

Strategic Regional Water Resource Solutions: Annex G: Planning, Consents and Land Report

Standard Gate Two Submission for River Severn to River Thames Transfer (STT)

Date: November 2022



Severn to Thames Transfer

Planning, consents and land report

STT-G2-S3-451

November 2022

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Regulator's Alliance for Progressing Infrastructure Development (RAPID)

Severn Thames Transfer Scheme SRO Annex G – Gate 2 Planning and Land Consenting Strategy

TW/1813

November 2022

CONTENTS

0.	Executive Summary	
1.	Introduction and purpose	
	<ul style="list-style-type: none"> 1.1 Introduction 1.2 The STT scheme components 1.3 Purpose of the report 1.4 Structure of this report 	
2.	Context	
	<ul style="list-style-type: none"> 2.1 High level summary of Gate 1 report planning strategy 2.2 Summary of Gate 2 work completed to support planning consent route 2.3 Summary of Gate 2 engagement with planning & technical stakeholders 	
3.	Planning context for Gate 2 STT scheme and timing requirements	
	<ul style="list-style-type: none"> 3.1 Planning description of the STT scheme 3.2 Relationship with the STT system and interdependencies 3.3 Relationships with other SROs 3.4 Timing requirements 3.5 Key planning consenting issues 	
4.	Potential route to planning consenting	
	<ul style="list-style-type: none"> 4.1 Overview of potential planning consenting routes 4.2 Development consent 4.3 Planning permission 4.4 Permitted development 4.5 Selecting the consenting route 4.6 Relationship to EIA, HRA and WFD considerations 4.7 Inter-relationships with other SROs and projects 4.8 Comparison of consenting routes 	
5.	Recommended STT scheme planning consenting route	
	<ul style="list-style-type: none"> 5.1 Overarching principles for considering the relationship with consenting for other SROs and projects 5.2 Consenting strategy for the STT interconnector 5.3 Consenting strategy for the Vyrnwy bypass 5.4 Consenting strategy for the Shrewsbury redeployment 5.5 Interrelationship with the STT system SROs 5.6 STT planning consenting programme 5.7 Required STT scheme consent application deliverables 	
6.	Strategy for obtaining other regulatory consents	
	<ul style="list-style-type: none"> 6.1 STT interconnector 6.2 Vyrnwy bypass 6.3 Shrewsbury redeployment 6.4 Permitting strategy 	
7.	Planning actions for completion beyond Gate 2	
8.	High level land strategy	
	<ul style="list-style-type: none"> 8.1 Context 8.2 Land strategy, including risks and mitigation 8.3 Land Strategy actions for completion beyond Gate 2 	

Appendices	
Appendix 1 – Relevant dNPSWRI policy	
Appendix 2 – Relevant development plan designations	
Appendix 3 – Indicative list of other consents potentially required	
Appendix 4 – STT permitting roadmap	
Appendix 5 – Land strategy	

0 Executive Summary

0.1.1 At Gate 1, a provisional consenting strategy for the STT SRO was presented. The planning and land strategy has been further developed at Gate 2, with the key outcomes and conclusions of that strategy set out below.

0.2 Work done to date to support the proposed land and planning process

0.2.1 This planning and land consenting strategy includes the preferred planning routes to consent for the STT SRO options under consideration, together with planning risks and mitigation and the recommended next planning steps, looking beyond Gate 2. Also included are further assessments of national and local planning policy, and existing and emerging development proposals relevant to the STT SRO. This incorporates reviews against the draft National Policy Statement for Water Resources Infrastructure, November 2018, and adopted and emerging Development Plans. Planning leads for the teams working on SROs with a potential inter-relationship with STT have ensured that there has been discussion and collaboration over the consent strategies for the different SROs, with a particular focus on the inter-relationships and physical infrastructure interfaces between the SROs. This has included the other SROs that comprise the STT system, SESRO, and T2ST. During June and July 2022, the planning strategy was presented to the relevant local authorities within which the STT SRO options lie.

0.3 Preferred planning route and key planning steps

Interconnector

0.3.1 Section 28 of the Planning Act 2008 as amended (PA2008) sets out when a water resource project should be considered a Nationally Significant Infrastructure Project (NSIP). Section 31 of the PA2008 states that development consent is required for that development that is or forms part of an NSIP. Work undertaken in Gate 2 has confirmed that that the Interconnector would be a project that is or forms part of a water resource NSIP. The criteria set out in Section 28 of the PA2008 would be met as the development would be carried out in England by one or more water undertakers, the deployable output would exceed 80 million litres per day, the development will enable the transfer of water resources between river basins and water undertakers' area in England, and the development does not relate to the transfer of drinking water. The Interconnector would therefore need to be consented by way of a Development Consent Order (DCO).

0.3.2 The DCO would consent construction, operation and maintenance of the STT interconnector. For a Deerhurst pipeline option, the Interconnector requires a guaranteed source of sweetening flows for it to operate. The Gate 2 work has determined that the Netheridge WwTW could provide the discharge to the River Severn to facilitate that sweetening flow. If this continues to be the case, then it is recommended that the Netheridge WwTW would appropriately be included as 'associated development' to the DCO. This approach, together with consenting options under the Town and Country Planning Act as amended (TCPA) will be further explored during Gate 3 to determine the timing and optimal consenting and delivery route for the Netheridge WwTW.

0.3.3 The other SROs that combine to form the STT system and will facilitate the provision of supported flows are physically distinct and separate schemes. Therefore, they need not be consented as part of the Interconnector DCO. Planning consent for these separate schemes, either through DCO, TCPA applications or permitted development (where EIA is not required), will

be sought at the appropriate time to allow their timely delivery.

- 0.3.4 Through the Interconnector DCO there will be an opportunity to set out the operational rationale for the STT system both in relation to the “need case” and in terms of water availability and infrastructure provision. For the other STT system projects and SROs, it will be necessary for them to reflect on their role within the overarching operational rationale and, where EIA Screening or full EIA is required, assess any cumulative environmental impacts that may arise.
- 0.3.5 Whilst there are limited conjunctive benefits, the Interconnector is not required to support SESRO or vice versa, so there is no direct water resource relationship between either option. However, it is understood that there may be opportunity for the Interconnector to utilise or combine with the discharge infrastructure at Culham that would be developed in connection with SESRO. Depending upon the eventual delivery timescales and DCO programme of the options, it could be that any overlapping discharge infrastructure for the Interconnector is consented by way of separate coexisting consents or could be included as part of the SESRO or STT DCO as either part of the NSIP development or associated development. The latter would require funding and other issues to be resolved and early consents for any STT related infrastructure would need to be secured on the basis that they do not prejudice any decisions that would need to be taken on subsequent applications for the Interconnector at a later date. This is capable of being satisfactorily accommodated through DCO applications.

Vyrnwy bypass and Shrewsbury redeployment

- 0.3.6 The Vyrnwy bypass and the Shrewsbury Redeployment do not automatically meet the NSIP thresholds set out in Section 28 of the PA2008. Both relate to the provision of future supported flows and are not needed for the initial unsupported Interconnector scheme to become operational. Furthermore, they are physically separate from the Interconnector. On this basis, there is no requirement at this stage for these developments to be included as part of the Interconnector DCO. The Vyrnwy bypass would, however, require delivery of the North West Transfer SRO prior to its operation. This is considered to be a sequencing issue and not one that requires the Vyrnwy bypass and the North West Transfer SRO to be linked in planning terms as they are physically separate and distinct schemes. Whilst there would be the opportunity to argue that the Vyrnwy bypass and the Shrewsbury Redeployment schemes could be considered a Project of National Significance through a PA2008 Section 35 Direction, at this stage it is not considered that the schemes are of sufficient scale or complexity to warrant this.
- 0.3.7 The schemes would either be consented through TCPA applications or at least in part permitted development depending upon the scope of the proposed development and need for EIA.

0.4 Strategy for obtaining other regulatory consents

Interconnector

- 0.4.1 The DCO process enables land acquisition along with many other consents and powers to be dealt with at the same time. The DCO application may, however, need to be supplemented by other applications because a specific consent cannot be obtained in the DCO; or a consenting authority declines to allow a consent to be obtained in the DCO; or it is not desirable, or it is inappropriate to include a consent within the DCO due to the stage of design development and the level of detail available.
- 0.4.2 Although at this early stage of scheme delivery the details of the other regulatory consents have

not been finalised, preliminary work has been undertaken for the purposes of this Gate 2 submission. This includes the compilation of a list of licences and consents that may be required as part of the solution design, scheme construction and operational phases of the project.

- 0.4.3 Whilst all the physical development associated with the construction and operation of the Interconnector will take place within England, some consents relating to the abstraction of water will be required within Wales and DCO powers cannot be extended to cover these. Therefore, whilst some of the water related consents required within England could be wrapped up into the DCO consent with the EA's agreement, those consents to be granted by NRW within Wales will need to be pursued separate from the DCO process. Subject to further discussion and agreement with the EA and NRW, the intention would be to run this consenting process in parallel with the DCO.
- 0.4.4 Further consents and variations would be required as various "supported" sources come online. Each new licence or variation will be the subject of its own scrutiny process and will need to be supported by appropriate environmental, WFD and HRA assessments.
- 0.4.5 For future supported flows, the DCO and assessment process will need to map out the operating regime for the Interconnector and the mechanisms through which additional supported flows transmitted by the Interconnector will be assessed and consented. This will include both the need for further planning and other consents and licenses (e.g., abstractions and discharges), as necessary.

Vyrnwy bypass and Shrewsbury redeployment

- 0.4.6 Only limited 'other' consents are authorised through planning permission and therefore any other consents, such as those relating to land and highways, needed for the scheme would need to be sought separately.

0.5 Permitting strategy

- 0.5.1 At Gate 1 it was agreed in principle with EA and NRW that the support options of STT would operate as a 'put and take' arrangement, where water provided ("put") into the River Severn by the sources during transfer operations can be abstracted ("take") less losses for transfer into the River Thames.
- 0.5.2 One of the key consenting issues for the Interconnector is the number of abstraction and discharge permits to be obtained under the Water Resources Act 1991. A permitting roadmap has been developed identifying the necessary variations to existing licences and permits and any new licences and permits that would be required. These are shown in Table 0.1.

Table 0.1 Potential new licences and permits and variations to existing

	Discharge permits	Abstraction licences
Existing permits/ licences to be varied	<ul style="list-style-type: none"> Netheridge Minworth 	<ul style="list-style-type: none"> Vyrnwy Shelton Mythe River Thames
New permits/ licences to be obtained	<ul style="list-style-type: none"> Vyrnwy bypass Netheridge Minworth* Interconnector (into River Thames or SESRO) 	<ul style="list-style-type: none"> Interconnector (transfer licence) SESRO

*Within the Regional Water Resources Plans Minworth may have 3 discharge locations (existing Tame, new Avon and new GUC). Whether these are 3 separate but linked discharge consents or one consent with 3 discharge points and conditions is to be determined.

- 0.5.3 The existing abstraction licences for Vyrnwy, Shelton (Shrewsbury Redeployment) and Mythe will require variation to account for the change in use.
- 0.5.4 The new abstraction licence for the Interconnector at Deerhurst may be a transfer licence which would cover transfer of unsupported flow above the River Severn HoF and all future supported flows. This cannot be confirmed until the details of how the interconnector would operate are defined. An abstraction licence may be required if a transfer licence is not appropriate.
- 0.5.5 The water transferred from STT to the Thames catchment would be utilised either through the new SESRO licence or through existing Thames Water abstractions from the River Thames. No additional STT specific abstraction licence will be required once in the Thames catchment.
- 0.5.6 There are four new discharge permits required:
- The potential discharge for STT into the River Thames at Culham.
 - A new discharge permit for the Vyrnwy bypass may be required. NRW are to confirm this requirement.
 - New discharge permits for Netheridge and Minworth will be required for new discharge points and effluent standards.
- 0.5.7 The existing discharge permits for Netheridge and Minworth will need to be varied to account for the new discharge permits at new discharge locations.
- 0.5.8 STT SRO has been discussing the permitting requirements of the interconnector with the SESRO SRO. A detailed licencing strategy has been prepared for the River Thames by the SESRO SRO including the discharge permit requirements for the interconnector (into SESRO or the River Thames) and the use of water within the Thames catchment. The detail of the licencing strategy for the Thames is included as part of the SESRO SRO Gate 2 submission.
- 0.5.9 NRW has confirmed the maximum release from Lake Vyrnwy permitted under existing Acts and Orders is 405MI/d. The proposed release direct from Lake Vyrnwy (now reduced to 25MI/d due to environmental concerns) falls well within this limit. At times when river regulation releases are being made, the STT release would only be possible if the total of regulation releases, compensation releases and STT release did not exceed the maximum. The interpretation of this is that there is no requirement to seek to amend the 1880 Act in order to permit STT. However, a new Section 20 operating agreement will be required to set out the controls and co-ordination of all the elements of the STT system and how it interacts with the River Severn Regulation. The

STT partners are continuing to work with the EA to understand the requirements of this.

- 0.5.10 The key features of STT, such as quantities to be released into the River Severn and abstracted at the interconnector, flow related conditions, water quality parameters etc should be set out as far as possible within the relevant permits. The purpose of the operating agreement is to set out the management and operational arrangements of STT; typically, this might include aspects such as arrangements for ramping up / down, interaction with River Severn Regulation, arrangements for other environmental support and communications, common data sharing, and decision making concerning the operation of the SRO. The EA has indicated a Section 20 agreement would be required for the Vyrnwy releases and a separate one for the interconnector.
- 0.5.11 An operating agreement will also be required for the utilisation of SRO water from the River Thames or SESRO because of the interaction with the management of the River Thames, the Lower Thames abstractions, and Lower Thames Operating Agreement, which has been managed under a Section 20 agreement since 1989.
- 0.5.12 There would likely be a link between the operating agreements for the STT system and the Thames.
- 0.5.13 Given the current uncertainties around the timing of the requirement for STT and the other SROs for the Thames and considering the stage of scheme development, the approach to defining any operating agreements at this stage needs to be flexible.
- 0.5.14 The operating strategy for STT is defined only in outline. It is therefore not possible to develop more detail around the requirements of a new Section 20 for the upstream operation of STT at this point. As ownership and operation of the scheme is developed further, this will enable the Section 20 requirements to be defined. Potential operational benefits offered by STT will need to be explored as part of the Section 20 agreement development.
- 0.5.15 There are a number of remaining uncertainties to be addressed as the Permitting Strategy and the STT SRO development continues. These include:
- Current licencing policy is for new licences or varied clauses to be time-limited (but we understand this may change in 2023 when Environmental Permitting Regulations are introduced);
 - There are a number of other protected users with licenced abstractions on the River Severn linked to HoF and an approach to these needs to be developed and agreement in principle with the EA sought. The next common end date for the Severn Corridor is March 2034 and this may present an opportunity to consider alternative licence conditions to preserve the STT supported flow for transfer;
 - The timing of when to apply for and grant licences and consents if the STT SRO is not selected in regional modelling until 2040 or later (although EA has indicated they have initiated a review of policy to reserve water) and sequencing with DCO.

0.6 Land lifecycle

- 0.6.1 There will be a need for temporary possession and permanent land acquisition and rights for the STT SRO development, whether secured through negotiation and agreement, or through the use of compulsory acquisition and temporary possession powers under a DCO (in respect of the STT Interconnector) or other existing legislation.

0.6.2 Land referencing is an essential prerequisite for such land acquisition, establishing the legal interests in land, as the basis for engagement and negotiation. However, given the geographical extent of the STT SRO, land referencing is a significant body of work. It is important to ensure that the detailed work is undertaken at a time sufficiently early to enable information gained to be taken into account in the design evolution and assessment of the scheme. Caution is also required to ensure that it is not so early that the information gained becomes effectively redundant before applications for DCO and other consents are required.

0.6.3 Reflective of the delivery timescales and current stage of scheme development, it is considered that it remains too early to undertake full land referencing. For the purposes of Gate 2, a high-level land strategy has been prepared to reduce land strategy risks relating to the project, reflect the need for appropriate early land engagement and negotiation where possible to acquire land interests by negotiation and agreement and enable the more detailed land strategy work package to be procured in a timely manner at the most appropriate point in the overall project programme.

0.7 Delivering the planning and land acquisition process

0.7.1 The overall programme for the Interconnector envisages that an application for a DCO would not be made until after the approval of the WRMPs and regional plan, thereby enabling sufficient time for necessary technical and environmental assessments to be undertaken and pre-application engagement held. The Scheme Delivery plan incorporates the planning and land programme for securing a DCO.

0.7.2 For the Vyrnwy bypass and Shrewsbury Redeployment, the Scheme Delivery Plan shows the earliest start dates that could be achieved based on their consenting through TCPA applications or as permitted development (where EIA is not required).

