasons
- Land Plans
- Funding Statement

5.49. The land team will also need to be involved with the drafting of the acquisition articles, schedules and explanatory memorandum need as part of the DCO Application.

5.6.4.1 Use of powers

5.50. The DCO will allow TW&AW to use powers of compulsory acquisition to acquire the land needed both temporarily and permanently. The mechanism to use these powers requires the service of a Notice to Treat on the landowner, followed by a Notice of Entry so the land can be occupied by the project. These two notices can be served at the same time. The Notice of Entry has a 3 month expiry time, after which entry to the land can be taken. If this is opposed, a warrant can be obtained from the Magistrates Court and can be enforced by bailiffs.

5.51. An alternative mechanism is to use a General Vesting Declaration. This would allow TW&AW to obtain the title to the land three months after serving a notice on the landowners. Temporary possession powers might also be used to enter land more quickly.

5.52. Where over-arching agreements have been entered into with landowners (see above) the timing of taking possession of the land will have been agreed. If this is not the case, and it is necessary to take possession of the land before the service of expiry of a notice of entry, then the landowner is likely to require a financial

consideration.

- 5.53. This strategy needs to include details to cover the payment of advance compensation (as required by the statute) where entry to land has been made.

5.6.5 The settlement of compensation claims

- 5.54. The settlement of compensation in accordance with the CPO code is a legal requirement on TW&AW. Claims resulting from the service of Notices to Treat or the use of a General Vesting Declaration can, and more likely will, take place after entry is taken onto the land. This will require a regular review of the compensation budget.

- 5.55. If the parties are unable to agree the settlement of a claim, then it is referred to the Upper Tribunal (Lands Chamber).

- 5.56. Section 44 of the Planning Act allows Category 3⁹ persons to make a claim because they have not had land acquired. Consultation with Category 3 persons falls under s44 of the Planning Act 2008 (see Section 6).

- 5.57. The following are the potential areas of claim.

- Compensation in relation to the use of the reservoir under Part 1 of the Land Compensation Act 1973 for persons the applicant thinks may be entitled to compensation¹⁰. Claims can only be submitted one year after the official commissioning date of the reservoir.
- Claims under Section 10 of the Compulsory Purchase Act 1965 (Injurious Affection).
- Claims for compensation where there is no right to claim in nuisance.

5.7 Statutory Undertakers

- 5.58. There are statutory requirements for consultation with Statutory Undertakers¹¹, these are covered in Section 6. The likely main categories of Statutory Undertakers include the following:

- Electricity;
- Gas;
- Water (Thames Water and Affinity Water (see below));
- Sewerage (Thames Water (see below));

⁹ Categories 1 and 2 include persons who will have land acquired from them.

¹⁰ This allows for a claim to be brought where the value of a domestic property had been reduced as a result of physical factors relating to the use of the reservoir.

¹¹ As defined in the Planning Act 2008 and related statute.

- Electronic Communications; and
- Railways.

- 5.59. This section of the Land Acquisition Strategy covers the likely requirements of the Statutory Undertakers, how these will be discussed and how they will be documented.
- 5.60. Statutory Undertakers will require their existing assets¹² to be protected from the project's construction and operational activities and the details of any new assets required from them to be documented. This process will result in agreed protective provisions forming part of the DCO Application.
- 5.61. In addition, the project may need to acquire land from Statutory Undertakers¹³. This process will be combined into the discussions with the Statutory Undertakers in relation to their assets (see 8.3).
- 5.62. The project may need to acquire any land or rights required by the Statutory Undertakers for the installation of new assets required by the project. These requirements will, ideally, be identified so they can be included with the DCO application. If they are not, the project will have to rely on the Statutory Undertaker using its normal powers to obtain the necessary land or rights.
- 5.63. To achieve the ideal position, it is essential to have a joined up approach to each Statutory Undertaker. This should involve the legal, design and land elements of the project team to discuss and agree the protective provisions with the Statutory Undertakers. These will form the basis of the agreement to be entered into with the Statutory Undertaker to ensure it will not object to the DCO application.
- 5.64. Formal discussions with TW&AW, in their roles as Statutory Undertakers, should follow the normal process via their respective Developer Services Teams.

5.8 Parties exempt from powers of compulsory acquisition; and special interest categories

5.8.1 Exempt parties

- 5.65. The CPO powers contained within the DCO will not be exercisable against the Crown¹⁴, which includes the Ministry of Defence¹⁵. To date, the land referencing has not identified any land owned by a party exempt from powers of compulsory acquisition.

5.8.2 Special interest category

- 5.66. To date, the land referencing has only identified Network Rail as a special interest

¹² s138 Planning Act 2008

¹³ s127 Planning Act 2008

¹⁴ Other exempt parties do exist, but they are not relevant to the project.

¹⁵ s135 Planning Act 2008

landowner. It is likely the project will require permission to install infrastructure across Network Rail's land.

- 5.67. The project will need to engage with them using its Basic Asset Protection Agreement process. The requirements of that method will be well known to TW&AW and their advisers as a result of its capital delivery, and so that experience and the relationships it uses should be used as part of the Land Acquisition Strategy.
- 5.68. As with the other Statutory Undertakers, it is essential that the requirements are known as early as possible so the discussions can start early, minimizing the risk of not obtaining the rights required for the project and agreeing protective provisions which will lead to any objections being withdrawn prior to the examination of the application.
- 5.69. In addition, Common Land and open space will need to be identified under the special interest category within the Book of Reference, and dealt with appropriately under the Planning Act 2008.

5.9 How land related DCO requirements will be discharged

- 5.70. During the process of arriving at the DCO application, consideration should be given to how any DCO requirements may involve land issues to be managed.
- 5.71. These are to be considered further in later versions of the Land Acquisition Strategy when potential requirements have been identified.

5.10 Post construction land matters

- 5.72. The strategy for post construction land matters has not been developed at this stage and will be considered in later versions of the Land Acquisition Strategy.