0.8 Ensuring a good experience for customers

0.8.1 Briefing sessions were held with planning stakeholders, including the relevant district, unitary and county local authorities, and the Cotswolds Area of Outstanding Natural Beauty (AONB) Board alongside wider stakeholder consultation. These briefings have provided background context on the purpose of the scheme, the nature of work being undertaken for Gate 2, and the options being considered and developed. A commitment was given to engage on STT beyond Gate 2 and part of that engagement will be to agree the nature and extent of the community and stakeholder consultation as the STT SRO progresses. For the Interconnector DCO, this will include the eventual preparation and publication of a Statement of Community Consultation. Further detail on stakeholder and customer engagement is set out in Section 9.

0.9 Managing planning and land risks

0.9.1 There is confidence at this stage that an STT SRO can be developed, assessed, and promoted to successfully secure planning and other consents. From the work undertaken to date, for the purposes of the Gate 2 submission, no insurmountable planning risks to the prospect of securing planning and other consents for STT have been identified. The risks and potential mitigation are proportionate to what would be expected of a scheme at this stage of its evolution. Annex G sets out the risks and issues relating to land and planning and explains how the strategy seeks to manage and mitigate those risks.

1 Introduction and purpose

1.1 Introduction

1.1.1 The Severn Thames Transfer (STT) scheme is one of a number of Strategic Resource Options (SRO) being investigated as part of the Regulators Alliance for the Progression of Infrastructure Development (RAPID), comprising Ofwat, the Environment Agency (EA) and the Drinking Water Inspectorate (DWI). STT is being jointly considered by Thames Water Utilities Limited (TWUL), Severn Trent Water (STW) and United Utilities (UU) (collectively referred to as the STT programme partners) with submissions being made to RAPID through a gated process.

1.2 The STT scheme components

1.2.1 The **STT scheme** SRO will enable water to be transferred from the River Severn to the River Thames when needed by water companies in the South East of England in times of drought. The STT scheme SRO comprises the following key components:

- A new **interconnector** to facilitate the transfer of raw water from the River Severn to the River Thames. This could be either via a new pipeline (referred to as the Deerhurst pipeline option) or by utilising in part an existing canal (referred to as the Cotswolds Canal option);
- The **River Vyrnwy bypass pipeline** to mitigate the release of water into the River Vyrnwy from Lake Vyrnwy (required to augment flows in the River Severn);
- The release of STW's licensed abstraction from the River Severn at Shrewsbury making water available to be abstracted by the STT interconnector (referred to as **Shrewsbury redeployment**).

1.2.2 Due to the risk of concurrent droughts in both the River Severn and River Thames catchments, additional sources of water from STW and UU in addition to those naturally occurring in the River Severn have been identified to further augment and maintain natural flows. These multiple diverse sources of water will provide increased resilience to the system in the provision of raw water flows to the Thames. Together with the STT scheme, these additional sources are collectively known as the **STT system**.

1.2.3 This Planning and Land Strategy relates to the STT scheme but takes into account and reflects on the planning strategy for the STT system. For the avoidance of doubt, the technical and consenting work on potential STT sources of water is being advanced through separate SRO submissions.

1.3 Purpose of the report

1.3.1 This report has been prepared by Adams Hendry Consulting Ltd (AHCL), with input from Jacobs on the permitting and land strategies, to provide advice to the STT programme partners. The report will be submitted as part of the Gate 2 submission to RAPID in November 2022, as a technical annex to the main Gate 2 submission Report. The planning consenting and land strategy set out in the report provides the basis for the planning and land input that will be needed in order to deliver the STT scheme and the activities required into Gate 3 and beyond.

1.4 Structure of this report

1.4.1 The structure of the report is summarised below:

- **Section 2: Context** - Includes high level summary of Gate 1 planning strategy, summary of planning work completed for Gate 2 and engagement with identified planning stakeholders
- **Section 3: Planning context for Gate 2 STT scheme and timing requirements** - Includes STT scheme description, delivery timescales, and key planning consenting issues
- **Section 4: Potential planning consenting routes** - Includes overview and comparison of DCO and planning permission consenting routes, relationship with Environmental Impact Assessment (EIA) and other assessments, inter-relationships with other SROs, and key planning stakeholders
- **Section 5: Recommended STT scheme routes to consent** – sets out the recommended consenting routes, programme, application deliverables, planning risks and mitigation
- **Section 6: Strategy for obtaining other regulatory consents** – provides an assessment of other consents required and how they will be secured
- **Section 7: Planning consenting actions and programme for completion beyond Gate 2** - Includes planning scope and planning stakeholder engagement strategy
- **Section 8: High level land strategy** - Includes land strategy consenting context, risks and mitigation, and strategy for actions beyond Gate 2

1.4.2 The RAPID Gate 2 guidance sets out the requirements for this report. Table 1.1 sets out these requirements and where they are covered in this report.

Table 1.1 Coverage of RAPID report requirements

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

2 Context

2.1 High level summary of Gate 1 report planning strategy

- 2.1.1 The Gate 1 submission in July 2021 made recommendations for a provisional consenting strategy for the STT scheme. It was considered that the most efficient, optimal consenting strategy would be for the interconnector to be authorised by a Development Consent Order (DCO) made under the Planning Act 2008 as amended (referred to as the PA2008). In respect of the Vyrnwy bypass and Shrewsbury redeployment components, it was considered that permission under the town and country planning regime should be pursued, either as permitted development or express planning permissions (or a combination of the two).
- 2.1.2 For the Gate 1 submission the working assumption was that the interconnector pipeline and canal options could meet the DCO criteria and thresholds and therefore be automatically classified as an NSIP (Nationally Strategic Infrastructure Project), meaning a DCO will be required. This was based on certain assumptions that were highlighted as requiring further analysis (e.g., that both options would have an 'unsupported' deployable output of over 80Ml/d when operations start and that this would be increased as other source SROs that form part of the overall STT system come forward).
- 2.1.3 For Gate 1, it was considered that were the interconnector not to meet the NSIP thresholds, that a DCO would still be the optimal consenting route, given the range of powers and consents a DCO can include (for example, in respect of the compulsory acquisition of land) and across multiple local authority areas in one consent. Were such a scenario to occur, it was noted that a Section 35 Direction could be sought for the interconnector on the basis that a case could be made that the interconnector is 'nationally significant'.
- 2.1.4 In respect of the River Vyrnwy bypass and Shrewsbury redeployment, at Gate 1 there was some uncertainty when these would come forward, as they would be linked to the phasing of supported flows from the Lake Vyrnwy source. It was determined that there was, depending on the precise nature of the works required, potential scope to rely on planning permission automatically granted because of permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 as amended (referred to as the GPDO). However, the potential for some of the works to be captured by the Environmental Impact Assessment (EIA) regime meant that these permitted development rights may not be available. The need to consider the relevant legal tests applicable to artificially 'slicing up' a project to avoid EIA was also highlighted.
- 2.1.5 It was therefore determined for Gate 1 that any strategy for the Vyrnwy bypass and Shrewsbury redeployment would be likely to rely on a combination of planning permission under the Town and Country Planning Act 1990 as amended (referred to as the TCPA) and permitted development rights. Other options considered were the possibility of 'wrapping up' the bypass and Shrewsbury elements within the Interconnector DCO as 'associated development' and whether there would also be scope for a Section 35 Direction to be sought separately for the bypass so it could be consented as a Project of National Significance by DCO.
- 2.1.6 The Gate 1 planning strategy also considered planning related benefits and risks associated with the STT scheme. It was considered that there would be benefits in pursuing a DCO for the interconnector, mainly relating to the wide scope of powers and consents that can be included within a DCO and a single decision-maker. Pursuing the Vyrnwy bypass and/or Shrewsbury

redeployment elements through planning permission under the TCPA and/or permitted development under the GPDO, would allow the interconnector to be dealt with on its own under a DCO and would allow suitable and flexible phasing of these activities. Other key planning risks identified at Gate 1 included:

- Difficulties creating a clear narrative between the different STT scheme and system elements.
- Planning permission decisions – potential delays, process inconsistency, conditions or refusal and a planning appeal.
- Onerous requirements or conditions attached to DCO or planning permission.
- Legal challenges to consenting decisions.

2.1.7 Finally, it was noted that the planning strategy developed for Gate 1 would be subject to review and change as the development of the STT scheme progresses.

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

2.2.1 As part of the Gate 2 planning work package, further assessments of national and local planning policy, and existing and emerging development proposals relevant to the STT scheme have been undertaken. This has included reviews against the draft National Policy Statement for Water Resources Infrastructure, November 2018 (dNPSWRI) and Development Plans.

2.2.2 Further work has been progressed at a multi-disciplinary level to develop the STT scheme options. Preferred planning routes to consent have been identified for STT scheme Gate 2 options under consideration, together with planning risks and mitigation and the recommended next planning steps, looking beyond Gate 2. The work undertaken to support the Gate 2 planning assessment of the STT scheme reflects good practice and lessons learned from DCO and TCPA applications to date, and promotion of major water resource infrastructure applications through the planning system, including use of permitted development when appropriate.

2.2.3 Planning leads for the teams working on SROs with a potential inter-relationship with STT have ensured that there has been discussion and collaboration over the consent strategies for the different SROs, with a particular focus on the inter-relationships and physical infrastructure interfaces between the SROs. This has included the North West Transfer SRO, STW Sources SRO, STW Minworth SRO, South East Strategic Reservoir Option (SESRO) and Thames to Southern Transfer (T2ST).

2.3 Summary of Gate 2 engagement with planning & technical stakeholders

2.3.1 Annex D1 provides details of the engagement undertaken with stakeholders and customers to inform the feasibility and conceptual design for STT up to Gate 2. It includes an overview of the engagement activity, the main points of feedback with stakeholders and customers and how they have been considered in the on-going programme of work and development of the STT scheme.

2.3.2 At Gate 2, introductory briefings were held for the following:

- local authorities in the Thames Water catchment interested in the Interconnector
- local authorities in the Severn Trent catchment interested in the Interconnector

-
- local authorities interested in the Vyrnwy bypass pipeline
 - environmental organisations, that included the Cotswolds AONB Board.

2.3.3 These briefings included background context on the purpose of the STT scheme, the nature of work being undertaken for Gate 2, the options being considered and developed and the planning strategy for the STT scheme, including the potential for future safeguarding of land. An overview of the briefing sessions can be found in Table 7 of Annex D1. The feedback topics raised across the Gate 2 engagement activities are set out in Table 8 of Annex D1.

2.3.4 The introductory briefing sessions provide a platform for an on-going dialogue with the local authorities and the stakeholders, such as the Cotswolds AONB Board, as the scheme progresses. A commitment was given to engage on the STT scheme beyond Gate 2 as the timescales for further and more detailed technical and environmental assessment work, scheme development and stakeholder and community engagement become clearer in the context of overall scheme delivery timescales.

3 Planning context for Gate 2 STT scheme and timing requirements

3.1 Planning description of the STT scheme

3.1.1 A full description of the STT scheme Gate 2 options is provided in the Concept Design Reports (Gate 2 Annex A1 reports). A summary description is provided below, as context for the consideration of planning and consenting issues that follows.

Interconnector

3.1.2 The interconnector will transfer water from the River Severn to the River Thames. The water will undergo some preliminary treatment close to the intake from the River Severn, but this will not be to potable (drinking water) standards. The source of the raw water for the interconnector would be derived from 'unsupported' flow abstracted from the River Severn. This is the water over and above the 'hands off flow' (HoF) level, the level at which abstraction is permitted, within the River Severn. The 'unsupported' flow within the River Severn would be augmented by a release of water from Lake Vyrnwy (a reservoir operated by UU and located in Powys, Wales) into the river Vyrnwy. It has been determined through the STT scheme Gate 2 technical and environmental work that up to 25MI/d of water could be released from Lake Vyrnwy before other measures would be required to support and mitigate the release and ensure environmental designations in the River Vyrnwy are protected. The development of the interconnector with the abstraction and transfer of this unsupported flow represents the 'initial unsupported interconnector scheme'.

3.1.3 During Gate 2, concept designs for the following interconnector options have been explored:

- **Deerhurst pipeline option** – a pipeline that conveys water from the River Severn to the River Thames with associated treatment. The pipeline option will be subject to a full site selection process with appropriate consultation to determine its routeing and location of above ground infrastructure during Gate 3, but for the purposes of the options work undertaken during Gate 2 a representative pipeline option was developed comprising the following:
 - 88km pipeline, varying in diameter from 1400mm to 1800mm.
 - An intake at the River Severn and low lift pumping station
 - A new Water Treatment Works (WTW) site (approx. 400m x 200m) at Deerhurst in Gloucestershire
 - A break pressure tank (approx. 100m x 100m) at the high point of the pipeline
 - A new outfall to the River Thames at Culham
 - Intermittent valve chambers along the length of the route
- **Cotswolds Canal option** – This option transfers water from the River Severn to the River Thames by the construction of 58km of pipeline, 29km of reconstructed canal along the route of an historical canal, and 12km of bank raising of the Gloucester and Sharpness Canal. The option comprises the following:
 - An intake close to Gloucester Docks to pump flow from the eastern channel of the River Severn to the Gloucester and Sharpness Canal.

- Bank raising along 12km of the Gloucester and Sharpness Canal.
- A further intake from the Gloucester and Sharpness Canal to pass flows to a new WTW site and pumping station (approx. 400m x 200m) south of Gloucester.
- A 16km rising main (ranging in diameter from 1500mm to 1700mm), to pump flows to the summit of the historical canal at Sapperton tunnel – including a break pressure tank (approx. 100m x 100m) at the high point of the pipeline.
- Significant works to rehabilitate the existing, partially collapsed 3.5km Sapperton Tunnel
- Reconstruction of stretches of canal along the line of the historic Thames and Severn Canal route from Sapperton Tunnel to near Lechlade (Oxfordshire/Gloucestershire border), with piped bypasses between canal stretches.
- Construction of a new pumping station and pipeline to convey flows from the end of the canal transfer at Lechlade to the release into the River Thames at Culham.
- Permanent above ground assets associated with the canal elements of the interconnector, with additional bridge works being required to maintain existing permanent access routes.

3.1.4 The work undertaken to evaluate the interconnector options during Gate 2 has identified the Deerhurst pipeline option as the preferred option, being the most cost-effective and resilient of the options. However, consultation will be undertaken on this preferred option and alternatives in Gate 3.

3.1.5 It has been determined through the Gate 2 work that the Deerhurst pipeline would require a sweetening flow. A sweetening flow involves a low level constant flow being provided through the pipe at all times to avoid stagnating river water collecting in the pipe and enabling the pipe to be ready for operation as and when drought conditions dictate. It is understood that there will be times when, as a result of seasonal flows or climatic conditions, the levels in the River Severn are such that it will not be possible to abstract water, that is, when the levels drop to or below HoF. In these circumstances, the sweetening flow will need to be supported by discharges into the River Severn to augment natural flows, provided from an alternative and reliable source. Without a guaranteed source of sweetening flows, the STT interconnector and the transfer of water from the River Severn to the River Thames would be unable to proceed. The Gate 2 work has identified the potential for the Netheridge effluent diversion scheme, which forms part of the Severn Trent Sources SRO to facilitate the guaranteed sweetening flows for the initial unsupported interconnector scheme as set out in Section 3.2.4.

Vyrnwy bypass

3.1.6 As noted above, the flows within the River Severn available for abstraction by the interconnector would be augmented by a release of water from Lake Vyrnwy, via the River Vyrnwy. It had been determined at Gate 2 that a continuous flow from Lake Vyrnwy into the River Vyrnwy in excess of 25Ml/d would trigger the need for mitigation. The River Vyrnwy bypass and the Shrewsbury redeployment schemes are proposed to provide such mitigation.

3.1.7 The bypass comprises a raw water pipeline from Oswestry Water Treatment Works, with two options having been considered for Gate 2: a circa 10.3km pipeline discharging either into the

lower reaches of the River Vyrnwy or a circa 16.5km pipeline discharging into the River Severn. With a release from Lake Vyrnwy restricted to 25MI/d, the longer 155MI/d pipeline with a discharge into the River Severn is the proposal being considered more likely for Gate 2.

- 3.1.8 Critically, all the bypass options under consideration are situated entirely within England, and the need for cross border options can be ruled out at this stage.

Shrewsbury redeployment

- 3.1.9 The purpose of the Shrewsbury redeployment scheme is to divert of up to 25 MI/d of treated water from UU's Oswestry WTW via an existing emergency import, the Llanforda connection, to supply STW's customers. This import would enable a reduction in abstraction at Shelton WTW, which takes water from the River Severn and is the main supply for the area. Reducing abstraction from the River Severn would permit a temporary transfer of 25 MI/d licence to the STT interconnector transfer point of abstraction.
- 3.1.10 The scheme includes a series of network and treatment upgrades, located entirely within England, including:
- Network reinforcements that allow the import of treated water from UU's Oswestry WTW to supply STW's customers via the Llanforda connection
 - Network reinforcements to maintain resilience in the area should one of the local groundwater sources fail whilst the scheme is in place
 - Upgrade of Shelton WTW to allow for a deployment of the maximum boreholes license
- 3.1.11 At Gate 1 it was envisaged that this Shrewsbury redeployment would operate once the continuous flow from Lake Vyrnwy into the River Vyrnwy exceeded 75MI/d. During Gate 2 preparation, it has however been determined that this could be utilised to increase the overall flow for abstraction by the interconnector from a total of 180MI/d to 205MI/d.

3.2 Relationship with the STT system and interdependencies

- 3.2.1 The initial unsupported interconnector scheme is capable of being developed and operated independent of any other schemes, with the exception of needing a sweetening flow as discussed below. This is reflected in the consideration of this initial unsupported scheme in the draft regional plan for the South East and Thames Water's Water Resource Management Plan (WRMP). However, as noted in Section 1, due to the risk of concurrent droughts in both the River Severn and River Thames catchments, additional sources of water in addition to those naturally occurring in the River Severn have been identified to augment natural flows and address potential future water resource needs as may be identified in regional planning and WRMPs. These multiple diverse sources of water would provide resilience to the system in the provision of raw water flows to the Thames. Together with the STT scheme, these additional sources combine to form the STT system.
- 3.2.2 The STT system comprises a series of separate SROs. Brief details of what these SROs entail is set out below, with further detail available in their separate Gate 2 submissions to RAPID.

The ST Sources SRO (Severn Trent Water)

- 3.2.3 There are two components to this SRO. The first involves treated effluent diversion from Netheridge Wastewater Treatment Works (WwTW), providing an additional 35MI/d discharge to augment flows in the River Severn, facilitating abstraction by the interconnector. The proposals

involve a small amount of additional treatment on site before pumping to the appropriate connection point to the interconnector. The connection point would be dependent upon whether the interconnector was the canal or pipeline option. For the canal option, a transfer pipeline of a few hundred metres would be required to allow the treated effluent to be discharged into the relevant canal network. For an interconnector pipeline, a pipeline in the region of 12km and pumping facilities would be required to transfer treated effluent for discharge into the River Severn, to support abstraction by the interconnector.

- 3.2.4 The Gate 2 work has identified the potential for Netheridge effluent diversion scheme to facilitate the guaranteed sweetening flows for the STT interconnector Deerhurst pipeline option. Of the 35 MI/d discharge to the River Severn from the Netheridge scheme, 20 MI/d could provide the required flow augmentation for the sweetening flow abstraction, at times where the HoF would otherwise prevent abstraction from the River Severn.
- 3.2.5 The potential role of the Netheridge effluent diversion scheme will be fully explored during Gate 3. If it is confirmed that the Netheridge scheme is the preferred option for providing the guaranteed source of sweetening flows, then it will be necessary in delivering the interconnector, to either simultaneously deliver or deliver in advance the Netheridge scheme. The consenting implications of this are discussed in section 5.2.11.
- 3.2.6 The second component of the ST sources SRO is the transfer of 15MI/d of existing Mythe WTW abstraction licence for use by the interconnector. This would be a regulatory licence matter to be applied for and approved by the EA.

Minworth SRO (Severn Trent Water)

- 3.2.7 The purpose of this SRO would be to discharge additional treated effluent from Minworth WwTW into the River Avon to augment flows in the River Severn for the purposes of abstraction via the interconnector. The works would require additional wastewater treatment facilities at the Minworth WwTW, new treated effluent pumping facilities and a pipeline (approximately 30km long) to discharge up to 115MI/d of the treated water into the River Avon.
- 3.2.8 It should be noted that it is to be confirmed whether the Minworth SRO would be of a scale to either support the operation of the STT interconnector, the Grand Union Canal (GUC) SRO or a combination of the two.
- 3.2.9 The Minworth SRO is not required for the interconnector to operate, however it would support increased abstraction from the River Severn via the interconnector, improving its transfer capability and resilience. Minworth SRO would not come into operation until the Vyrnwy sources have been enabled. Other than the STT interconnector, the Minworth SRO does not have any direct relationship with any other components that make up the STT system.

North West Sources SRO (United Utilities)

- 3.2.10 At Gate 2 the Vyrnwy Aqueduct SRO and UU Sources SRO have been combined into one SRO – the North West Transfer SRO.
- 3.2.11 The Vyrnwy Aqueduct scheme comprises works (during times of transfer) to maintain the supply of water fed from Oswestry WTW into the treated Aqueduct system which supplies UU customers. Options currently under consideration largely utilise existing infrastructure. Treated water from the Dee Aqueduct would be transferred via new pumping stations and a section of new pipeline and blending tanks to the inlet of Oswestry WTW. The water from the Dee

Aqueduct would then be blended with raw water from Vyrnwy Aqueduct in the blending tank, then treated through Oswestry WTW prior to being fed into the Vyrnwy Aqueduct (treated water) and onward to customers.

3.2.12 A number of pumping stations and enhancement works would be required along the Vyrnwy Aqueduct (treated water) with additional pipeline connections to other points in the supply network.

3.2.13 In terms of other UU sources being looked at to support increased flows from Lake Vyrnwy in the direction of the STT, a range of options are under consideration including new river abstractions, enhanced abstraction from groundwater sources, increased treatment capacity at existing facilities, and works to existing reservoirs.

3.2.14 The scope of works, complexity and scale of these individual sources varies significantly.

3.2.15 The North West Transfer SRO would support the increase of flows from Lake Vyrnwy into the River Vyrnwy. This in turn would support increased and more reliable abstraction from the River Severn via the interconnector. The Vyrnwy bypass mitigation element of the STT scheme would only be feasible with the North West Transfer being in place. There is no relationship between the North West Transfer SRO and the ST Sources and Minworth SROs.

3.3 Relationships with other SROs

3.3.1 South East Strategic Reservoir Option (SESRO) near Abingdon, Oxfordshire is being promoted by TWUL. Water would be pumped from the River Thames during periods of high flow, stored in the reservoir and released during low flows for abstraction downstream. The water from the reservoir will be used to supply London and the Thames Valley and could be transferred east and south through a network of new pipelines.

3.3.2 STT is not required to support SESRO or vice versa, so there is no direct water resource relationship between either option. There is however an interface at Culham where there may be some shared discharge infrastructure between SESRO and the STT interconnector as discussed further in section 5.2.22 onwards.

3.3.3 The Thames to Southern Transfer (T2ST) would transfer flows from Thames Water to Southern Water's supply areas and could utilise flows from either or both of SESRO or STT, subject to connection infrastructure being provided west of the A34 near Drayton in Oxfordshire.

3.4 Timing requirements

3.4.1 As set out in Section 7 of the main Gate 2 report the Gate 2 programme has been developed by integrating technical, commercial, planning and stakeholder workstream activities into an overall SRO programme incorporating the principal Water Resource Management Plan 2024 (WRMP24), DCO, Direct Procurement for Customers (DPC) and construction activities.

3.4.2 The timeline for Gate 3 is based on ensuring STT could be "construction ready" in AMP8 (2025 to 2030), if required. However, other later delivery timescales may be appropriate which will be confirmed once the regional and WRMP24 plans are finalised in 2023.

3.4.3 A flexible approach is therefore proposed with a 'Mid-Gate 3 Checkpoint' at the end of 2023 to confirm and adjust the progression of the STT project, as appropriate, once the WRMP24 plans are finalised.

3.4.4 A summary programme is included as Figure 7.1 in the main Gate 2 report setting out the key stages in the DCO process, with the earliest dates that could be achieved. It indicates that, were it necessary, a DCO submission for the STT interconnector could be achieved by mid 2026 with a decision by early 2028.

3.4.5 Depending upon the outcomes of the WRMP and regional planning processes, the delivery of the Vyrnwy bypass may need to progress ahead of the STT interconnector. The summary programme included as Figure 7.1 in the Gate 2 report shows at the earliest, planning and procurement activities commencing in 2023 during Gate 3, with construction commencing in the latter part of 2026 during Gate 4.

3.5 Key planning consenting issues

3.5.1 The planning strategy considers the following key issues:

- Understanding the routes to consenting available to the individual components of the STT scheme.
- Reviewing the interdependencies between the STT system SROs and individual elements and devising a coherent planning strategy for the STT scheme that delivers the elements of the STT scheme as and when they are needed.
- Developing a planning consenting strategy that is robust and sufficiently flexible to respond to the uncertainties around the phasing of the various SROs and individual scheme elements that make up the STT system and deliver development in a timely manner.
- Devising a planning consenting strategy that minimises the risks associated with delivering a scheme of this complexity and any potential refusals.
- Setting out a narrative around the planning strategy that can be understood and supported by the planning authorities, statutory consultees and the Secretary of State (SoS), as necessary.
- Understanding of the river regulatory regime and the changes that will be necessary, including how this may impact on realising the benefits of the wider STT system and planning and consenting interrelationships.

3.5.2 As part of preparing this Gate 2 Planning Report, a high-level review of the dNPSWRI has been undertaken. Enclosed at Appendix 1 is a summary of policy guidance in the dNPSWRI relevant to the STT scheme, both in terms of generic guidance for water resources infrastructure, and specific guidance relating to water transfer pipelines.

3.5.3 In addition to the above, a review of relevant LPA's (Local Planning Authority) Development Plans has been undertaken, to identify and summarise key planning designations relevant to the STT Options. Appendix 2 summarises the relevant designations and provides commentary relevant to STT scheme.

3.5.4 From our planning review of the representative STT interconnector Deerhurst pipeline option the key planning issue is that a significant proportion of the route extends through the Cotswold AONB. Further protection is afforded to the character of the area through a variety of landscape

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- protection zones and special landscape area designations. In addition to this, the pipeline also passes through sections of land safeguarded for the SESRO reservoir, highway improvements associated with land to the south of Abingdon and a proposed rural business centre near Deerhurst. A number of ecological interests and heritage assets are in close proximity to the route, which also extends through several mineral safeguarding areas. Further work will be undertaken to review, consult on, assess and refine the interconnector options and this will include conformity with planning and other policy and the application of the mitigation hierarchy and good design principles to meet the dNPSWRI (see Appendix 1).
- 3.5.5 The key planning issues for the Vyrnwy bypass options, at this stage, appear to be those that would be typical of this type of pipeline development and could arise during the construction of the scheme. The majority of both of the routes appear to extend through mineral safeguarding areas and pass in relative proximity to a number of ecological interests and heritage assets, which will need to be given due consideration during the design, construction and operational phases.
- 3.5.6 The Gate 2 Environmental Assessment Report (Gate 2 Report Annex B4.1), together with the associated Habitats Regulations Assessment Report (Gate 2 Report Annex B4.2) and Water Framework Directive Regulations Report (Gate 2 Report Annex B4.3), provide more detailed environmental assessments of the STT scheme. The Gate 2 environmental assessments cover a range of topics and build on the Gate 1 investigations. Their purpose is to improve the detail and breadth of evidence and reduce uncertainty with respect to the potential environmental effects of the STT scheme. These assessments reflect the relatively early stage of maturity of the STT scheme, and there are plans for further, more detailed technical and environmental assessments that will be undertaken ahead of non-statutory and statutory stakeholder and engagement on the proposals and the preparation of applications for consenting,
- 3.5.7 The outcomes of the environmental assessment works undertaken for Gate 2 are summarised in section 6 of the main Gate 2 report. It is concluded that based on these outcomes there are no 'showstoppers' that indicate that the STT system operation is not feasible due to environmental reasons, at this stage. Across all topics, environmental impacts have been avoided or mitigated, and opportunities for enhancements have been highlighted. Where uncertainties remain, recommendations have been made to address these in Gate 3.
- 3.5.8 Environmental assessment work undertaken to inform the Gate 2 submission has indicated that direct release from Lake Vyrnwy of 75Ml/d and a bypass transfer to the River Vyrnwy at Llanymynech (105Mld) would not be compliant under Habitats Directive Regulations or the Water Framework Directive legislation due to the likely significant adverse effect that this operation could have on a European site's qualifying features. The mitigation works identified in Gate 1, and refined in the Gate 2 options appraisal, are the Vyrnwy bypass pipeline direct release to the River Severn; and the Shrewsbury redeployment option as the alternative. The STT "system" solution for the Gate 2 assessment was therefore adjusted to a solution that avoided any significant impacts to the structure and functional habitat of species which support the migratory fish of the Severn Estuary European Marine Site, thereby avoiding undermining the conservation objectives of the site.
- 3.5.9 From a planning and consenting perspective, there is confidence at this stage that a STT scheme can be developed, assessed and promoted to successfully secure planning and other consents. From the work undertaken to date, for the purposes of the Gate 2 submission, no insurmountable planning risks to the prospect of securing planning approvals for the STT scheme have been

identified. The risks and potential mitigation are proportionate to what would be expected of a scheme of this scale and at this stage of development and iteration.

4 Potential route to planning consenting

4.1 Overview of potential planning consenting routes

4.1.1 The available planning consenting routes are:

- An application for **development consent** under the PA2008, as a Nationally Significant Infrastructure Project (NSIP);
- An application for **planning permission** under the TCPA;
- Deemed permission (**Permitted Development**) through the GPDO.

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

4.2 Development consent

4.2.1 As currently enacted, S.28 of the PA2008 (as amended by The Infrastructure Planning (Water Resources) (England) Order 2019) defines that an application for development consent is required for a water transfer development if:

(a) the development will be carried out in England by one or more water undertakers,

(b) It is expected that

(i) the deployable output of the facility to be constructed as a result of the development will exceed 80 million litres per day, or

(ii) the additional deployable output of the facility to be altered as a result of the development will exceed 80 million litres per day,

(c) the development will enable the transfer of water resources—

(i) between river basins in England,

(ii) between water undertakers' areas in England, or

(iii) between a river basin in England and a water undertaker's area in England, and

(d) the development does not relate to the transfer of drinking water.

4.2.2 Importantly, the Infrastructure Planning (Water Resources) (England) Order 2019 specifically inserted a definition to confirm that the calculation of the Deployable Output of a scheme under the PA2008 is “the annual average volume of water that can be produced per day from that facility under drought conditions” (defined as 1 in 200 year drought event).

4.2.3 This confirms that a raw water transfer development between river basins or water undertaker's areas in England will be an NSIP and will require an application for development consent, provided the scheme is above the DCO threshold of 80MI/d Dry Year Annual Average Deployable Output (DYAA DO) in a 1 in 200 year drought.

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- 4.2.4 A potable water transfer development, or a raw water transfer below 80 MI/d, will not automatically qualify as an NSIP. Instead, should a water undertaker wish to seek development consent for such a scheme, it would be necessary to apply to the SoS for a Direction under S35 of the PA2008, to direct that the scheme is a project of national significance, and thus that an application for development consent is required.
- 4.2.5 S.115 of the PA2008 provides that, in addition to the development for which development consent is required under Part 3 of the Act (“the principal development”), consent may also be granted for associated development. Associated development requires a direct relationship with the principal development and should therefore either support the construction or operation of the principal development or help address its impacts. That development cannot be within Wales.
- 4.2.6 An application for development consent involves a single application to the SoS administered by the Planning Inspectorate (PINS). Once an application is accepted an Examining Authority is appointed to examine and report and make a recommendation on the application before the SoS makes the final decision. A DCO is a powerful legal instrument which in addition to granting permission for the development can also include compulsory acquisition powers, associated consents under other legislation, and the disapplication of existing legislation, where justified.
- 4.2.7 DCOs are issued with ‘requirements’ to be met before and during the construction of the development and relating to its operation and even decommissioning. Requirements can involve further submissions for sign off or approval of details. DCOs can also include 106A development consent obligations that will need to be met. For long distance pipelines, such as the STT interconnector, it is possible to secure permission for development within ‘parameters’, which define the maximum extent of any development within limits of deviation and environmental thresholds but provide some flexibility to allow for detailed design and adaptation needs arising during construction.
- 4.2.8 Applications for development consent are ‘front-loaded’ with significant information gathering, consultation and engagement requirements to be met before applications can be submitted, known as the pre-application stage. There is a binding timetable for the examination, recommendation and determination of applications (currently with a maximum period of 12 months from start of examination to decision), although the SoS can extend the period for examination, reporting and their decision, but this should be considered exceptional and is very rarely applied to examination and recommendation stages.
- 4.3 Planning permission**
- 4.3.1 For development below the NSIP thresholds (and for which no direction is sought and obtained from the SoS), planning permission under the TCPA is the route to consenting, unless where the development is considered permitted development.
- 4.3.2 For TCPA consenting, a planning application must be submitted to each LPA in whose area the proposed development is located. Each individual LPA has to reach its own decision on the application before it, and each would have to give their approval. If one or more LPAs were to refuse permission then an appeal can be submitted to the SoS, and an Inquiry would be held before an independent Inspector before a decision is issued.
- 4.3.3 Applications for planning permission are similarly ‘front loaded’, although the engagement requirements before applications are submitted to the LPAs are significantly less prescribed than for applications for development consent under PA2008. There are statutory timescales for the

determination of planning applications, although applications involving more than one LPA and for complex schemes invariably may be the subject of agreed extensions and take longer to determine.