5.11 Operational requirements relating to land

- 5.73. As they become known, TW&AW's operational requirements relating to land will be considered in later versions of the Land Acquisition Strategy.

6. Pre-planning activities to support the consenting process

6.1 General approach to EIA and related assessments

- 6.1. Chapter 3 of this report outlined the main activities to be undertaken during the pre-application phase of a DCO project. This chapter explains the work that TW&AW are undertaking to understand the environmental context of the preferred SESRO option and inform outline design.
- 6.2. Whereas this work is required to support the water companies' inputs to RAPID and their WRMPs, it has the potential to provide a sound foundation for the consenting process. To this end, TW&AW identified the requirements of the consenting process at an early stage, with inputs from planning, property, legal and environmental advisers with experience of making DCO applications, and are ensuring that work undertaken for the purposes of RAPID and WRMP24 will be of continuing utility for the SESRO project at the consenting stage.
- 6.3. This chapter expands upon TW&AW's approach to pre-planning activities under the following headings:
- *6.2 - Land referencing*
 - *6.3 - Environmental surveys*
 - *6.4 - Design iteration*
 - *6.5 - Stakeholder engagement*
 - *6.6 - Relationship with other SROs*
 - *6.7 – Risk*

6.2 Land referencing

- 6.4. TW&AW have been accumulating knowledge of land ownerships and land rights in connection with the SESRO project for over ten years. This work has facilitated engagement with landowner and occupiers (see section 6.5 below) and is assisting the project team to secure the land access rights required for the purpose of the environmental surveys identified in section 6.3 of this chapter.
- 6.5. It has also helped the project team to understand landowners' intentions with regard to the use of land, which is pertinent both for land acquisition and in the context of the reservoir safeguarding proposals that the water companies have secured for the proposed SESRO site in the Vale of White Horse Local Plan.
- 6.6. Land referencing data are being recorded in a format that will help to inform the production of two central documents required under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 to be submitted with a DCO application, namely:

- **the Book of Reference** - which identifies the owners, lessees, tenants or occupiers of land, those with land rights and easements and any Crown land affected by the proposals, including any land subject to proposed compulsory acquisition powers; and
- **Land Plans** – which identify:
 - (i) the land required for, or affected by, the proposed development;
 - (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any right to use land;
 - (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and
 - (iv) any special category land and replacement land.

6.3 Environmental surveys

- 6.7. To inform options assessment, design refinement and RAPID and WRMP24 decision making, TW&AW commissioned extensive environmental studies. These are described in the terrestrial and aquatic Environmental Appraisal Reports (Supporting Documents B1 and B2 to the main Gate 2 Report), the Habitats Regulations Assessment (Supporting Document B4), the Water Framework Directive Assessment (Supporting Document B5) and the Biodiversity Net Gain Report (Supporting Document B6) and will not be recited here.
- 6.8. These studies will provide a sound foundation for the focused environmental impact assessment (EIA) that will be undertaken in preparation of the DCO application for the chosen option. With this in mind the environmental studies are employing survey methodologies recognised as good practice in EIA. Survey methods and outputs have informed dialogue between TW&AW and relevant Government agencies including the Environment Agency and Natural England.
- 6.9. The survey findings will facilitate the drafting of an EIA Scoping Report, through which TW&AW will apply to the Secretary of State for an EIA scoping opinion under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The environmental information provided will promote accurate scoping.

6.4 Design iteration

- 6.10. The consenting process will also be supported by the iterative design work underway at the current pre-planning stage. This work is described in the Design Concept Report (Supporting Document A1 to the main Gate 2 Report) and has been informed extensively by the environmental surveys described above.
- 6.11. The need for and benefit of an iterative process of options assessment and design refinement is outlined in chapter 2 of this report. As noted, section 3.5 of the draft

NPS for water sets clear expectations with respect to the consideration of alternatives. In respect of design specifically, section 3.6: *Criteria for 'good design' for water resources infrastructure* of the draft NPS states that:

3.6: Criteria for 'good design' for water resources infrastructure

3.6.1. *Good design is a key aspect of sustainable development, creates better places and helps make infrastructure projects acceptable to communities. Good design should save money, reduce risk, add value, support environmental enhancements and create a legacy that looks good and works well. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement with communities, local planning authorities and other interests . . .*

3.6.2. *To ensure good design is embedded within the project development, a project board level design champion could be appointed and a representative design panel used to maximise the value provided by the infrastructure. Design principles⁷² should be established from the outset of the project to guide the development from conception to operation. NSIPs covered by the NPS will present very different design challenges in terms of their specific visual impacts and the need to incorporate engineering, safety and operational considerations.*

3.6.3. *There may be opportunities for the applicant to demonstrate good design in terms of site layout and design measures relative to existing landscape and historical character and function, landscape permeability, landform and vegetation whilst integrating biodiversity and nature conservation interests.*

3.6.4. *The applicant should provide sufficient information in its application to demonstrate how the design process was conducted (including stakeholder engagement) and how the proposed design evolved. Where a number of different designs were considered, the applicant should set out the reasons why the favoured choice has been selected. The Examining Authority and Secretary of State will take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security standards which the design has to satisfy. Appropriate weight should be given to outstanding or innovative designs which promote high levels of sustainability.*

Footnote 72: Design principles should take into account any national guidance on infrastructure design, published by, for example, the National Infrastructure Commission.