- 4.3.4 There are different types of planning permission that can be applied for and granted, depending on the nature of the development proposed and the level of details to be fixed at that time, or to be left for subsequent approval. Outline planning permissions establish the 'parameters' for a proposed development, leaving details to be submitted as reserved matters at a later stage (but are only available in relation to certain types of development), whereas full planning permissions agree all details at once. There is also the ability to submit a 'hybrid' application, with some of the development in outline, and some in full, with the agreement of the relevant LPA. Planning conditions are normally applied to planning permissions, to be met before and during the construction of the development and relating to its operation and even decommissioning.
- 4.3.5 Planning permission solely grants planning permission for the development. Unlike a DCO, planning permission does not grant any other consents and these will need to be the subject of separate applications and powers alongside a TCPA planning application. Furthermore, a planning permission does not secure powers for the compulsory acquisition of rights over land. This similarly applies to development undertaken as permitted development (see below).
- 4.3.6 A planning permission will usually be conditionally granted and can also be subject to S.106 obligations that need to be met.

4.4 Permitted development

- 4.4.1 For certain classes of development, the GPDO grants planning permission without the need to obtain permission from the LPA. This is known as permitted development.
- 4.4.2 There are specific permitted development rights that apply for statutory water undertakers set out in Part 13 (water and sewerage) Class A (water or hydraulic power undertakings):

A. Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of—

(a) development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge;

(b) development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse;

(c) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;

(d) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;

(e) the installation in a water distribution system of a booster station, valve house, meter or switch-gear house;

(f) any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)(1);

(g) any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.

4.4.3 It should be noted that within the above class, certain development can take place outside of the land owned by statutory undertakers. For example, part (a) allows for below ground development in connection with the supply of water and would permit a new below ground water main without the need for planning permission.

4.4.4 The GPDO does, however, include a number of limitations and conditions on permitted development. This includes where development is considered EIA development or where the development is likely to have a significant effect on a European Designated site under the Habitat Regulations. This is set out further below.

4.4.5 If there is any doubt as to the availability of permitted development rights in any particular case, it is possible to apply to the LPA for their opinion on the matter given by way of a certificate of lawful development and screening opinion in relation to EIA.

4.5 Selecting the consenting route

4.5.1 There is only a limited choice available to a water undertaker or scheme promoter as to the consenting regime it wishes to follow.

4.5.2 Development of a type and scale meeting the thresholds as an NSIP must be the subject of an application for development consent. They cannot be consented any other way, as S160 of the PA2008 makes it an offence to carry out such development without first securing development consent.

4.5.3 For potable transfers and raw water transfers below the NSIP threshold there is an element of choice, as the water undertaker can decide to ask the SoS to make a direction under S35 of the PA2008, that the scheme is a project of national significance (even though below the thresholds), or it can seek planning permission for the scheme from the relevant local planning authorities or if available use permitted development rights.

4.5.4 Seeking a direction under S35 of the PA2008 does not automatically equate to securing the direction and the final outcome may be that the SoS rejects that request leaving only the TCPA route to consenting. A further critical factor is that sufficient time is required to submit a request under S35 and to allow for it to be considered and concluded, which would need to be built into any project programme.

4.5.5 The choice of consenting route, to the extent it exists as set out above, will be influenced by factors including:

- the case for national significance;
- the need for temporary and permanent acquisition of rights over land;
- the number or type of other consents required to be secured;

- the scale and complexity of the project including geographic extent across different local authority areas;
- risks to programme delivery associated with any specific consenting route; and
- the degree of consistency of the proposals with national and local planning policy and guidance.

4.6 Relationship to EIA, HRA and WFD considerations

- 4.6.1 Whether a water transfer development is promoted through an application for development consent or planning permission, the need to ensure that the proposed development accords with the requirements of the EIA, Habitats and Water Framework Directive (WFD) Regulations will still apply. The detailed requirements for document preparation and publicity differ between the development consent and planning permission regimes, but the fundamental legal requirements and scope for detailed and robust EIA, Habitat Regulations and WFD Regulations assessments remain the same.
- 4.6.2 In respect of EIA, the applicable regulations are the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended (referred to as the TCP EIA Regulations) and for DCO projects the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 as amended (referred to as the Infrastructure EIA Regulations). In respect of the TCP and Infrastructure EIA Regulations, a development is EIA development where it meets the project description and criteria listed in Schedule 1 of the EIA Regulations or it meets the project description and criteria listed in Schedule 2 of the EIA Regulations and it is determined through EIA Screening or voluntary submission that it is likely to give rise to significant environmental effects. For EIA development, any permitted development rights are automatically removed and permission either through a DCO or TCPA application would need to be obtained.
- 4.6.3 The Conservation of Habitats and Species Regulations 2017 impose a condition on planning permission granted through the permitted development regime, that permitted development is not to begin in respect of development that is likely to have a significant effect on a European site, unless the developer has first received written notification of the approval of the local planning authority.

4.7 Inter-relationships with other SROs and projects.

- 4.7.1 There are a number of individual SROs currently being investigated and assessed, and for which applications for development consent (through a DCO) or planning permission (through a TCPA planning application) will be necessary. The recommended approach to SRO consenting is that companies and promoters should secure individual consents for each SRO or individual scheme component within a SRO, unless there are SRO specific or other good reasons for doing otherwise.
- 4.7.2 The potential for combining SROs into joint or a single application for development consent has been considered, however this approach is not considered to represent the most appropriate consenting strategy for most SROs. Preparing and submitting a joint development consent application for more than one SRO may not meet the requirements in the PA2008 that govern the scope of projects that can be brought forward for development consent and also has the potential to increase programme and consenting risk, and consequently could risk delaying SRO

consenting and implementation. It is recognised however that a company may choose to submit a single consent application for more than one SRO, where this represents the most appropriate consenting solution and it would be in accordance with the PA2008.

4.7.3 The nature of the water supply networks is that there are invariably inter-dependencies between sources and companies’ infrastructure and, as a consequence, SROs. These inter-dependencies do not mean that SROs need to be jointly consented, but they do need to be considered. Where there are inter-dependencies between SROs, either in relation to the ‘need case’ or in terms of water availability or infrastructure provision, these should be clearly articulated in each individual application for consent, with necessary cumulative environmental impact and other assessments completed.

4.7.4 Inter-dependencies relevant to the STT scheme are considered in Section 5.

4.8 Comparison of consenting routes

4.8.1 As summarised above, the principal differences between the development consent and planning permission routes are that a DCO enables a number of separate consents and powers to be secured in a single application, including compulsory acquisition, temporary possession and street works, whereas planning permission has a more limited focus, leaving a number of separate consents to be required including any separate land powers through a compulsory purchase order (CPO).

4.8.2 A summary comparison of the two consenting routes is provided in Table 4.1 below.

Table 4.1: Comparison of Consenting Routes

Topic	Development Consent	Planning Permission
Application Process		
Determining Authority	SoS for Environment, Food and Rural Affairs (Defra)	Individual LPAs - decisions on major applications tend to be made by elected councillors in committee. Note that the SoS can “call-in” an application and make the decision themselves, using powers in S77 of the T&CPA 1990. Any appeal for non-determination or refusal would be by Planning Inspector or the SoS for Levelling Up, Housing and Communities (DLUHC)
Application Timetable	Approximately 28-40 months, depending how long pre-application stage lasts), comprising: Pre-application stage (12-24 months) Acceptance of submitted application (28 days) Pre-examination (approx. 3 months) Examination (max 6 months) Examining Authority report (max 3 months)	For major, complex planning applications approximately 21-36 months if no appeal or inquiry, but up to 48 months if an appeal/inquiry or call-in is necessary (and depending how long pre-application stage lasts), comprising: Pre-application stage (12-24 months) Determination of application (16 weeks for EIA development – but can be extended by months by agreement to extend and by request for further environmental information. For a major scheme involving more than one LPA it would be

	SoS decision (max 3 months)	<p>reasonable to assume at least 9-12 months).</p> <p>If permission refused, or appealed for non-determination, applicant could appeal to SoS within 6 months of decision (approx. 12 month appeal process, once appeal registered, for complex schemes).</p> <p>The SoS can 'call in' an application being considered by an LPA and make the decision themselves, including holding a Public Inquiry first. This would extend programme by approx. 12 months.</p> <p>For less complex schemes progressed through the TCPA, timescales could be considerably shorter than those set out above. There is also potential for some development to be delivered as permitted development, in which case, timescales would be further reduced. For small applications the determination period is 8 weeks, for major applications it is 13 weeks and as set out above EIA development 16 weeks from validation or the supply of additional or further environmental information if EIA development</p>
Pre-application engagement	Legal requirements to be met at pre-application stage, including specific lists of organisations and people who must be consulted, including landowners and consultees. Minimum prescribed period of statutory consultation 28 days but in practice normally delivered in at least two stages first non-statutory consultation and then statutory consultation normally at least 6 weeks	Requirement for pre-application engagement on major applications, detailed requirements may be set by individual LPAs, but requirements are non-statutory and less prescribed than for NSIPs, however best practice would be similar.
Engagement in determination of application	Anyone can submit a request to become an Interested Party in the Examination and to submit written and make oral representations at any hearing held.	LPA will consult with residents and consultees and take their representations into account in making an officer recommendation. For major projects, decision is likely to be made by Members with many LPAs allowing public participation at Planning Committee.
Ability to challenge decision	No third party right of appeal. Application for Judicial Review to High Court (within 6 weeks of decision)	If an application is refused or the Council fails to determine a planning application by the target determination date, that applicant has 6 months from the decision date or date by which a decision was due to appeal. No third party right to appeal approval. Application for Judicial Review to High Court (within 6 weeks of decision)
Discharging details	Requirements set in DCO, which can require submissions for subsequent approvals within prescribed timescales for approval by the determining authority (normally LPAs). In some cases, the DCO may set out the criteria where deemed approval may be permitted. May also	Applications to discharge planning conditions (8 weeks). Decision by each individual LPA. May also be the requirement to discharge planning obligations within a S.106 Agreement.

	be the requirement to discharge planning obligations within a S.106 Agreement.	
Subsequent changes	<p>Flexibility within 'parameters', limits of deviation and order limits set by DCO, normally provided environmental effects not new or materially different from those assessed.</p> <p>More significant changes may require non material or material change to DCO, which are the subject of statutory process.</p>	<p>Flexibility within any parameters established by planning permission and EIA.</p> <p>Applications for non-material, minor material or more significant changes, that may require a new planning application, determined by relevant LPA.</p>
Scope of consents and powers secured		
Compulsory Acquisition/CPO	Can secure compulsory acquisition powers for permanent rights over land and new rights. Can also create powers of temporary possession. NB special provisions exist to protect Crown Land. There are different tests that apply to special category land.	<p>Planning permission does not confer any compulsory acquisition powers.</p> <p>Separate applications for CPO powers would need to be made under Water Industry Act powers, with additional programme time required to secure them. There are no powers available for temporary possession through this route.</p>
Other consents	A wide range of other consents can be secured through a DCO, including authorising works otherwise requiring a separate application, and/or establishing scheme specific consenting processes.	Only limited other consents are authorised through planning permission and aligned consents, e.g., works to protected trees and hedgerows, listed buildings, within conservation areas, and affecting public rights of way. Many of these can be run alongside a planning application process e.g., listed building consent and consulted on, reported and determined at the same time. Some such as footpath diversion may follow on from planning but be required to be sought and secured prior to commencement of development under the planning permission.
Certainty and flexibility		
Certainty	<p>To date, well over 90% of development consent applications accepted for Examination have been approved by the relevant SoS.</p> <p>No Water Resources Infrastructure NSIPs or projects of national significance (the subject of a s35 direction) have yet been the subject of an application (predominantly due to this being the last field of infrastructure to be brought into commencement under the PA2008), although a waste water project known as Thames Tideway Tunnel DCO has and was examined, recommended and determined within the statutory timescales without extension in accordance with the Waste Water National Policy Statement.</p>	<p>The approval rate for planning applications varies by LPA, and by type of application, and major complex EIA applications typically take longer than the statutory timescales to secure a recommendation, determination and permission.</p> <p>Generally speaking, applications not allocated or in conformity with the development plan and locally controversial applications tend to have a lower rate of approval and may require an appeal to the SoS (and potential public inquiry) to secure permission. At Inquiry, approval is not guaranteed and approximately 50% of inquiries currently lead to an approval of planning permission.</p>
Basis for decision	<p>In deciding an application, the SoS must have regard to:</p> <ul style="list-style-type: none"> any relevant NPS in effect, 	The determination must be made in accordance with the Development Plan in force for the area unless material considerations indicate otherwise. Whilst

	<ul style="list-style-type: none"> • any appropriate marine policy document, • any local impact report, • any matters prescribed in relation to development of the description to which the application relates, and • any other matters which the SoS thinks are both important and relevant to the decision <p>unless this would breach international obligations, legal duties, be unlawful, or, if the adverse impact of the proposed development would outweigh its benefit (s104 PA2008). Where there is no relevant NPS that has effect then the application will be considered and determined under s105 PA2008, regard to any submitted Local Impact Report, prescribed matters and important and relevant matters.</p> <p>In reaching the decision, the SoS must have regard to relevant local authority Local Impact Reports, relevant marine plan, any matters prescribed, and any other matters thought to be both important and relevant to the decision.</p>	<p>the National Planning Policy Framework (NPPF) is a material consideration, the courts have held that the NPPF does not displace the primacy of the Development Plan. Other material planning considerations will also be taken into account including any relevant NPS.</p> <p>For applications covering more than one LPA, each LPA's decision should be made in accordance with the Development Plan for its area, unless material considerations indicate otherwise.</p>
<p>Need for the Scheme</p>	<p>On the basis of the current dNPSWRI wording, if the NSIP or project of national significance is identified in an approved WRMP then the "need" for the scheme does not need to be revisited during the DCO examination.</p> <p>Having said that, some policy constraints (e.g., AONB, Site of Special Scientific Interest (SSSI) etc) do still require "need" to be assessed in order to determine whether the need for the scheme, and lack of alternatives, outweighs any impact.</p>	<p>The need for the scheme forms a central part of the assessment of the application, with the decision maker having to satisfy itself that the need for the scheme (and benefits arising from it) outweigh any impacts. Whilst the WRMP and regional plans will provide the basis for any need case for a scheme, as it is not an NSIP the presumptions in the draft Water NPS that 'need; for a scheme does not need to be revisited would not apply but could be a material consideration.</p> <p>Some policy constraints (e.g., AONB, SSSI etc) would require "need" to be assessed in order to determine whether the need for the scheme, and lack of alternatives, outweighs any impact.</p>
<p>Flexibility</p>	<p>Able to apply for development consent based on parameters, e.g., the lateral and horizontal limits of deviation within which a pipeline must be installed, or the maximum heights or depths of a proposed pumping station. Subsequent discharge of Requirements can then be used to secure discharge for detailed designs and finishes, within the limits of deviation and terms of what has been assessed in the EIA, HRA and WFD Regulations Assessment.</p>	<p>Planning permission can be secured for full details of a scheme, for an outline (if within the terms of outline planning permission), or for a hybrid application. Details can be reserved, to be determined by reserved matters approval and subsequent submissions to discharge conditions.</p> <p>Should changes to the planning permission be required, applications for non-material, minor material or more significant changes can be made, requiring a new planning application, to the individual LPA concerned.</p>

	<p>Scheme design iterations within the parameters of the DCO will not require subsequent change applications to be made, however changes beyond the limits of the DCO approval require separate non material or material change process to be followed and made to the SoS. Anything that is associated development is also capable of delivery by new planning application. This is not available for consenting of an NSIP or part of an NSIP itself which must be consented by DCO.</p>	
Key Planning and Consenting Stakeholders		
Determining Authority	SoS (Defra)	<p>Individual LPAs - decisions on major applications tend to be made by elected Councillors in Committee.</p> <p>Note that the SoS (DLUHC) can “call-in” applications (with the possibility of conjoining applications on call-in) and make the decision themselves, using powers in S77 of the T&CPA 1990.</p>
Local Authorities	<p>Specific requirements and roles for ‘host authorities’ – those within whose authority the scheme is located and neighbouring local authorities – those who share a boundary with the host authorities, including in relation to pre-application engagement with them, their consideration of the adequacy of consultation on PINS receipt of the application, and preparation of the Local Impact Report. Statements of common ground prepared between applicant and authorities. Host local authorities are automatically an Interested Party where as neighbouring local authorities are an Interested Party if they have made a relevant representation or have requested to be so.</p>	<p>The individual planning authorities determining the application may consult with adjoining planning authorities where the proposals are significant or involve cross boundary issues.</p> <p>In respect of a SoS call-in or planning appeal, neighbouring planning authorities have the opportunity to participate as ‘interested parties.</p>
Statutory Consultees	<p>Defined list of consultees who must be consulted and engaged with on the application before submission and then notified of acceptance before examination. Statements of Common Ground prepared between applicant and statutory consultees.</p>	<p>Defined list of consultees that each individual planning authority would consult on any application submitted to it for approval. The planning authority should take their comments into account in determining the application.</p>
Landowners	<p>Specific requirements to formally notify and engage with landowners’ pre-submission and then notified of acceptance before examination. Landowners and those with an interest in land are given additional rights, including written representations and any oral submissions at any hearing into any temporary or permanent acquisition of rights over land.</p>	<p>Requirement for the landowner to be notified prior to the submission of the planning application. No further rights afforded to landowners during determination of the application.</p> <p>TCPA does not afford any rights to access or acquire land, except for access for survey, unlike DCO, so it can cause complications when a landowner objects.</p>

<p>Affected communities and individuals</p>	<p>Requirement to consult and engage prior to the submission of the application and on submission. Individuals are able to request to be Interested Parties with right to make written submissions to the Examination and oral submissions at any Hearings.</p>	<p>Requirement to consult and engage prior to the submission of the application and on submission. Individual can submit representations on a planning application and most authorities allow public speaking at planning committee determining applications.</p> <p>There is an opportunity to make representations and be involved in planning appeals and call-ins by the SoS. For appeals heard by written representations, third parties can make comments in writing to the Inspector. For an appeal heard at a Hearing, third parties can make written representations and if they wish, appear at the Hearing. For an appeal or call-in inquiry, written representations can be made by third parties and third parties can appear at an Inquiry. There is also an opportunity for third parties to request 'Rule 6 Status'. This means they are considered main parties, are sent copies of all documents sent to the Inspector by other main parties (applicant/appellant, the LPA and other Rule 6 parties) and entitled to appear at the Inquiry and cross-examine other parties.</p>
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5 Recommended STT scheme planning consenting route

5.1 Overarching principles for considering the relationship with consenting for other SROs and projects

- 5.1.1 There are inter-relationships between a number of the individual SROs currently being investigated and assessed, and further linkages or relationships with other non-SRO infrastructure schemes. Each SRO or non-SRO project will need to carefully assess these inter-relationships and transparently explain, assess and justify them within their applications for development consent or planning permission (through PA2008 or TCPA).
- 5.1.2 The recommended approach to SRO consenting is that companies and promoters should ensure that applications are clear on the physical extent of the infrastructure for which consent is sought, and where physical linkages to other yet unconsented infrastructure exist, clearly describe what those linkages are and how (and when) any separate consents or permissions will be secured and facilitated (whether in a separate DCO or planning permission). They must also ensure that EIA and other assessments assess not only the infrastructure for which consent or permission is to be applied for now, but also potential cumulative effects with the infrastructure to be consented in the future, ensuring that there is no ‘salami-slicing’ of a project to avoid assessing its full impacts.
- 5.1.3 Where there is a requirement for ‘interface infrastructure’ between SROs (or an SRO and non-SRO project) one or other of the applications must secure consent or permission for this ‘interface infrastructure’, ensuring that the environmental impacts associated with it are fully assessed. In this way, the ability for a separate future SRO or non-SRO project to connect to the SRO being consented or permitted can be safeguarded or enabled and made ready, without prejudging or prejudicing the separate later applications for consent or permission for the other SRO. This will, however, require careful review to ensure no overlapping permissions or consents that would result in conflict of implementation, enforcement or use.
- 5.1.4 Separate from the physical infrastructure, each individual application must set out its own need case, describing the individual elements of the need for the scheme and building upon the dNPSWRI, WRMP19, the WRSE Regional Plan, WRMP24s and other factors as appropriate. Where there is an inter-relationship in the need case between more than one SRO, or an SRO and non-SRO infrastructure, this must be clearly explained. A robust justification should be given for any ‘need’ which is reliant upon other SRO or non-SRO schemes, particularly if these are not yet identified in final WRMPs.

5.2 Consenting strategy for the STT interconnector

- 5.2.1 The STT interconnector has been examined against the NSIP qualifying criteria in s.28 of the PA2008.
- 5.2.2 In respect of s.28(a), the STT interconnector would be development carried out in England by one or more water undertaker.
- 5.2.3 Work undertaken in Gate 2, as set out in Section 4 of the main Gate 2 report, has confirmed the likely deployable output for the interconnector based on the Infrastructure Planning (Water Resources) (England) Order 2019 defined calculation which is “the annual average volume of water that can be produced per day from that facility under drought conditions” (defined as 1 in

200 year drought event).

5.2.4 All the interconnector options with capacities ranging from 300MI/d to 500MI/d would exceed the 80MI/d deployable output (DO) figure (on the defined basis) and therefore would meet the s.28(b) threshold. The interconnector would enable both the transfer of water resources between river basins in England and between water undertakers' areas in England, satisfying s.28(c). Whilst there would be some treatment of the water prior to its transfer through the interconnector, this would not be to drinking water (potable) standards, and therefore 28(d) is met.

5.2.5 The STT interconnector would therefore be a NSIP and should be consented through the PA2008 DCO process.

5.2.6 In taking forward the STT interconnector through the DCO process the following will need to be carefully considered and addressed.

a. Defining the proposed development

5.2.7 The DCO would consent the initial 'unsupported' phase of the STT scheme, allowing the interconnector to be brought into use and operate. As set out earlier in Section 3, based on the various options currently under consideration, this would involve a range of above and below ground infrastructure and associated development.

5.2.8 For the interconnector pipeline option, as noted in Section 3, without a guaranteed source of sweetening flows, the interconnector and therefore the STT would be unable to operate due to seasonal flows or climatic conditions. It is therefore necessary in delivering the initial phase of the interconnector development, to augment flows in the River Severn and secure that sweetening flow. Through Gate 2, it has been determined that the Netheridge WwTW scheme (part of the ST Sources SRO) could provide the discharge to the River Severn to facilitate that sweetening flow. If this continues to be the case and other, more preferable, options do not come forward then it is necessary to consider how the delivery of the Netheridge WwTW Scheme could be secured so that it can be demonstrated that the interconnector would be capable of operation when there is not the available water in the River Severn.

5.2.9 It is considered that including the Netheridge WwTW Scheme as 'associated development' to the STT interconnector could represent the least risk option for the STT scheme. Based on the criteria for associated development set out in the DCLG Guidance published in April 2013, the Netheridge WwTW scheme would:

- support the operation of the principal development;
- be subordinate to the principal development;
- is proportionate to the nature and scale of the principal development;
- be a kind of development that is usually necessary to support a water supply project.

5.2.10 Being associated development, the Netheridge WwTW scheme would form part of the STT interconnector EIA and be considered 'EIA development'.

5.2.11 Based on the Gate 1 ST Sources SRO output, it is understood that the Netheridge WwTW scheme would comprise two key components. The first is the provision of tertiary treatment at the WwTW to maintain the current WFD status of each receiving waterbody. The second is a

transfer pipeline with various options to link directly into the interconnector system or into the River Severn. It is noted that additional treatment may not be necessary if it is feasible to directly discharge into the proposed STT Water Treatment Works.

5.2.12 At the current stage, for the purposes of this Gate 2 report, if both the tertiary treatment and transfer pipeline are necessary to provide the sweetening flows for the STT interconnector, then it is recommended that both could appropriately form part of DCO application to enable a single integrated consenting and assessment process. However, it could be possible for the Netheridge WwTW scheme to be consented separately outside of the DCO process and as the project develops, more optimal consenting and delivery strategies for the Netheridge WwTW scheme under the TCPA might come forward. It may, subject to EIA considerations, be preferable for the Netheridge WwTW scheme to be consented ahead of the DCO submission, securing its delivery outside of the DCO process. This will be further explored during Gate 3. During Gate 3, it will also be necessary to explore how the DCO might be drafted and applied for to ensure that both TWUL and STW responsibilities are defined and secured through the process.

b. What would be consented through the DCO?

5.2.13 The DCO will consent the physical development needed for the STT interconnector, but a range of other consents will be required in order for it to operate. For a number of these consents, it will be possible to 'wrap' these up into the DCO. For others, that are outside the scope of the DCO process, it will be necessary to obtain consent for these separately. This is set out further in Section 6 of this report.

5.2.14 It is understood that in order for the STT interconnector to operate even at an 'unsupported' level it will be necessary for a number of abstraction and discharge consents under the Water Resources Act 1991 to be obtained. This includes a new abstraction licence for Deerhurst, to cover transfer of unsupported flow above the River Severn Hands HoF and all future supported flows, a discharge consent for Culham into the River Thames to be dealt with as part of the Thames Licensing Strategy and a new River Severn Section 20 Agreement. Further consents and variations would be required as various 'supported' sources come online.

5.2.15 As set out in Section 6, a number of these consents will be required within Wales and the DCO powers cannot be extended to cover these. Therefore, whilst some of these consents may be able to be wrapped up into the DCO consent with the EA's agreement, others will not. Subject to further discussions with the EA and Natural Resources Wales, the intention would be to run this consenting process in parallel with the DCO.

5.2.16 Each new licence or variation will be the subject of its own scrutiny process and will need to be supported by appropriate environmental, WFD Regulations and HRA assessments.

c. Approach to unsupported and supported flows through the interconnector through the DCO

5.2.17 As noted above, other consents outside of the DCO process are needed in order for the STT interconnector to operate. As set out in Section 3, there are two stages to the operation of the STT interconnector. The first is unsupported flows, based on abstraction from the River Severn and the release of water from Lake Vyrnwy via the River Vyrnwy. The second is supported flows where the release of water exceeds 25 Ml/d from Lake Vyrnwy and other sources of water are needed to augment increased flows through the interconnector. These sources are the subject of other components of the STT Scheme SRO and STT System SROs. These other components

may not be required for some time, depending upon what the regional modelling and WRMP process determines, and may change in scope.

- 5.2.18 The WRSE draft regional plan and draft TWUL WRMP24 have considered pipeline and supporting infrastructure capacities up to 500 MI/d. The initial unsupported scheme would be able to deliver the infrastructure to meet a 500 MI/d capacity and bring the interconnector into operation when flows into the River Severn allow, independent of any other schemes (other than the provision of a sweetening flow as previously discussed). However as set out in section 3.2.1, other separate schemes to provide future supported flows may come forward to provide greater resilience and to allow the scheme to transfer its 500 MI/d capacity more consistently. Through the DCO and associated EIA, HRA and WFD processes the impact of constructing, operating and decommissioning (as far as this can be assumed or known) a pipeline at its maximum capacity will need to be assessed.
- 5.2.19 For construction, this is relatively straight forward as it will be possible to assess the impacts based on the size of the structures needed to deliver a pipeline capacity of 500 MI/d.
- 5.2.20 For operation of the interconnector, the assessment needs to consider the impact of operation initially for unsupported flows, in particular the changes to the waterbodies where water will be released and abstracted for use by the interconnector and then transmission of flows into the River Thames. For future supported flows, the DCO and assessment process will need to map out the operating regime for the interconnector and the mechanisms through which additional supported flows transmitted by the interconnector will be assessed and consented. This will include both the need for further planning consents or permissions and other consents and licences (e.g., abstractions and discharges), as necessary.
- 5.2.21 The project partners, in order to safeguard and secure the future operation of the interconnector at supported levels, would wish to ensure that there are no impediments to future applications for abstractions and discharges, subject to the appropriate environmental scrutiny of individual applications at the time they are submitted. Discussions with the consenting authorities, such as the EA and Natural Resources Wales, will be progressed into Gate 3 to explore how the availability of both current and future flows for use by the interconnector might be secured. This could include the provision of protective measures through the DCO, having regard to best information at the time and allowing necessary flexibility, safeguards and protections to enable connections and interface between infrastructure projects. It is also understood that the EA has indicated that they have initiated a review of policy to examine how water might be reserved for future need.

d. Interface with SESRO

- 5.2.22 It is understood that there may be an opportunity for the STT interconnector to utilise or combine with the discharge infrastructure at Culham that would be developed in connection with SESRO, allowing the schemes to be delivered in the most cost efficient and the least environmentally and socially disruptive way.
- 5.2.23 The route of a STT interconnector pipeline would pass close to the SESRO site. The two schemes could be joined via a connecting valve chamber west of the A34 crossing, linking the STT pipeline and the SESRO intake pumping station. This means that either scheme could be delivered first, depending on the outcome of the WRMP process. The lower section of the STT pipeline follows the approximate route of the SESRO Auxiliary Drawdown Channel (ADC) and discharges to the River Thames at the same location as SESRO. The SESRO concept design

currently allows for the lower sections of the STT pipeline to be constructed at the same time as the ADC, located in the towpath of the canal. This would minimise construction disruption, avoid the need for multiple road crossings and reduce the land area required for the two schemes. A single outfall structure could accommodate the discharge from both schemes. If STT precedes SESRO, then this configuration will need to be revised, but the current approach reflects the timing of the schemes within the draft TWUL WRMP24.

5.2.24 Depending upon the delivery timescales and DCO programmes of the options it could be that any overlapping discharge infrastructure for the STT interconnector could be included as part of the SESRO DCO as either part of the principal development or associated development. This would require funding and other issues to be resolved, and early consents for any STT related infrastructure would need to be secured on the basis that they do not prejudice any decisions that would need to be taken on subsequent applications for the interconnector at a later date. This is capable of being satisfactorily accommodated through DCO applications.

5.3 Consenting strategy for the Vyrnwy bypass

5.3.1 The Vyrnwy bypass scheme would provide mitigation once a continuous flow from Lake Vyrnwy into the River Vyrnwy exceeded 25Ml/d. The Vyrnwy bypass relates to the provision of future supported flows for transfer by the interconnector and is not needed for the preliminary interconnector scheme to become operational. Furthermore, it is physically separate from the interconnector. On this basis, there is no requirement at this stage for this to be included as part of the interconnector DCO.

5.3.2 The Vyrnwy bypass would however require delivery of the North West Transfer SRO prior to its operation. This is considered to be a sequencing issue and not one that requires the Vyrnwy bypass and the North West Transfer SRO to be linked in planning terms as they are physically separate and distinct schemes.

5.3.3 The Vyrnwy bypass scheme itself comprises a pipeline which depending upon the discharge option could be around 10.3km or 16.5km long. Based on the s.28 PA2008 criteria for water transfer NSIPs set out in the Infrastructure Planning (Water Resources) (England) Order 2019, the Vyrnwy bypass scheme would meet the criteria in that it would be development carried out in England, would have a deployable output that exceeds 80 Ml/d and would not relate to the transfer of drinking water. However, the development would not enable the transfer of water between river basins in England, nor would it involve transfer between water undertakers' areas such that it would not automatically meet the criteria for a NSIP. Whilst there would be the opportunity to argue that the scheme be considered a project of national significance through a S35 Direction, at this stage it is not considered that the scheme is of a sufficient scale or complexity to warrant this on a standalone basis.

5.3.4 Being a Schedule 2 water pipeline development, the scheme would need to be voluntarily confirmed as EIA or first screened to determine if it is likely to give rise to significant environmental effects and therefore be considered EIA development under the TCP EIA Regulations. If it is voluntarily confirmed or determined by the LPA that the proposals could give rise to significant environmental effects, then any permitted development rights would not be available and the scheme would require planning permission under the TCPA. The Conservation of Habitats and Species Regulations 2017 could also restrict permitted development where the development is likely to have a significant effect on a European site.

5.3.5 If the scheme is determined to be neither EIA development nor would have a significant effect on

a European site, then the below ground pipeline could be considered permitted development. Any above ground development, not on operational land, and certain development on operational land (e.g., buildings above 29m³ and plant above 15m high) however would require planning permission being outside the parameters of permitted development available.

5.4 Consenting strategy for Shrewsbury redeployment

5.4.1 The purpose of the Shrewsbury redeployment scheme would be to increase the overall flow for abstraction by the interconnector from a total of 180MI/d to 205MI/d. The Shrewsbury redeployment comprises UU supplying STW with 25MI/d potable water during the times that the interconnector operates. The Shrewsbury redeployment scheme relates to the provision of future supported flows for transfer by the interconnector and is not needed for the preliminary interconnector scheme to become operational. Furthermore, it is physically separate from the interconnector. On this basis, there is no requirement for this to be included as part of the interconnector DCO.

5.4.2 The Shrewsbury redeployment scheme requires a series of network and treatment upgrades as set out in section 3.1.10. As currently configured, the scheme does not meet any of the descriptions of water related NSIP development in the PA2008.

5.4.3 On the basis that the scheme remains a standalone project, from a planning perspective, it is relatively minor in nature. No new long-distance pipelines are required, only short cross-connections and bypass pipes, meaning that the scheme is unlikely to require screening under the TCP EIA Regulations. Not being considered EIA development means that any below ground mains and structures would likely fall within water statutory undertaker permitted development rights. From the Gate 2 project scope, most above ground structures would be on operational land or would otherwise be permitted within the scope of Part 13 of the GPDO. The exception to this would be the new booster station at Knockin Heath Pumping Station which would be in excess of 29 cubic metres and would therefore require planning permission. Such a planning application would be considered minor and subject to an eight-week target determination period by the LPA, in this case Shropshire Council.