6.12. TW&AW are employing a balanced range of options assessment criteria, including planning, environmental and sustainability in addition to engineering feasibility, operability and cost. At the consenting stage the outcome of this work will be presented in the environmental statement (ES) that accompanies a future DCO application, in compliance with draft NPS advice (above) and Schedule 4 para. 2 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, which states that an ES should include:

A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

6.13. Footnote 72 of the draft NPS for water (cited above) advises that ‘design principles should take into account any national guidance on infrastructure design, published by, for example, the National Infrastructure Commission’ (NIC). As the Design Concept Report (Supporting Document A1 to the main Gate 2 Report) explains, TW&AW have adopted the design principles and objectives set out in Climate, people, places, value: design principles for national infrastructure (NIC, 2020) for the SESRO project. This document sets three design principles as follows:

- *Appreciate the wider context*
- *Engage meaningfully*
- *Continually measure and improve*

6.14. Under four main headings the NIC report sets the following design objectives:

- **Climate** – *mitigate greenhouse gas emissions and adapt to climate change*
- **People** – *reflect what society wants and share benefits widely*
- **Places** – *provide a sense of identity and improve our environment*
- **Value** – *achieve multiple benefits and solve problems well.*

6.15. By following this approach now it is intended that conceptual design work undertaken for the purposes of RAPID and WRMP24 will facilitate the refinement of a mature design solution at the later consenting stage, compliant with NPS policy and NIC guidance and able to withstand detailed scrutiny at the DCO examination stage.

6.5 Stakeholder engagement

6.16. Supporting Document D to TW&AW’s main Gate 2 Report sets out the Stakeholder Engagement Strategy for the SESRO project. From the point of view of future consenting, chapter 2.4 of this report sets out the measures that TW&AW propose to explain the purpose of individual consultation rounds clearly, so as to minimise confusion amongst affected communities over the process through which the proposals are emerging and avoid the risk of consultation fatigue.

6.17. Chapter 2 of this report also describes how TW&AW propose to show consideration for the feedback received about SESRO through earlier consultations and to use this as a foundation for further stakeholder engagement. This approach will be set out in the SoCC for the project, which TW&AW will prepare in accordance with section 47 of the Planning Act 2008 once the intention to submit a DCO application has been formally confirmed.

6.6 Relationship with other SROs

6.18. The pre-planning work for SESRO is taking into account the interface between SESRO and other SROs including:

- **River Severn to River Thames Transfer (STT)** - which involves the transfer of raw water from the River Severn to the River Thames through a new interconnector. This option is joint activity between United Utilities, Severn Trent Water and Thames Water;
- **Thames to Affinity Transfer (T2AT)** - a raw water transfer that could use three potential water source options, namely SESRO, Severn Thames Transfer or different London reuse options. All would include new treatment works and conveyance routes.
- **Thames to Southern Transfer (T2ST)** – a potable raw water transfer from SESRO and/ or STT to Southern Water’s Hampshire region to the south.

6.19. This work includes consideration of what should form the appropriate boundary or connection point between SROs for the purposes of consultation and consenting. It also includes consideration of what should be included in the assessment of cumulative and in-combination effects from an EIA perspective.

6.7 Risk

6.20. Pre-planning activities are taking risk into account. TW&AW are maintaining a Risk Register for SESRO that includes planning, consenting and land acquisition risks. These risks, and the safeguarding measures implemented or proposed by TW&AW, are identified in table 6.1 below.

Table 6.1: Generic planning, consenting and land acquisition risks and current and proposed safeguards

	Identified risk	Response
1.	Failure to identify and weigh environmental constraints accurately.	Detailed desktop analysis of constraints. Field survey work. Consultations with local planning authorities and statutory agencies.
2.	The designation of new environmental protected areas - e.g. SSSIs, for which the notification criteria are subject to occasional review, promoting new sites to be designated.	Dialogue with the relevant statutory agencies. Environmental consultants and legal advisers instructed to highlight potential changes in designation criteria.
3.	A changing policy context, including publication of an NPS for Water Resources materially different to the consultation draft.	Policy monitoring, directly and through WRSE.

	Identified risk	Response
4.	Emergence of other development proposals on the SESRO site.	<p>Maintenance of SESRO site safeguarding in the Vale of White Horse development plans and amendments to reflect alternative and more detailed designs as they emerge, to be pursued as development plans are, periodically, revised by the LPA.</p> <p>Monitoring of planning applications for other development in the safeguarded area and the submission of representations to the local planning authority.</p>
5.	Failure to make a compelling case for the preferred SESRO option in WRMP24 – through which the need for the project will be established for consenting purposes.	<p>Preparation and submission of a fully articulated case for the proposed solution for the purpose of WRMP24.</p> <p>Strategic review and backchecking (described in chapter 2 of this report).</p> <p>Supplementation of earlier work providing a sound basis for DCO to be made as set out in 2.10 above.</p>
6.	The DCO application is not accepted for examination.	<p>Extensive pre-application consultations will be undertaken to pass the ‘adequacy of consultation’ test at the DCO acceptance stage.</p> <p>The DCO application will comprise a comprehensive array of documentation produced by experienced practitioners in accordance with relevant regulations including the <i>Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009</i> and the <i>Infrastructure Planning (Environmental Impact Assessment) Regulations 2017</i>.</p>
7.	Failure to secure consent for all elements of the project.	<p>Close legal scrutiny of the emerging DCO application will be maintained to ensure that all scheme elements included in the DCO application are capable of being consented by the Secretary of State.</p>
8.	Failure to secure all of the powers and land rights sought in the DCO.	<p>The Book of Reference and Land Plans will be kept under regular review. A fully-articulated case will be made to justify the compulsory acquisition powers and land rights sought in the DCO.</p>
9.	Failure to demonstrate a compelling need case for compulsory acquisition purposes through a robust site selection process.	<p>Site and scheme selection will be justified at the scale of the project overall and for the individual acquisition or land rights sought.</p> <p>This work will be supported by the strategic review and backchecking described in chapter 2 of this report.</p>
10.	Failure to secure all of the other consents and licences outside	<p>A fully-articulated case will be made to justify the further consents required outside the framework of the DCO.</p>

	Identified risk	Response
	the DCO on the terms required to deliver the project.	
11.	Failure to secure the DCO.	<p>An iterative design approach informed by extensive consultation and comprehensive environmental impact assessment is designed to minimise the risk that the Secretary of State declines to make a DCO.</p> <p>In general the Planning Act 2008 consenting route has a good track record of delivering viable consents for major infrastructure. Approximately 95% of DCO applications that have reached the examination stage have been successful.</p>
12.	Judicial Review of decision to grant DCO, leading to it being quashed.	<p>Close legal attention to the form and drafting of the DCO and discussion with PINS and elaboration if necessary at Examination. To ensure the Examining Authority and Secretary of State are as well informed and advised as possible.</p> <p>Support defending Secretary of State at JR and representations indicating quashing not in wider interest ie if the fault had been considered by the SoS would he/she have refused the DCO?</p>
13.	Unlawful decision to not “make” DCO	Judicial Review proceedings against the Secretary of State.

- 6.21. TW&AW both review the risk register on a regular basis, including aspects relating to planning and consenting. The experience of other DCO applications will be monitored to identify and respond to particular risk areas.

7. Main application deliverables and responsibilities

7.1 Introduction

7.1. This chapter identifies the main components of a future DCO application for the SESRO project. The list of documents is largely prescribed by primary and secondary legislation and also reflects guidance published by the Planning Inspectorate (PINS).

- ***Planning Act 2008 (as amended)*** – the primary statute, section 37 of which identifies the essential requirements for a DCO application including the role of the Consultation Report.
- ***The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009*** - these regulations prescribe various matters in connection with the making of an application for development consent. Regulations 3 and 4 set out the procedural requirements for publicising a proposed application. Regulations 5 and 6 deal with the making of the application itself and provide for an application form, which is set out in Schedule 2 of the 2009 Regulations.
- ***The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017*** – Regulation 14 and Schedule 5 of which identify the essential information that an environmental statement (ES) for an NSIP project must contain.
- ***The draft National Policy Statement for Water Resources Infrastructure*** (DEFRA, November 2018) – chapter 3 of which sets out the key design, environmental, health, safety and security principles against which a DCO application should be examined, and chapter 4 of which identifies the range of information that will be expected to enable the impacts of a proposed development to be evaluated.
- ***PINS Advice Note 6: Preparation and submission of application documents (version 10)*** – appendix 3 of which comprises the checklist that PINS uses when deciding whether to accept a submitted DCO application for examination.
- ***PINS Advice Note 7: Environmental Impact Assessment: preliminary environmental information, screening and scoping (version 7)*** – the annex to which provides detailed guidance entitled *Presentation of the environmental statement*.
- ***PINS Advice Note 13: Preparation of a draft Development Consent Order and Explanatory Memorandum (version 3)***.
- ***PINS Advice Note 14: Compiling the Consultation Report (version 3)***.
- ***PINS Advice Note 15: Drafting Development Consent Orders (version 2)***.
- ***Guidance in the form of 16 documents published by government on the PINS Infrastructure Planning website¹⁶ informs approaches on various aspects of the Planning Act 2008 process.***

¹⁶ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

7.2 Deliverables

7.2. Table 7.1 below lists the main deliverables for a SESRO DCO application. Responsibility for producing these deliverables can only be defined in general terms for the purpose of RAPID Gate 2. However, TW&AW will only employ suitably qualified professionals to compile application documents. In respect of the environmental statement specifically, TW&AW are conscious of their obligations under Regulation 14(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 as follows:

(4) In order to ensure the completeness and quality of the environmental statement—

(a) the applicant must ensure that the environmental statement is prepared by competent experts; and

(b) the environmental statement must be accompanied by a statement from the applicant outlining the relevant expertise or qualifications of such experts.

7.3. In addition, TW&AW will ensure that SESRO project team members apply recognised best and good practice techniques and methodologies in their respective areas of work.

Table 7.1: The main deliverables required for a future Development Consent Order application for the SESRO project.

Note: Other than where indicated, the documents listed are required to be submitted under Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

	Application document	Generic lead responsibility
	Application submission	
1.	Application form	Solicitor
2.	Guide to the application	Solicitor
3.	Documents list	Planning consultant
	Plans and drawings	
4.	Land plans	Land referencing agent and chartered surveyor
5.	Works plans	Design engineers, landscape architects
6.	Access and rights of way plans	Highways consultant and landscape architect
7.	Statutory and non-statutory nature conservation sites, habitats and features plan	Ecologist
8.	Statutory and non-statutory historic environment sites, habitats and features plan	Cultural heritage adviser

	Application document	Generic lead responsibility
9.	Crown land plan (if applicable)	Land referencing agent and chartered surveyor
10.	Development parameters plans	Design engineers and landscape architects
11.	Illustrative master plan and section diagrams	Design engineers and landscape architects
12.	Highway general arrangements plans	Highways engineer
13.	Future highways maintenance plans	Highways engineer
14.	Traffic Regulations plans	Highways engineer
15.	Rail general arrangement drawings	Railway engineer
16.	Rail terminal drawings	Railway engineer
17.	Rail sections	Railway engineer
	Draft Development Consent Order	
18.	Draft Development Consent Order	Solicitor
19.	Draft Explanatory Memorandum	Solicitor
	Compulsory acquisition information	
20.	Statement of Reasons	Chartered Surveyor and Solicitor
21.	Funding Statement	Water companies with the solicitor
22.	Book of Reference	Land referencing agent
	Other statutory reports and statements	
23.	Consultation Report (required under Section 37(3)(c) of the Planning Act 2008)	Communications consultant with inputs from the project team
24.	Statutory Nuisance Statement	Solicitor
25.	Shadow Habitats Regulations Assessment Report or No Significant Effects Report	Ecologist
	Environmental impact assessment	
26.	Environmental Statement (including figures, tables and appendices)	EIA consultant team, coordinated by the planning consultant
27.	Environmental Statement non-technical summary	EIA coordinator
28.	Secretary of State's EIA scoping opinion	Received on application
	Other documents (Not required under the APFP Regulations 2009)	
29.	Design and Access Statement	Design engineers, landscape architects and the planning consultant
30.	Planning Statement	Planning consultant

Application document		Generic lead responsibility
31.	Outline Construction Method Statement and programme	Project engineer
32.	Outline Recreation and Leisure Strategy	Leisure consultant
33.	Explanatory report summarising the water industry regulatory context including the WRMP and RAPID processes	Planning consultant and project solicitor
34.	Biodiversity Gain Statement (likely to be included in APFP after 2024)	Ecology consultant

8. Conclusion and next steps

8.1 General planning feasibility

8.1. There is a high level of certainty over the planning and consenting strategy required to deliver the SESRO project. Work undertaken at Gate 2, reported in Chapter 2, underscores the confidence TW&AW have in recommending SESRO be included in WRMP24. Whilst work will continue via the Rapid Gate 3 and WRMP24 processes on confirming the detailed operational requirement and design parameters for the project, SESRO will under all scenarios meet the qualifying thresholds for water industry NSIP projects set out in the Infrastructure Planning (Water Resources) (England) Order 2019, meaning that DCO must be sought for the proposed development under the Planning Act 2008.