5.5 Interrelationship with the STT system SROs

5.5.1 As noted above, it is important to carefully assess the inter-relationships and reliance between SROs and transparently explain and justify them within applications for planning permission or development consent (through a DCO or planning application process).

5.5.2 In Section 4.7, it is explained that combining SROs into a single consent is not considered to represent the most appropriate consenting strategy for most SROs and indeed, may not meet the requirements in the PA2008 that govern the scope of projects that can be brought forward for development consent. Preparing and submitting a joint consent application for more than one SRO has the potential to increase programme and consenting risk, and consequently could risk delaying SRO consenting and implementation.

5.5.3 The recommended approach to SRO consenting is that companies and promoters should secure individual consents for each SRO. Where there are inter-dependencies between SROs, either in relation to the 'need case' or in terms of water availability or infrastructure provision, these should be clearly articulated in each individual application for consent, with necessary cumulative environmental impact and other assessments completed.

- 5.5.4 As noted in Section 3, the risk of concurrent droughts in both the River Severn and River Thames's catchments, means that additional sources of water in addition to those naturally occurring in the River Severn have been identified to augment natural flows. Forming part of the STT system, these multiple diverse sources of water provide resilience to the system in the provision of raw water flows to the Thames.
- 5.5.5 Other than the Netheridge WwTW scheme, which may be needed in order for the STT pipeline interconnector to operate (for the sweetening flow), the STT interconnector and its initial phase of operation can be considered a separate stand-alone project. It is not considered that, based on the current proposals, there would be either requirement for or any benefit in consenting terms for the other SROs that combine to form the STT system to be included as part of the interconnector DCO. Whilst these SROs have the potential to increase flows transferred through the interconnector, these are physically distinct and separate schemes from the STT interconnector. Even with an accelerated delivery programme, where some SROs could come forward concurrently, pursuing the interconnector DCO separately would present the least risk approach and would allow decisions to be made separately on the best and most appropriate schemes to provide supported flows for the STT, whilst ensuring adequate environmental and other assessment are undertaken having regard to any relevant likely significant cumulative effects.
- 5.5.6 Through the STT interconnector DCO there will be an opportunity to set out the operational rationale for the STT system both in relation to the 'need case' and in terms of water availability and infrastructure provision. For the schemes that follow providing further support and resilience to the STT interconnector, it will be necessary for them to reflect on their role within the overarching operational rationale and assess any cumulative environmental impacts that may arise.

5.6 STT planning consenting programme

STT interconnector

- 5.6.1 As explained in Section 3.4.2 the premise of Gate 2 is based on ensuring the STT interconnector would be "construction ready" in AMP8 if required. However, other later delivery timescales may be appropriate. A flexible approach is therefore proposed with a mid-Gate 3 "checkpoint" to confirm and adjust the direction of the project, as appropriate, once the WRMP24 plans are finalised.
- 5.6.2 As set out in the scheme delivery plan (Gate 2 Report Annex F), the overall programme for the STT interconnector envisages that the earliest an application for development consent would be submitted would be after the approval of the WRMPs and Regional Plan, enabling sufficient time for necessary technical and environmental assessments to be undertaken and pre-application engagement and prescribed consultation also undertaken and had regard to in the development and design of the scheme. The scheme delivery plan incorporates the planning programme for securing a DCO.
- 5.6.3 The high-level planning programme is incorporated within the scheme delivery plan (Gate 2 Report Annex F). Based on this programme, key activities relating to the DCO application could include:
- Gate 3 up to mid- Gate 3 checkpoint - [Nov 2022 – Jan 2024] – see also Section 7 of this report.

- Review need and timing of scheme in light of WRSE regional plan and WRMP24 progression, and resulting delivery programme
- Initiate DCO pre-application stage with PINS
- Preparation of draft statement of community consultation (SoCC) to inform engagement and consultation up to submission of DCO for discussion and agreement with relevant local authorities and other stakeholders, as necessary
- Further preliminary engagement with relevant local authorities and prescribed consultees, focusing on key planning constraints and the requirements of the dNPSWRI
- Focused environmental, engineering, planning and land work packages to identify and consider scheme options and to inform non-statutory consultation on the options
- First stage DCO non-statutory consultation to present and narrow down options
- Consideration of non-statutory consultation outcomes and preparation of consultation report
- Commence preparation of EIA Scoping
- Gate 3 beyond mid-Gate 3 checkpoint [Feb 2025 – April 2026]
 - On-going consultation and engagement with relevant local authorities and stakeholders
 - Second stage DCO non-statutory consultation to select preferred route corridor(s), discharge and abstraction points, and above ground infrastructure
 - Consideration of non-statutory consultation outcomes and preparation of consultation report
 - Submission of EIA Scoping
 - Preparation of Preliminary Environmental Information Report (PEIR)
 - Commence preparation of DCO application documentation [see Section 5.7.2]
 - Commence land referencing and landowner engagement
 - Preparation of final SoCC
- Pre Gate 4 [April 2026 onwards]
 - Formal publication of SoCC
 - DCO Statutory Consultation on proposals
 - Preparation of Consultation Report
 - Application for a Safeguarding Direction from SoS
 - Complete EIA
 - Finalise DCO application
- Submission of DCO application [September 2026]
- DCO decision [April 2028]

5.6.4 The high level programme will be kept under review in the context of the delivery programme for the STT interconnector. It should also be noted that these represent the PA2008 requirements as they are currently made. It will be important to monitor and update the programme should legislation, policy and guidance change.

Vyrnwy bypass and Shrewsbury redeployment

5.6.5 As set out in section 3.4.5, the delivery of the Vyrnwy bypass may need to progress ahead of the

STT interconnector depending upon the outcomes of the Water Resources West (WRW) regional planning. The summary programme included as Figure 7.1 in the Gate 2 report shows, at the earliest, planning and procurement activities commencing in 2023 during Gate 3, with construction commencing in the latter part of 2026 during Gate 4. Based on this programme, the specific high level planning elements of the Scheme Delivery Plan could include the following based on a TCPA planning application accompanied by an EIA, although there is the potential for the scheme to be permitted development as set out in section 5.3.5:

- Gate 3 up to Gate 3 checkpoint - [Nov 2022 – Jan 2024]
 - Review need and timing of scheme in light of WRSE and WRE regional plan and WRMP24, and resulting delivery programme
 - Initiate pre-application engagement with LPA and stakeholders
 - Further preliminary engagement with relevant local authorities and statutory and non-statutory consultees, focusing on key planning constraints and the requirements of the development plan and NPPF
 - Focused environmental, engineering, planning and land work packages to identify and consider scheme options and to inform consultation on the options
 - Consultation and engagement to present and narrow down options
 - Preparation and submission of EIA Screening Opinion Request (if not proceeding with voluntary EIA)
- Gate 3 beyond Gate 3 checkpoint [Feb 2025 – April 2026]
 - On-going consultation and engagement with local authorities and stakeholders
 - Preparation and submission of EIA Scoping
 - Preparation of planning application documents and Environmental Statement
 - Engagement on proposals and EIA outcomes ahead of submission
- Pre Gate 4 [April 2026 onwards]
 - Submission of planning application
 - Planning application decision

5.6.6 The high level programme will be kept under review in the context of the delivery programme for the Vyrnwy bypass. It should also be noted that these represent the TCPA requirements as they are currently made. It will be important to monitor and update the programme should legislation, policy and guidance change.

5.6.7 In respect of the Shrewsbury redeployment, Figure 7,1 in the Gate 2 report indicates that detailed design would commence during the latter stage of Gate 3 [Feb 2025 – April 2026]. During this stage it is anticipated that permitted development rights and the need for any minor planning applications will be confirmed with the LPA.

5.7 Required STT scheme consenting application deliverables

STT interconnector

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

5.7.2 At this early stage, given the timing for the delivery of the scheme, a detailed listing of each DCO application deliverable has not been prepared, however the categories of application documentation are summarised below:

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

5.7.3 Given the timescales for delivery of STT interconnector, there is sufficient time to scope the required work in detail, and to secure funding and procure the necessary technical specialists and experts to undertake the detailed work necessary to support and deliver the DCO application preparation and process.

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

Vyrnwy bypass and Shrewsbury redeployment

5.7.5 For the Vyrnwy bypass, the starting point is likely to be EIA Screening with the Local Planning Authorities to determine the need for EIA. If it is EIA development, then a full planning application will be required supported by an EIA. If it is not EIA development, then it may be possible for the schemes to progress as permitted development at least in part.

5.7.6 For the Shrewsbury redeployment, it seems unlikely that the development would be EIA development and therefore, it has the potential to proceed as permitted development with TCPA permission only being required for the new booster station at Knockin Heath.

5.7.7 For any planning applications required, then regard should be had to the planning authorities' published validation requirements for planning applications. Typically, the following will be required:

- Planning Application Form and Ownership Certificates.

-
- Planning application drawings.
 - Environmental Statement (if required).
 - Planning Statement and Design and Access Statement (if required).
 - Other supporting assessments and reports, as necessary. May include Flood Risk Assessment, Transport Statement or Assessment, Biodiversity Assessment, Heritage Statement, Landscape Assessment, Contaminated Land Assessment, Noise Assessment, Air Quality Assessment, Surface Water Drainage Assessment.

5.8 STT scheme planning consenting risks and mitigation

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

5.8.2 This section of the report summarises the current planning risks and identifies appropriate mitigation. A number of these areas of risk and mitigation carry forward into section 7 of this planning and consenting strategy report which sets out planning work beyond Gate 2, and section 8 in relation to land strategy. Through continued work beyond Gate 2 a number of the risks will be matured, and mitigation identified and incorporated within the project. The planning risks link with the wider assessment of risks for the STT scheme as set out in the main Gate 2 report.

Difficulties of creating a clear narrative between the different STT elements

5.8.3 The STT scheme and relationship with the overarching STT system means that it is complex and will require multiple consents across a range of consenting authorities, As demonstrated in this planning strategy, it has been shown how the various elements interrelate but that the STT scheme and system comprise a series of distinct schemes within an overarching operation system.

5.8.4 It will be necessary as the scheme progresses to ensure that a consistent narrative forming a 'golden thread' is developed to encompass regional planning, WRMP24, the optioneering process, assessments and appraisals (including environmental) and the consenting process.

Likelihood of securing consent

5.8.5 From the work undertaken for the purposes of the Gate 2 submission and given the early stage of development of the STT scheme, it is considered that there are no identified significant planning risks that are not capable of being avoided, mitigated or managed through ongoing technical and environmental assessment work.

5.8.6 The currently identified planning risks are all comparable to the stage of evolution of the STT scheme, and with continued technical and environmental feasibility work and ongoing engagement with statutory bodies and key stakeholders as well as consultation, a number of the risks will be mitigated. Mitigation of certain environmental risks will need to be prioritised as part of work beyond Gate 2, particularly through continued technical and design work, and further engagement with the EA, Natural England and other key stakeholders.

5.8.7 Subject to the iterations and outcomes of that work, engagement and consultation, there is confidence at this stage that a STT scheme can be identified, assessed, designed and promoted to successfully secure the necessary planning consenting.

Continued identification of the STT scheme in WRMP to establish the 'need'

- 5.8.8 At the current stage, the STT interconnector forms part of an adopted WRMP, having been identified as being needed towards the latter end of the planning period (2080s) in Thames Water's WRMP19. The draft WRSE regional plan and draft TWUL WRMP24 identifies the STT interconnector and Vyrnwy bypass as potentially being needed from 2050.
- 5.8.9 Notwithstanding this position, until the WRSE regional plan and individual WRMPs are finalised, there remains a risk that the STT scheme might not be identified for development, or its timing may be different from that currently anticipated. However, given the modelling undertaken in the WRSE and WRMP24 preparation and identified scale of deficits needed to be met within the south east, it is considered that developments of a scale comparable to the STT scheme will need to be identified, planned and delivered to secure future customer supplies.
- 5.8.10 It is considered at this stage that no additional planning mitigation is required, other than reviewing the STT scheme delivery programme beyond Gate 2 once the proposals in the final WRSE regional plan and WRMPs are confirmed.

Consideration of Alternatives

- 5.8.11 The requirements associated with the policy tests for major development in the Cotswold AONB, as well as under the HRA, WFD and EIA Regulations, require the consideration of reasonable alternatives to the proposed development as part of the eventual application(s) for planning permission or development consent. A sufficiently broad range of potential alternatives will need to be considered to meet the relevant legislative and policy tests and project objectives.
- 5.8.12 The WRSE regional plan and company WRMPs are considering and consulting on a wide range of potential alternatives to STT as part of their preparation. This work will provide a large body of information and evidence that will support the consideration of STT alternatives, ahead of applications for planning permission or development consent. In relation to the STT interconnector itself, the option site assessment work undertaken as part of Gate 2 has commenced the process of considering potential alternatives and this will be further developed in Gate 3. The identification and assessment of options and potential routes and sites will be the focus of non-statutory and statutory consultation and engagement ahead of the DCO application. At this stage it is considered that no additional planning mitigation is required on the issue of alternatives.

Defining the extent of the STT scheme, including relationships with other SROs

- 5.8.13 It is essential that the spatial extent of the STT scheme requiring consent is appropriately defined, including the physical and consenting relationship between the STT system and other SROs. Inter-relationships and inter-dependencies between the STT scheme, the STT system and other SROs must be clearly defined, to ensure that the promotion and consenting of one scheme does not adversely affect, or potentially prejudice, the consenting of other SRO options. This has been a focus of collaboration between SRO planning teams ahead of Gate 2, and work will continue in more detail beyond Gate 2. As set out in this strategy, it is considered that the STT Interconnector, Vyrnwy bypass and Shrewsbury redeployment can be promoted and assessed as projects in their own rights.
- 5.8.14 Work beyond Gate 2 will further refine the spatial extent of the STT scheme, ensuring that all of the necessary development, both temporary and permanent, is accurately identified, so that it can

then be assessed as part of the EIA (if needed) and other assessments.

The draft National Policy Statement for Water Resources Infrastructure and other legislative and policy changes

- 5.8.15 The dNPSWRI was published for consultation in November 2018. At the time of drafting this report the dNPSWRI has not been brought into effect, and there is currently no published programme that confirms when it is expected. The lack of a NPSWRI being in effect represents a continuing risk to the progression of the SROs (including STT) as the final wording of the NPSWRI could give rise to new or materially different policy tests needing to be met by an application for development consent. In addition, the express policy support for the need for a water NSIP or project of national significance being established by its inclusion within an adopted WRMP will not come into effect until this is confirmed in the final NPSWRI.
- 5.8.16 For the progression of STT scheme through the Gated process, given the current early stage of work, the lack of a final NPSWRI is not yet a significant risk to the likely success of the scheme. However, as mitigation, water companies should continue to urge Government to secure the bringing into effect of the NPSWRI at the earliest opportunity so that the national policy position provides a settled basis and established need case for the progression of schemes through consenting processes.
- 5.8.17 Appendix 1 to this Report provides a high level summary of relevant policy guidance in the dNPSWRI as currently drafted. This will need to be reviewed as the NPSWRI is finalised and brought into effect, to ensure that there is a robust basis for future applications for development consent for the STT interconnector in conformity with the NPSWRI. This will include the production of a detailed tracker. This is an area of work that can be undertaken and developed beyond Gate 2 and will be informed by the more detailed survey, assessment and design work that will progress throughout Gate 3 and 4.
- 5.8.18 A further project risk is that as the scheme progresses there is the potential for planning legislation, for example, through the Environment Act secondary legislation, Levelling Up Bill and others that may come forward, impacting on the route to consent identified to date. This will require careful monitoring and update of the planning consenting strategy as necessary going forward.

Meeting policy tests relevant to the decision

- 5.8.19 A review of relevant dNPSWRI and Development Plan designations for STT scheme has been undertaken for the purposes of this Gate 2 submission. This has identified a number of potentially relevant policy tests that the eventual decision maker will need to apply, in coming to their decision.
- 5.8.20 For the STT interconnector, one of the key policy tests will relate to development within the Cotswolds AONB. As set out in paragraph 4.9.10 of dNPSWRI, the SoS should refuse development consent in AONBs except in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Considerations will include the need for the development, the cost and scope for delivering a scheme outside of the designated area and any detrimental effect on the environment, the landscape and recreational opportunities.
- 5.8.21 Failure to meet and overcome this and other policy tests places any subsequent application for development consent at risk of failing to gain approval. It is important, as more detailed technical

and environmental assessment work is undertaken beyond Gate 2, that these policy tests are appropriately incorporated into ongoing work. As examples, very specific policy protection is afforded to Ancient Woodland, veteran trees and important hedgerows, requiring their protection including the adoption of no dig construction techniques where appropriate. Each of these constraints requires investigation and assessment on the ground to identify where the policy constraint does and does not apply. The appropriate timing of such surveys, before routes and construction techniques are finalised, provides effective mitigation for this risk. The relevant policy tests and their interaction identified in the appendices to this report should appropriately be kept under close review beyond Gate 2 and updated as technical work on STT scheme progresses.