8.2. With this certainty comes confidence over the general ability of the consenting route to deliver an implementable consent within a predictable timeframe. This conclusion reflects the following considerations.

- The process for preparing, applying for, examining and determining a DCO for major infrastructure is proven. A wide range of major infrastructure projects have followed the process through to implementation. Procedures are well defined, expert professional support is available and comprehensive guidance is available for all participants in the DCO application process.
- With this experience comes an understanding of potential risks, including those identified in chapter 5 of this report, and how they can be countered.
- The scope and content of a DCO application can be clearly defined, with the implication that the additional consents that would be required to implement and operate the proposed development can likewise be defined with reasonable certainty – as discussed in chapter 3 of this report.
- Once a DCO application has been submitted the examination and determination process is closely timetabled, providing a measure of certainty about when the outcome will be known. This enables the applicant to work up a relatively reliable implementation programme – predicated obviously on the prospect that the DCO application will be successful.
- Thames Water obtained a DCO for another project, namely the Thames Tideway Tunnel¹⁷, for which a DCO was made in 2014. Lessons from this experience will be incorporated into the SESRO project, should it secure approval to proceed through the RAPID and WRMP24 processes.

8.3. The feasibility of the proposed consenting approach for SESRO is likely to be reinforced if the National Policy Statement for Water Resources is approved in Parliament and published in its final form. As para. 1.1.2 of the draft NPS for water explains, the NPS *'will be used as the primary basis for preparing applications for development consent, for examination by the Examining Authority and for making*

¹⁷ The Thames Water Utilities (Thames Tideway Tunnel) Order 2014; SI 2014 No. 2384.

decisions by the Secretary of State in considering development consent applications for water resources infrastructure’.

- 8.4. The draft NPS for water explicitly acknowledges the potential of reservoir solutions in the management and avoidance of drought (paras 2.6.3 – 2.6.7) and the value of water transfers for enhancing the resilience of water supply (paras 2.6.8 – 2.6.10). As noted in chapter 3 of this report, 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 (para 1.4.5). If the adopted version of the draft NPS for water retains these provisions, the task of seeking consent for SROs will be facilitated by the resulting clear establishment of the need for SESRO.
- 8.5. With reference to the Gate 2 requirements listed in paragraph 1.12 of this report:
- A preferred planning route is identified. It will not be necessary for a Section 35 direction to be sought for any of the SESRO options as all exceed the NSIP thresholds in the Planning Act 2008.
 - Chapters 3 and 4 and Annex 1 of this report establish the consenting strategy for construction and operation including indicative timings and which might be included in a DCO. Chapter 1 refers to the June 2022 representation requesting continuation of current development plan safeguarding for SESRO into a proposed new local plan is part of the overall consenting strategy.
 - The land lifecycle is set out in Chapter 5 cross referencing with the DCO and identifies land acquisition programme delivery.
 - Systems and resources are addressed in Supporting Document F: Project Delivery Plan.
 - The customer journey is considered within Chapter 6 of this document and more generally within Supporting Document D: Stakeholder Engagement.
 - Risks and their proposed mitigation are set out in Chapter 6 and are included in Supporting Document F: Project Delivery Plan.
 - Chapter 2 updates on work undertaken since Gate 1 to support the land and planning process.

Glossary

Acronym	Explanation
2008 Act	Planning Act 2008
AMP	Asset Management Plan
AONB	Area of Outstanding Natural Beauty
APFP	Applications: Prescribed Forms and Procedure – from Infrastructure Planning Regulations 2009
BNG	Biodiversity Net Gain
CPO	Compulsory Purchase Order
DCO	Development Consent Order
DEFRA	Department for Environment Food and Rural Affairs
EA	Environment Agency
EIA	Environmental Impact Assessment
EP	Environmental Permit
EPR	Environmental Permitting Regulations
ES	Environmental Statement
ExA	Examining Authority
HSE	Health and Safety Executive
IP	Interested Party
LIR	Local Impact Report
LPA	Local Planning Authority
LTOA	Lower Thames Operating Agreement
MEWFAS	Maidenhead, Eton and Windsor Flood Alleviation Scheme
Mm³	million cubic metres
MW	MegaWatts
NIC	National Infrastructure Commission
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OCC	Oxfordshire County Council
Ofwat	"Office of Water" - the economic regulator of the water sector under the Water Industry Act 1991
OMWLP	Oxfordshire Minerals and Waste Local Plan
PEIR	Preliminary Environmental Information Report

PINS	Planning Inspectorate
RAPID	Regulators' Alliance for Progressing Infrastructure Development
SESRO	South East Strategic Reservoir Option
SoCC	Statement of Community Consultation
SoS	Secretary of State (eg for Environment Food and Rural Affairs; for Transport)
SRO	Strategic Resources Option
SSSI	Site of Special Scientific Interest
TCPA	Town and Country Planning Act 1990
TW	Thames Water
TW&AW	Thames Water and Affinity Water
VoWH	Vale of White Horse District Council
WRMP24	Water Resource Management Plan 2024
WRSE	Water Resources South East (alliance of 6 water companies in SE England)

Annex 1: Indicative list of secondary permissions and consents potentially required for SESRO

Note: this list is draft at this stage and subject to change

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting Body	Legislative Requirement	Indicative Timescale to Prepare Application Documents	Indicative Timescale for Determination	Notes	Permitting Approach
Works within, or with the ability to affect, a European designated Habitat Site	Habitats Regulation Assessment (HRA)	Secretary of State	Conservation of Habitats and Species Regulations 2017	6 weeks	At point of project consent	Informal HRA undertaken at Gate 2 suggests the scheme will not have adverse effects on the integrity of Habitats Sites, but this will need to be reviewed at future stages. Likely that HRA report would be required as part of application for consent.	Parallel to DCO
			The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive and the 2017 Habitats Regulations.	HRA report will need to be complete as part of the application for consent.			
Works that could disturb European Protected Species	European Protected Species Licence	Natural England	Conservation of Habitats and Species Regulations 2017	Species-dependent	30 days	Potentially required, desk-based assessment has indicated the potential for the presence of European Protected Species (bats, dormice, natterjack toads, otter, great crested newt, etc). Some species may require translocation under licence.	Parallel to / post-DCO
			It is an offence to deliberately kill, capture or disturb European protected species, and to damage or destroy their breeding sites or resting places. EPS Licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence.			Preliminary Ecological Appraisal would be required followed by surveys and Ecological Impact Assessment.	
Works that could disturb protected species	Wildlife licence	Natural England	Section 16 Wildlife and Countryside Act 1981	Species-dependent	30 days	Potentially required, desk-based assessment has indicated the potential for protected species.	Parallel to / post-DCO
			An application for a licence to displace any species protected under Schedule 5 or 8 can be made under section 16(3)(c) in the event that, prior to construction, the presence of such species is confirmed within any part of the site and the impacts on them cannot be avoided.			Preliminary Ecological Appraisal would be required followed by surveys and Ecological Impact Assessment.	
			It is an offence intentionally to kill, injure or take any wild bird or the nest of a wild bird included in Schedule ZA1 of the Wildlife and Countryside Act 1981 unless under and in accordance with the terms of a licence.				
Works affecting badgers	Licence for work affecting badgers	Natural England	Protection of Badgers Act 1992	4 weeks	30 days	Potentially required, desk-based assessment has indicated the potential for badgers.	Post DCO
			Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett.			Preliminary Ecological Appraisal would be required followed by surveys and Ecological Impact Assessment.	
			Licences can be obtained to allow works to proceed close to active badgers' setts, as works that would cause disturbance as defined by Natural England.				
Works affecting an important hedgerow	Hedgerow Removal Notice	Local Planning Authority	Hedgerow Regulations 1997	4 weeks	6 weeks or at point of project consent	Aerial photography and a site walkover have identified the presence of hedgerows that will need removal.	Potentially included in DCO

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting Body	Legislative Requirement	Indicative Timescale to Prepare Application Documents	Indicative Timescale for Determination	Notes	Permitting Approach
			A 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).			Regulation 6(1)(e) of the Hedgerow Regulation permits hedgerow removal if it is required for development authorised by a planning permission or deemed planning permission – potentially disapplied by grant of a DCO. Preliminary Ecological Appraisal would be required followed by hedgerow condition survey and Ecological Impact Assessment.	
Works to trees with Tree Preservation Orders (TPO)	Tree Preservation Order Consent	Local Planning Authority	Town and Country Planning (Tree Preservation) (England) Regulations 2012 Regulation 13 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.	6 weeks	8 weeks	Potentially required. Tree survey followed by Arboriculture Impact Assessment and Method Statement would be required.	Potentially included in DCO
Works to trees located within a Conservation Area	Notification of works	Local Planning Authority	Section 211 of the Town and Country Planning Act 1990 Under Section 211, the outcomes are either: the local authority makes a TPO to protect the tree; or does not make a TPO and allows the work to go ahead.	6 weeks	6 weeks	Potentially required. Tree survey followed by Arboriculture Impact Assessment and Method Statement would be required.	Potentially included in DCO
Tree felling	Tree Felling Licence	Forestry Commission	Forestry Act 1967 Section 10: 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.'	4 weeks	12 weeks	Desk study has identified areas of woodland habitat will require felling. Tree Felling Licence required where more than 5m ³ per quarter for non-statutory functions, i.e., habitat restoration / management. Tree survey followed by Arboriculture Impact Assessment and Method Statement would be required.	Potentially included in DCO
Works in, over, under or affecting the flow of an ordinary watercourse	Land Drainage Consent	Local Planning Authority	Land Drainage Act 1991 Section 23(1) of the Land Drainage Act 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.	4 weeks	8 weeks	Potentially required for works taking place in, over or near a watercourse designated as an ordinary watercourse. 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. Section 120(4) and Schedule 5 state that this may include in particular the diversion of navigable or non-navigable watercourses.	Not required.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting Body	Legislative Requirement	Indicative Timescale to Prepare Application Documents	Indicative Timescale for Determination	Notes	Permitting Approach	
						Section 23(6) of the Land Drainage Act 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 would not be required. Flood Risk Assessment would be required.		
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	Environmental Permitting (England and Wales) Regulations 2016	4 weeks	12 weeks	Flood Risk Activity Permits likely to be required.	Post DCO	
	Or		Environmental Permits are granted to the 'operator' of a regulated facility (Regulation 13). The 'operator' is the person who has control of the facility (Regulation 7). 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 (Regulation 21).			(7 weeks for exemptions)		Flood Risk Assessment would be required.
	Flood Risk Activity Exemption							
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	Environmental Permitting (England and Wales) Regulations 2016 Requires most waste management activities and discharges to surface or groundwater to have a permit. However, there are some exceptions to this, being activities that do not need a permit, but the exemptions generally need to be registered with the Environment Agency.	4 weeks	12 weeks	Potentially required to discharge dewatering and site drainage into watercourses or soakaways.	Post DCO	
New water discharge activity	Standard or Bespoke Environmental Permit	Environment Agency	Environmental Permitting (England and Wales) Regulations 2016 An environmental permit is required for any standalone water discharge or groundwater activity – standalone means the activity is not part of a waste operation, installation, or mining waste operation.	8 weeks	12 weeks	Potentially required.	Parallel to DCO	
Temporary abstraction of more than 20 cubic metres of water a day over a period of less than 28 days and / or impound water by creating a new sluice, weir, or dam.	Water Abstraction Licence (if required)	Environment Agency	Sections 24, 24A, 25 and 32 Water Resources Act 1991 A Water Abstraction Licence may be required pursuant to the Water Resources Act 1991 from the Environment Agency by the contractor for the abstraction and/or impounding of water for construction works or during operation.	12 weeks	28 days	Potentially required.	Post DCO	
New potable mains water connection		Local Water Authority	N/A	8 weeks	Varies	Potentially required.	Post DCO	
For connection of a business to the main sewer supply	Trade Effluent Consent	Local Water Authority	Section 118 Water Industry Act 1991 A consent to discharge trade effluent to the public sewer may be required pursuant to the Water Industry Act 1991 from the sewerage undertaker if the contractor needs to discharge effluent to the local sewerage network. If trade effluent is discharged to the public sewer without consent or authorisation the occupier of the premises shall be guilty of an offence.	8 weeks	Up to 2 months	Potentially required.	Post DCO	