Land

- 5.8.22 As currently defined, the STT scheme will require temporary possession and the acquisition of permanent rights over land not in the project partner's ownership. The identification and engagement of landowners potentially affected by NSIP proposals forms a critical part of the progression of the scheme, with specific legal requirements and guidance to be met at the pre-application stage as set out in the PA2008 and relevant PINS' advice notes.
- 5.8.23 These requirements need to be balanced however, with the potentially significant number of landowners and lessees who could be affected as the process to identify preferred options progresses into Gate 3. An appropriate balance needs to be identified and struck to ensure that relevant landownership constraints are identified sufficiently early in the process to be taken into account, without engaging too widely with landowners unlikely to be affected by the promoted scheme.
- 5.8.24 At this early stage of work, the potential risks relating to land are mitigated through focusing land identification work on specific potential sites for above ground infrastructure, coupled with identifying and reviewing land within or affecting potential pipeline corridors for which specific provision is made in the PA2008. This includes identifying Crown land, Common Land, National Trust property, and other Special Category Land (including allotments, open space etc), for which there is a need for additional assessment, and should any land be proposed to be lost as part of the development alternative provision could be required to be made (e.g., replacement allotments or sports pitches).

Risks relating to future development proposals

- 5.8.25 As STT is a relatively long term proposal, there is the risk that potential routes and sites identified at this stage of the process could be affected by development proposals over time, such that they are then not suitable or available for use as part of STT use. Given the largely cross-country nature of the STT interconnector and infrastructure, this may be less of a risk than for pipelines being promoted through or close to the edge of existing urban areas, however from the potential route corridor work undertaken for Gate 2 there are some specific areas where there is a risk of future development proposals before STT would be consented and implemented.
- 5.8.26 It is possible, later in the progression of a scheme, to seek a Safeguarding Direction from the SoS, which has the effect of requiring the relevant Local Authorities to specifically consult with the scheme promoter and to take their comments into account in determining planning applications. The recent Southampton to London Pipeline DCO secured such a direction as part of its pre-application stage, with the safeguarding direction application made after Statutory Consultation when there is a firm order limits boundary for the development capable of being safeguarded. For

the STT interconnector, seeking a safeguarding direction earlier than this is considered unlikely to be acceptable given that safeguarding affects individual's interests and rights relating to the use and development of their land, and there needs to be sufficient certainty on the timing of the scheme and extent of land likely to be affected to secure the safeguarding direction.

Safeguarding can also be sought through Local Plans, but similar to safeguarding directions, there is a need for definite proposals before safeguarding could be sought.

- 5.8.27 In advance of this, the risk can be mitigated by continuing the work commenced as part of the Gate 2 planning work package and monitoring the progression of emerging Local Plans for proposals that could affect and influence route and site selection and major applications. At an appropriate stage, a safeguarding direction could be sought, however it is unlikely that such a direction would be given in the period ahead of Gate 3 and statutory consultation for a proposal that would not come forward for development for a period of time, as there is a risk of the direction 'blighting' areas of land and adversely affecting landowners. Prior to a safeguarding direction, there may be benefit in making representations opposing development or allocations that would impact on the delivery of the STT scheme and this will be further considered in Gate 3.

Stakeholder engagement

- 5.8.28 As with all major development proposals, there is the risk of objections from consultees, local organisations and interest groups as well as residents in areas potentially affected by the construction or operation of the scheme. STT is no exception to this. As evidenced by the WRSE emerging plan consultation, there is considerable support for the STT interconnector Cotswolds Canal Option. Should a pipeline be developed, it would be located in environmentally sensitive, and locally valued areas of currently undeveloped land, and in places in close proximity to individual dwellings and settlements.
- 5.8.29 It is important that a full stakeholder engagement strategy, building on the Engagement Report submitted as part of this Gate 2 submission (Gate 2 Report Annex D), is developed and implemented for the project. This will identify those organisations and individuals potentially affected and ensure that they have opportunities to engage with and influence the proposals through consultation before any firm and final decisions are taken. The strategy will also ensure that customers are engaged with and involved in the evolution and development of the scheme. Early engagement will enable the STT scheme technical and environmental assessment work to be scoped, planned and delivered having regard to issues raised by and of importance to consultees and local communities along the STT interconnector and Vyrnwy bypass and close to related infrastructure development sites.
- 5.8.30 From a planning perspective, the statutory consultees expressly identified within The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) will be required to be consulted with as part of the preparation and submission of the eventual application for development consent for the STT interconnector. As part of the preparation of the stakeholder engagement strategy and based on best practice, all relevant categories of stakeholder to be engaged with will be identified. Alongside this, a review of SoCC could appropriately be undertaken for other linear DCO projects, (e.g., the Southampton to London Pipeline) for lessons learned and good practice in relation to stakeholder engagement. For the Vyrnwy bypass proposals, the extent of engagement will be dependent upon the need for EIA, and therefore planning permission, or whether the scheme is able to progress as permitted development. This is discussed further in section 7.1.12.

6 Strategy for obtaining other regulatory consents

6.1 STT interconnector

6.1.1 The principal consent for the STT interconnector is anticipated to be a DCO. The DCO process enables land acquisition along with many other consents and powers to be dealt with at the same time. The DCO application may, however, need to be supplemented by other applications because:

- a) A specific consent cannot be obtained in the DCO;
- b) A consenting authority declines to allow a consent to be obtained through the DCO; or
- c) It is not desirable, or it is inappropriate to include a consent within the DCO due to the stage of design development and the level of detail available.

6.1.2 The type of consenting matters that have the potential to be incorporated within the DCO include:

- Works affecting important hedgerows;
- Works to trees with Tree Preservation Orders and within Conservation Areas;
- Temporary and permanent closures of rights of way;
- Alterations and improvements to a public highway and temporary road closures;
- Works or demolition, alteration or extension to a listed building;
- Works in, over, under or affecting the flow of an ordinary watercourse;
- Works in or near a main river, on or near a flood defence structure, in a flood plain or, on or near a sea defence;
- Environmental permits relating to various water discharge, pollution prevention and waste related activities;
- Water abstraction consent;
- Connections to sewers and potable mains water;
- Works affecting National Network Rail land;
- Hazardous substance consent;
- Compulsory acquisition of land and interests;
- Works within Common Land and/or Village Greens;
- Works within Crown Land (only with Crown consent).

6.1.3 As set out in the PINS Advice Note Eleven: Working with public bodies in the infrastructure planning process, the PA2008 and related secondary legislation set out a range of bodies that may be able to participate in the nationally significant infrastructure planning process. As prescribed by S.150 of the PA2008, there are certain prescribed consents that can only be

included in a DCO if the relevant consenting body agrees to their inclusion. As recommended in Advice Note Eleven, engagement should commence early in the pre-application process to agree which consents can be included in the draft DCO.

- 6.1.4 Although at this early stage of scheme delivery the details of the other regulatory consents have not been finalised, preliminary work has been undertaken for the purposes of this Gate 2 submission. The list, which is not exhaustive at this stage of design development, presents the licences and consents that may be required as part of the solution design, scheme construction and operational phases of the project. The preliminary list is in the table included at Appendix 3 to this planning and consenting strategy report.
- 6.1.5 The table in Appendix 3 identifies that under a DCO consenting route, some secondary consents will be automatically disapplied by the PA2008, some will only be included (or 'deemed') with the agreement of the consenting body, and the need for others can be overridden by powers in the DCO itself.
- 6.1.6 The information in Appendix 3 will be reviewed and revised for Gate 3, taking account of scheme design evolution and further stakeholder engagement and technical and environmental assessment work.
- 6.1.7 One of the key consenting issues for the STT interconnector is the number of abstraction and discharge consents under the Water Resources Act 1991 to be obtained. This includes a new abstraction licence for Deerhurst, to cover transfer of unsupported flow above the River Severn Hands off Flow (HoF) and all future supported flows, a discharge consent for Culham into the River Thames to be dealt with as part of the Thames Licensing Strategy. A variation to the River Severn Section 20 Agreement that governs HoFs and a new River Severn Section 20 Agreement covering the operation of the STT. Further consents and variations would be required as various 'supported' sources come online. The permitting strategy is set out at section 6.4 and a permitting roadmap for obtaining these consents and variations is included at Appendix 4.
- 6.1.8 As noted above, S.150 of the PA2008 provides that for 'prescribed' consents the relevant body must give consent to the inclusion of the consent. 'Prescribed' consents are listed in (Schedule 2 Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015). Prescribed consents include those under the Water Resources Act 1991. PINS Advice Note 11 indicates that where the EA agrees a DCO can remove the requirement to obtain the specified separate consent, if they give their consent this is usually conditional on the inclusion of Protective Provisions to be contained in the DCO to enable the risk associated with the activity to be managed. This process is usually referred to as agreeing to 'disapply' the legislation specified in the DCO.
- 6.1.9 Whilst the potential exists for Water Resources Act 1991 consents to be incorporated within the DCO by agreement, the following should also be considered:
- The DCO regime does not allow for cross-border development and therefore any consents required within Wales would need to be obtained separate from the DCO.
 - The EA would need to agree with the inclusion of the consents within the DCO. It should be noted that relatively recent practice and approach to such inclusion has changed within the EA but would still be subject to exploration in each project context.
 - Need to further explore the risks to the overall delivery of the STT interconnector through

the DCO of incorporating these consents within the DCO.

- 6.1.10 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2009/2264) (as amended) require that Natural Resources Wales (NRW) is consulted on any prospective NSIP applications within the geographical extent of Wales or otherwise likely to affect land in Wales. NRW would therefore have an important role in the STT interconnector DCO as a 'Prescribed Consultee' and it will be necessary for the process of obtaining the necessary consents within Wales to be clearly set out within the DCO and that process to be agreed with NRW.
- 6.1.11 In their role as a consenting authority, NRW are considered a 'public body' under the Well-being of Future Generations Act (Wales) 2015 and has a duty to carry out sustainable development. Public bodies need to make sure that when making their decisions they consider the impact they could have on people living their lives in Wales in the future. NRW will need to consent several licence changes, along with changes to the Section 20 agreement on the River Severn. In making these decisions they will need to demonstrate that they have met their duty under the Well-being of Future Generations Act (Wales) 2015. Whilst not a statutory requirement, it would be prudent for any applications to be supported by a statement that demonstrates how the proposals meet the seven well-being goals within the Act and to assist NRW in discharging their duty. Given NRW's role as 'prescribed consultee' on the DCO, it would also be advisable for the assessment against the Act to be included as supporting material within the DCO submission.

6.2 Vyrnwy bypass

- 6.2.1 As set out in section 5, it is likely that this will be consented through the TCPA or could potentially proceed as permitted development. Only limited other consents are authorised through the TCPA, e.g., works to protected trees and hedgerows, listed buildings, within conservation areas, and affecting public rights of way. On this basis, any other consents needed for the scheme, broad details of which are set out above in section 6.1.2, would need to be sought separately to any planning permission. The scheme is not yet sufficiently defined in Gate 2 to set out a detailed schedule of consent and timings.

6.3 Shrewsbury redeployment

- 6.3.1 As set out in section 5, it is likely that this will proceed as permitted development, with only a pumping station requiring TCPA consent. On this basis, any other consents needed for the scheme, broad details of which are set out above in section 6.1.2, would need to be sought separately. The scheme is not yet sufficiently defined in Gate 2 to set out a detailed schedule of consent and timings.

6.4 Permitting strategy

- 6.4.1 A Permitting Roadmap (Appendix 4) has been developed identifying the necessary variations to existing licences and consents and any new licences and consents that would be required.
- 6.4.2 The new abstraction licence for the interconnector at Deerhurst would be a transfer licence to cover transfer of unsupported flow above the River Severn HoF and all future supported flows. A new discharge consent for the interconnector at Culham into the River Thames is being dealt with as part of the Thames Licensing Strategy. The detail around this is included in a technical appendix to "Supporting Technical Document G: Planning and Consents Strategy" as part of the SESRO SRO Gate 2 submission.

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- 6.4.3 NRW has confirmed the maximum release from Lake Vyrnwy permitted under existing Acts and Orders is 405MI/d. The proposed release direct from Lake Vyrnwy of (now reduced to 25MI/d due to environmental concerns) falls well within this limit. At times when river regulation releases are being made the STT release would only be possible if the total of regulation releases, compensation releases and STT release did not exceed the maximum. The interpretation of this is that there is no requirement to seek to amend the Liverpool Corporation Waterworks Act in order to permit STT. However, a new Section 20 operating agreement will be required to set out the controls and co-ordination of all the elements of the STT system and how it interacts with the River Severn Regulation.
- 6.4.4 At this stage of scheme development, the operating strategy is defined only in outline. It is therefore not possible to develop more detail around the requirements of a new Section 20 at this point. As ownership and operation of the scheme is developed further this will enable the Section 20 requirements to be defined. Potential operational benefits offered by STT will need to be explored as part of the S20 agreement development. The STT partners will continue to work with the EA to develop the S20 agreement.
- 6.4.5 There are a number of remaining uncertainties to be addressed as the Permitting Strategy and the STT scheme development continues. These include:
- Current licencing policy is for new licences or varied clauses to be time-limited (but it is understood this may change in 2023 when Environmental Permitting Regulations are introduced);
 - There are a number of other protected users with licenced abstractions on the River Severn linked to HoF and an approach to these needs to be developed and agreement in principle with the EA sought. The next common end date for the Severn Corridor is March 2034 and this may present an opportunity to consider alternative licence conditions to preserve the STT supported flow for transfer;
 - The timing of when to apply for and grant licences and consents for the STT scheme and sequencing with the DCO. The EA has indicated they have initiated a review of policy to reserve water.

7 Planning actions for completion beyond Gate 2

- 7.1.1 There is a clear and specific range of planning and consenting strategy tasks that could appropriately be undertaken beyond Gate 2, in order to further assess risks and issues relating to the STT interconnector and to focus further on planning risks and identify appropriate mitigation. This work will also provide a firm basis for the further progression of the STT interconnector at the appropriate stage, in light of the final WRMP24 timing for the delivery of the scheme. The timing of tasks will need to be informed by the timeframes for delivery of the scheme to avoid unnecessary work and undertaking assessment work too early in the process. With potentially long lead in times, there is also the risk that there may be changes in the planning system that could further lead to unnecessary work. The tasks are summarised below.
- 7.1.2 **Planning input to defining the spatial scope of the scheme** (temporary and permanent development required) and the planning and consenting related to them will continue, working closely with the technical, engagement and environmental teams. This will take forward the work undertaken on options as part of the Gate 2 work, including more detailed route and site selection, focused environmental, engineering, planning and land work on pinch points and sites, including key crossings and preliminary lands engagement with key landowners. Further engagement with the SESRO, T2ST and STT scheme promoters and legal advisors will take place to continue to define the relationship and interdependencies between the STT scheme and other SROs. This will include defining interface and connection infrastructure between the SRO schemes, and their consenting and assessment processes under the STT scheme and the other SRO consenting applications.
- 7.1.3 The overall **planning and consent strategy** will continue to be reviewed, particularly the need for and timing of STT scheme delivery, and the consent programme actions and programme necessary as a result, in light of draft WRSE Regional Plan and WRMP24, and revisions made to those plans ahead of their finalisation. The planning strategy will also need to be reviewed in light of any changes to the planning system, for example, from the progress of the Levelling Up and Regeneration Bill.
- 7.1.4 A detailed 'route to consent' report and planning programme will be identified, including scoping the necessary stages of work, and the documentation that will need to be prepared as part of the interconnector DCO. The report will take forward the advice in this Gate 2 planning and consenting strategy report and develop in more detail the necessary steps towards submission of an application for development consent. The report will set out the key building blocks that will be required for a successful application to be prepared, alongside more detailed assessment of the risks and mitigation measures relating to development consent for the STT scheme.
- 7.1.5 The route to consent report will also review the intended position under DPC as may be appropriately applied to the STT scheme. There is the need for careful consideration of planning implications of DPC, as powers afforded under the PA2008 are afforded to Water Undertakers, as defined under the Water Industry Act. The extent to which any DPC will be able to rely on PA2008 powers will be carefully reviewed. It is understood that the Department for Environment, Food and Rural Affairs' view is that such a Competitively Approved Provider (CAP) would be undertaking works on 'behalf of' a water undertaker, so projects would still qualify as NSIPs. Engagement with Defra and Ofwat is recommended to confirm their position and work with them to conclude actions to mitigate risk, identify appropriate promotion and delivery mechanisms.
- 7.1.6 There will be further preliminary engagement with local authorities and other prescribed and

statutory consultees as well as other identified interested groups and parties as set out below.