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting Body	Legislative Requirement	Indicative Timescale to Prepare Application Documents	Indicative Timescale for Determination	Notes	Permitting Approach
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	Environmental Permitting (England and Wales) Regulations 2016	8 weeks	Up to 4 months		Post DCO
	Or		Require most waste management activities to have a permit. However, there are some exceptions to this, being activities that do not need a permit, but the exemptions generally need to be registered with the Environment Agency.				
	Exemption for using, treating, storing, and disposing of waste						
Treatment of waste bricks, tiles, and concrete by crushing, grinding, or reducing in size	T7 waste treatment exemption	Local Planning Authority	Environmental Permitting (England and Wales) Regulations 2016	4 weeks	5 working days	Requirement to be confirmed through ground investigation.	Post DCO
Activities involving transport of waste	Waste carrier registration	Environment Agency	Waste (England and Wales) Regulations 2011	1 day	Up to 1 week		Post DCO
			All waste carriers, brokers or dealers must register with the Environment Agency.				
Operation of Part A1 Low Impact Installation	Standard or Bespoke Environmental Permit	Environment Agency	Environmental Permitting (England and Wales) Regulations 2016	8 weeks	4 months	Potentially required.	Parallel to DCO
			A permit is required before defined activities can be lawfully brought into operation.				
Operation of Part B Activities related to Local Air Pollution Prevention and Control	Standard or Bespoke Environmental Permit	Local Planning Authority	Environmental Permitting (England and Wales) Regulations 2016	12 weeks	4 weeks' notice of deployment	Potentially required.	Parallel to DCO
			A permit is required before defined activities can be lawfully brought into operation.				
Standby generators	Medium Combustion Plant (MCP)/ Specified Generator (SG) Environmental Permit	Environment Agency	Environmental Permitting (England and Wales) Regulations 2016	8 weeks	12 weeks	Potentially required.	Parallel to DCO
			Medium Combustion Plant Directive (MCPD) permits are standalone permits. They only cover emissions of SO ₂ , NO _x and dust to air.				
Approval of noise generating activities during construction	Section 61 consent (noise and / or vibration)	Local Planning Authority	Control of Pollution Act 1974	4 weeks	4 weeks	Desk-based assessment confirmed the consent may be required due to proximity of development to residential / sensitive receptors. Noise assessment would be required.	Post DCO
			Section 61 provides for prior consent to emit noise from construction sites.				
The operation of a mobile plant for the treatment of soils and contaminated material, substances, or products	Standard rules mobile plant permit	Environment Agency	Environmental Permitting (England and Wales) Regulations 2016	8 weeks	Up to 4 months	Desk-based assessment confirmed the consent may be required Ground investigation would be required.	Post DCO
			Allow the operator to operate mobile plant. The mobile plant shall be for the treatment of soils and the treatment of contaminated material, substances, or products, for the purpose of remedial action with respect to land or controlled waters.				
Temporary closure of a Public Right of Way (PRoW)	Temporary Traffic Regulation Order (TTRO)	Local Highway Authority (Oxfordshire Count Council)	Road Traffic Regulation Act 1984	2 weeks	8 weeks	Likely to be required. 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 could be required at multiple stages.	Potentially included in DCO
			Applications for road closures and other restrictions which require a TTRO. This includes restrictions on county roads, footpaths, and bridleways.				

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting Body	Legislative Requirement	Indicative Timescale to Prepare Application Documents	Indicative Timescale for Determination	Notes	Permitting Approach
Permanent alterations or improvements to a public highway	Section 278 highways agreement	Local Highways Authority	Highways Act 1980	8 weeks	Up to 6 months	Potentially required to create new permanent access points, or to enable construction activities.	Potentially included in DCO
			Allows developers to enter into a legal agreement with a Highway Authority to make permanent alterations or improvements to a public highway, as part of a planning approval.				
Works in the highway	Notice of Street Works	Local Highways Authority	New Roads and Street Works Act 1991	4 weeks	12 weeks	Required given the need for junction changes and road realignments.	Potentially included in DCO
			Statutory undertakers, or those granted a street works licence (under section 50 of NRSWA), have a legal right to carry out street works.				
			Section 58 of the New Roads and Street Works Act 1991 refers to restrictions following substantial road works like resurfacing or reconstruction of the public highway. It prevents statutory undertakers from completing works that would cause disturbance to the highway surface without prior approval.				
Works in the highway	Permit	Local Highways Authority	Traffic Management Act 2004	4 weeks	12 weeks	Required given the need junction changes and road realignments required.	Potentially included in DCO
			Permit schemes under the Traffic Management Act 2004 provide that the Applicant would need to book time on the highway through a permit.				
Transport of Special and / or Abnormal Load	Permit for transport of abnormal loads (if necessary)	Secretary of State, National Highways, Local Highway Authority or the police and bridge owners (if any) as appropriate	Road Vehicles (Authorisation of Special Types) (General) Order 2003/Road Traffic Act 1988	8 weeks	1 week	An 'abnormal load' is a vehicle that has any of the following:	Post DCO
			The Road Vehicles (Construction and Use) Regulations 1986 (Construction and Use Regulations) are the primary legislation for the construction and maximum dimensions for all vehicles. The Road Vehicles (Authorisation of Special Type) General Order 2003 permits the use of vehicles and/or loads, which cannot comply with the maximum permitted weight, either gross or axle weight, for the class of vehicle being used for transporting a load. It also contains the regulations for loads, which exceed the maximum width permitted by the Construction and Use Regulations, agricultural vehicles, and many other miscellaneous vehicles. The legislation is in the most part permissive in that (with some exceptions) providing the haulier complies with the requirements of notification procedures, an abnormal load can be moved without the need for any permit or authorisation.			- a weight of more than 44,000kg	
						- an axle load of more than 10,000kg for a single non-driving axle and 11,500kg for a single driving axle	
						- a width of more than 2.9 metres	
						- a rigid length of more than 18.65 metres	
		Local Highways Authority	Road Traffic Regulation Act 1984	4 weeks	12 weeks		Post DCO

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting Body	Legislative Requirement	Indicative Timescale to Prepare Application Documents	Indicative Timescale for Determination	Notes	Permitting Approach	
Temporary restrictions to traffic and PRow	Temporary Traffic Regulation Order		Applications for road closures and other restrictions which require a Temporary Traffic Regulation Order (TTRO). This includes restrictions on country roads, footpaths, and bridleways.			Planning consent would provide the power under the DCO to temporarily stop up, alter or divert any street within the Order limits or red line boundary. However, TTROs can be sought where construction activities require temporary restrictions to the public highway, which would include those outside the Order limits or red line boundary. Therefore, if construction activity requires any restrictions to the public highway that are not included in the DCO or TCP, TTROs would need to be discussed with the relevant highway authority after planning consent is granted and before works commence.		
Works affecting Network Rail Land (within 15m)	Basic Asset Protection Agreement (BAPA)	Network Rail	N/A	12 weeks	8 weeks	Desk based assessment has identified the potential requirement for a BAPA, depending on proximity of construction works to Network Rail land.	Parallel to DCO	
Hold certain quantities of hazardous substances at or above defined limits	Hazardous Substances Consent	Local Planning Authority	<p>Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 2015</p> <p>Sites which are to hold certain quantities of hazardous substances at or above defined limits (as detailed in Schedule 1 to the Planning (Hazardous Substances) Regulations 2015) are required to obtain consent from the 'Hazardous Substances Authority'. This body is usually the relevant local planning authority, which would consider any such application for consent in consultation with the Health and Safety Executive.</p>	9 weeks	8 weeks		Parallel to DCO	
Works within Common Land and / or Village Greens	Section 38 Consent	Planning Inspectorate	Section 38 of the Planning Act 2008	8 weeks	6 months	Land referencing to be completed.	During DCO	Post TCP
Works within Crown Land	Crown Consent	Secretary of State	<p>Section 135 of the Planning Act 2008</p> <p>Consent to acquire third party interests in Crown land.</p>	8 weeks	6 months	Land referencing to be completed.	During DCO	Post TCP
Building of operational buildings where those buildings are staffed and therefore not covered by the exemptions set out in Building Regulations 2010	Building Regulation Approval	Local Planning Authority	Building Regulations 2010	2 weeks	12 weeks	Operational buildings may require Building Regulations approval if they are staffed and therefore not covered by the exemption set out in Building Regulations 2010, Regulation 9, and Schedule 2 'Exempt Buildings and Work' – 'Part CLASS2' – 'Buildings not frequented by people'. This would be sought by the contractor.	Post DCO	
Demolition works	Notice of Demolition	Local Planning Authority, gas and electricity suppliers and occupiers(s) of adjacent buildings.	<p>Section 80 Building Act 1984</p> <p>Notice of intended demolition must be given to the Local Authority, the public gas and electricity suppliers, and the occupier(s) of any adjacent building, not less than 6 weeks before demolition works start.</p>	2 weeks	N/A	Will be required.	Post DCO	
Works within, or with the ability to affect, a SSSI	SSSI Assent	Natural England	<p>Section 28E of the Wildlife and Countryside Act 1981</p> <p>The consent is personal to the owner / occupier of the land included in the SSSI. 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.</p>	4 weeks	28 days	Potentially required.	Parallel to DCO	
	Listed Building Consent	Local Planning Authority	Planning (Listed Buildings and Conservation Areas) Act 1990	2 weeks	8 weeks	Unlikely but to be kept under review.		

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting Body	Legislative Requirement	Indicative Timescale to Prepare Application Documents	Indicative Timescale for Determination	Notes	Permitting Approach
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.			Heritage Statement would be required.	Potentially included in DCO
Operation of Part B Activities related to Local Air Pollution Prevention and Control	Standard or Bespoke Environmental Permit	Local Planning Authority	Environmental Permitting (England and Wales) Regulations 2016	12 weeks	4 weeks' notice of deployment	Potentially required for the Raw Water Pumping Station.	Parallel to DCO
			A permit is required before defined activities can be lawfully brought into operation.				
			Consent to acquire third party interests in Crown land.				
Construction works	F10 – Notification of Construction Project	Health and Safety Executive	Construction (Design and Management) Regulations 2015	1 week	N/A	The contractor would issue this notice, in advance of construction commencing.	Post DCO
			The Construction (Design and Management) Regulations 2015 require particulars of the Project to be notified to the Health and Safety Executive in advance of construction.				

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