- 7.1.7 Prior to Gate 2, briefing sessions on the STT scheme were held with relevant local authorities and the Cotswold AONB Board, enabling a preliminary briefing to be given on the scheme and the planning issues relating to the work undertaken for Gate 2.
- 7.1.8 A detailed engagement report is submitted as part of the STT scheme Gate submission (Gate 2 Report Annex D1). Below is a summary of planned activities beyond Gate 2 in relation to planning stakeholders.
- 7.1.9 Ensuring that there are clear and meaningful opportunities for stakeholder, community and customer engagement as the technical work on the STT scheme progresses will be crucial, and an essential part of subsequent applications for development and other consents. There is a need to ensure that the engagement is held sufficiently early in the project programme to allow consultees a real opportunity to influence the proposals and enable comments to be made and taken into consideration before key decisions on routeing and the design of the scheme are made. Equally, however, there is a need for care to ensure that consultation is not undertaken too early or repetitively, particularly in the case of long-term schemes such as STT, and that the risks of consultation fatigue are avoided. The details and timing of this will be explored in the ongoing work beyond Gate 2.
- 7.1.10 For the STT interconnector DCO, as the scheme progresses into Gate 3 there will be pre-application discussions with the PINS and the extent of pre-application engagement will be discussed and agreed with PINS, relevant local authorities and other identified stakeholders at the outset. Non-statutory consultation will be followed by statutory consultation prior to the DCO being submitted. This process will include the production and publication of a SoCC at the appropriate point in the process.
- 7.1.11 As further technical work is undertaken on the details of the STT interconnector, there will be ongoing engagement with relevant local authority planning officers and technical specialists on the planning, environmental and engineering issues relating to the construction and operation of the scheme to inform the wider consultation activities on the project. This will enable initial discussion of issues including the methods to be utilised as part of environmental and other assessments, potential construction techniques and mitigation of impacts arising. Wider project issues including biodiversity net gain and plans for subsequent community and other engagement will also be discussed, as will the relationship of the STT interconnector with other planned and emerging development proposals.
- 7.1.12 For the Vyrnwy bypass proposals, the extent of engagement will be dependent upon the need for EIA, and therefore planning permission, or whether the scheme is able to progress as permitted development. For a TCPA planning application accompanied by an EIA, the engagement would be developed in accordance with the LPA's Statement of Community Involvement and in discussion with the LPA and other stakeholders, as necessary. Engagement is likely to include consultation on the route options to determine the preferred scheme and then further engagement to present the preferred scheme and set out the outcomes of the EIA process. This would be undertaken ahead of the submission of the planning application in order for any LPA and stakeholder feedback to be reflected in the planning submission and ES. Should the Vyrnwy bypass progress as permitted development, then there will be engagement with the LPA and stakeholders in connection with the EIA Screening process. Local community engagement would take place in the months leading up to the construction to explain the construction programme to

the local community and how any localised impacts will be managed.

- 7.1.13 For the Shrewsbury redeployment, the scheme, from a planning and environmental perspective, is relatively minor in nature and likely to be permitted development. Any engagement is therefore likely to focus on communicating the construction programme and the management of localised impacts to the local community.

8 High level land strategy

8.1 Context

8.1.1 Given the stage of the optioneering, the land referencing has been limited to examining the STT interconnector Deerhurst pipeline option route that has been identified to give an indication of what risks and costs may arise from such an option and the two Vyrnwy bypass options identified to date. Landownership searches of the main surface sites where permanent land acquisition could be required have been examined through interpretation of the HM Land Registry (HMLR) and desktop research using platforms such as Google maps to establish occupiers and DEFRA's Magic Map system. Further detail on this process is detailed in the Land Strategy, Appendix 5 of this document. Alongside this, a land risk analysis of the special category land (SCL) at the surface locations and along the route corridor has been undertaken. This allows key risk landowners or land-based designations such as Crown or National Trust and special category land such as common land, village greens, public open space, or sensitive sites such as religious buildings and burial grounds to be identified. Also identified at this stage has been any sites of ownership or occupation of statutory undertakers' infrastructure.

8.1.2 The sections below set out the outcomes of this preliminary work and this will be used to inform the more detailed route and site selection work planned for Gate 3. Where it is possible to do so, routeing and site selection will seek to avoid land types, interests and designations that may give rise to legislative and policy complexities.

STT interconnector Deerhurst pipeline option

8.1.3 Analysis of the route through online resources has determined a number of sites which require some further investigation. Review of the land registry and the land uses of each of the identified sites along the provisional pipeline corridor has identified some risk to the project in relation to land use, ownership and categorisation. These sites have been identified through the review of the route against google maps / satellite imagery, the use of online resource 'Who Owns England' and the review of DEFRA's 'Magic Map' online resource.

8.1.4 This process has identified three land types within the provisional corridor where policy or legislative complexities may arise if they cannot be avoided. The first is the National Trust land. Acquisition of National Trust land can be complex as the SoS will not allow consent unless their agreement is reached during the application or examination process. If it is possible to avoid the National Trust land, then this would mitigate the land related risk to the programme on this route. Early engagement at the feasibility stage could also mitigate this if this routeing cannot be avoided.

8.1.5 Land owned and / or occupied by National Highways and Network Rail require specialist engagement and crossings of this nature are difficult to avoid with linear schemes. Crossing land owned by National Highways and Network Rail needs to be considered and during early engagement discussions on terms of crossing agreements and protective provisions should be sought, where land cannot be avoided.

8.1.6 The provisional route corridor has identified no Crown land interaction so far and no other SCL has been identified along the route through the land searches. This will continue to be monitored as land searches go into further detail and route options are developed.

Vyrnwy bypass

8.1.7 Analysis of the land registry and review of the land uses of each of the potential compound sites and the routes of the bypass options has determined that the majority of landowners are all individuals or multi-interest ownership structures. No registered businesses are listed but due to the agricultural nature of these land holdings it is possible the multi-interest ownerships are farming partnerships.

8.1.8 There is no SCL at any of the currently identified at the surface sites or along the current bypass option routes. There is however a burial ground within the corridor, this will need to be avoided. There is no evidence from this review of Crown or National Trust land at the surface sites or along the routes at this stage.

8.2 Land strategy, including risks and mitigation

8.2.1 There will be a need for temporary possession and permanent land and rights acquisition as part of STT, whether secured through negotiation and agreement, or through the use of compulsory acquisition and other land powers if the DCO option of securing consent is followed.

8.2.2 Water undertakers have statutory powers under s159 of the Water Industry Act 1991 to lay and repair pipelines through private land, and similar powers under s158 to lay pipelines in/under highways. These powers encompass the land required for construction purposes (like the temporary land required in DCO, these however are prescribed and limited to circumstances as not a general power equivalent to a DCO). Furthermore, powers to enter land for the purposes of surveys and investigations under s168 can be utilised. Powers of compulsory acquisition of land are also afforded to water undertakers under s155 of the Act.

8.2.3 There will be a need to ensure that temporary and permanent land access can be secured for the construction and subsequent operation of the scheme, including access to assets such as water treatment works and pumping stations. There will also be air valves and wash out valves located along the buried pipeline. On and off-site environmental mitigation and/or compensation associated with the construction of the scheme, including for biodiversity net gain, landscaping, discharging to a watercourse and for specific protected species and habitats will also require consideration.

8.2.4 Land referencing is an essential pre-requisite for the identification and assessment of the requirements for temporary possession or permanent land and rights acquisition, establishing the legal interests in land, as the basis for engagement and negotiation. The engagement and negotiation provide the platform to consult and work cooperatively with the affected landowners, accommodating their current land uses and ensuring they can continue to use their land in the future. This reduces risks of challenges at consenting and also compensation claims during and after construction. Given the geographical extent of the STT scheme, land referencing is a significant body of work. It is important to ensure that the diligent enquiry process is undertaken at an appropriate time to enable information gained to be taken into account for the developing design and consultation requirements of the scheme. Whilst not so early that the information gained becomes effectively redundant before applications for DCO and other consents are required.

8.2.5 For the purposes of Gate 2, a high level land strategy has been prepared setting out the land referencing activities that should take place for a DCO scheme (Appendix 5). It is considered that it remains too early at this stage, given the level of design available, to undertake full land referencing for the scheme.

8.3 Land Strategy actions for completion beyond Gate 2

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

- **Preparation of land strategy and programme** – to provide a detailed land strategy reflecting the timing of the need for STT implementation, and to scope and cost out a land strategy work package for procurement at the appropriate time in the project's progression. Identify land interest requirements and the approach techniques for how these can best be overcome.
- **Identification of landownership and persons with an interest in land relating to the Gate 3 Route and EIA boundary** – undertaking the land referencing process through purchase of land registry information to identify the registered interests in land for the route corridor. The diligent inquiry methodology of land referencing should be adopted to ensure all land interests are captured to firstly aid the process of gaining access to land for survey purposes and then through to compiling the list of persons with an interest in land for the purposes of statutory consultation.
- **Gaining access to land for surveys** – Based on the defined EIA survey requirements, contact will be made with all the landowners where access is needed for survey purposes. This process will run alongside the land referencing as the two activities complement each other.
- **Identification of special category and Crown land interests for the Gate 3 Route and Site Selection** – to enable the scale and location of special category land to be better understood and to inform whether potential adjustments are required as part of design evolution as a result.
- **Review of temporary and permanent land acquisition costings** – to provide updated land acquisition costings to inform STT scheme costing and funding statement.

8.3.2 The completion of the above tasks beyond Gate 2 will reduce land strategy risks relating to the project and enable the more detailed land strategy work package to be procured in a timely manner at the most appropriate point in the overall project programme.

Appendix 1 – Relevant dNPSWRI policy

Relevant policy for water transfer NSIPs in dNPSWRI (Nov 2018)

The dNPSWRI was published for consultation in November 2018. At the time of drafting this report the final NPS has not been brought into effect. The lack of a final NPS represents a continuing risk to the progression of the SROs as the final wording of the NPS could give rise to new or materially different policy tests needing to be met by any applications for development consent or taken into account as a material consideration in relation to a planning application.

At the current time, the relevant policy guidance in the dNPSWRI is summarised as follows. This will be reviewed as the dNPSWRI is finalised and published, to ensure that there is a robust basis for future applications for development consent for the STT scheme.

The policies contained within the NPSWRI will form the basis for decision-making for the STT interconnector DCO. For Vyrnwy bypass and the Shrewsbury redeployment, where these require permission under the TCPA, these policies will be a material consideration.

A. High level summary of dNPSWRI Chapters 1 (Introduction), 2 (Government Policy and the need for Water Resources Infrastructure) and 3 (Assessment Principles).

Draft NPS Para	Topic and policy wording	Relevance to STT scheme
1.4.5	Need for the NSIP - 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 SoS should therefore start their assessment of applications for infrastructure covered by this NPS on that basis.	STT was included as part of the preferred plan in TWUL's WRMP19 but was not required until 2080. STT will need to be included within the final WRMP24, for the "need" for the scheme to be established, and so that the Examination of any application for development consent does not have to consider need in full.
2	Need for additional resources – The NPS sets out the factors driving the need for demand management and new water resources developments, highlighting the significant scale of future challenges and the role of new infrastructure provision in meeting the need.	STT is specifically planned in response to the need for significant new water resources developments to overcome the challenges in the south east of England.
2.6.8 – 2.6.10	Role of water transfers – The NPS specifically recognises the key role of water transfers in meeting future water resources needs, encouraging water companies to work together in planning and delivering new transfer schemes.	STT is a water transfer scheme planned as a collaboration between TWUL, UU and STW, working closely with WRSE.
3.1.6	Options Appraisal – The NPS recognises that NSIPs included within WRMPs will have undergone full options appraisal in accordance with WRMP requirements. The Examining Authority and the decision maker need not reconsider the details of this options appraisal	STT was included as part of the preferred plan in TWUL's WRMP19. STT is being considered as part of the WRSE Regional Plan, through Thames Water's WRMP and the RAPID SRO gated process. Along with project development processes and

	process when considering applications for development consent.	reporting, options Appraisal is a key component of those processes.
3.2 & 3.3	EIA and HRA – The NPS provides guidance on the EIA and HRA requirements associated with an NSIP and applications for development consent.	Any future application for STT will be subject to EIA and HRA.
3.4	Environmental Net Gain – The NPS identifies the requirement for applications for development consent to be accompanied by a Statement demonstrating how opportunities for environmental enhancement have been incorporated into the detailed design (including any relevant operational aspects) of the project. The NPS states that the Statement should, in particular, summarise how environmental enhancement has been assessed and quantified.	Based on the dNPSWRI as currently drafted, any future application for development consent for the STT interconnector will need to consider how environmental enhancement has been assessed and quantified. Furthermore, following the implementation of the Environment Act 2021 (if brought into effect for NSIPs), it is anticipated that biodiversity net gain will be required. Biodiversity net gain has been considered as part of this RAPID gated process, the preparation of the WRSE Regional Plan and WRMP 24.
3.5	Alternatives – Notwithstanding the comments above in relation to Options Appraisal not being revisited, the NPS notes that consideration of alternatives forms an important part of the EIA and HRA processes, and also are a specific policy requirement as part of policy relating to flood risk, national parks and other protected landscapes (e.g., AONB).	A robust assessment and consideration of alternatives will be required to be undertaken as part of any application for development consent for the STT interconnector. As well as the overall consideration of alternatives through EIA, WFD Regulations and HRA, parts of the STT interconnector route lie within the Cotswolds AONB, and flood risk affects potential sites. Further development and consideration of alternatives will be undertaken through the WRSE Regional Plan, WRMP 24 and RAPID gated process, and as part of the preparation of applications and assessments for development consent, with appropriate stakeholder engagement.
3.6	Good Design – The importance of good design for water infrastructure NSIPs is recognised in the NPS, and sufficient information on design choices must be included as part of applications for development consent. The NPS does recognise that operational, safety and security standards may affect design decisions.	Design matters will be considered through the Gated process, and as preparation of applications for consent for the STT scheme are prepared. The location and design will be carefully considered, particularly in relation to designated landscapes such as the Cotswolds AONB, and within or close to protected or designated areas and sites. Regard will be had to the National Infrastructure Commission Design Principles, with high-level principles for good design embedded within the STT scheme.
3.7	Climate Change Adaptation – The NPS identifies that as new water resources infrastructure will typically be a long-term investment which will need to remain operational over many decades, there is a need to consider the impacts of climate change at design, build and operational stages.	Climate change resilience and carbon forms an important part of WRSE and WRMP plan preparation and decision making. Furthermore, water companies have pledged to deliver a net zero water supply for customers by 2030. The more detailed feasibility and design for the STT interconnector will fully take climate change adaptation into account as further technical and environmental assessments are undertaken.
3.8	Environmental Regulation – The NPS recognises the potential need for other	Although work on STT is at an early stage, the project partners are already engaging

	consents under Environmental Permitting legislation and advises early engagement with the EA and other regulatory bodies to ensure that such consents are likely to be forthcoming.	with the EA, Natural England, DWI and will continue this engagement as part of the Gated process and preparation of applications for necessary consents.
3.9	Nuisance - The NPS identifies that the Planning Act gives a potential statutory defence from action against nuisance for any works or operations authorised under the DCO. The importance of identifying and scrutinising potential nuisance as part of the Examination is highlighted.	At this stage no potential areas of nuisance have been identified in relation to STT, and this will be kept under review as technical and environmental work continues through the Gated process and on towards applications for consent. It will be necessary to identify any sources of nuisance for the STT interconnector and how these might be mitigated or limited so that any requirements might be prescribed in a DCO.
3.10	Safety – The NPS highlights the need to engage with the HSE and local authority bodies on safety matters, noting that the implications of major accidents and disasters need to be considered as part of the EIA.	The NPS guidance relates at least in part to reservoirs and safety aspects under the Reservoir Act, however safety matters will be appropriately considered as part of the detailed technical and environmental assessments for STT at later Gated stages and through the application for consent for the STT interconnector, including major accidents and disasters if scoped into the EIA.
3.11	Security – The NPS notes that water resources infrastructure may have national security implications and that the design and detail of proposed NSIPs need to reflect DEFRA’s guidance for the water industry.	All water companies are required to plan, provide and maintain their infrastructure in accordance with DEFRA security requirements, and STT would be planned in accordance with this.
3.12	Health – As well as direct effects on people’s health, well-being and quality of life, the NPS recognises that indirect and cumulative effects on health are possible. These need to be identified and assessed as part of application for development consent.	Any future EIA for the STT interconnector would consider the direct, indirect and cumulative health impacts of the proposed development.

B. Potential construction impacts, operational impacts and mitigation or enhancement – extract of guidance that may be applicable to the STT interconnector as set out in dNPSWRI (Generic Impacts), specifically associated with applications for water transfer NSIPs.

Construction Impacts	Operational impacts	Potential mitigation or Enhancement
Air Quality		
Emissions to air (including dust) from vehicle movements and the use of plant.	No significant impacts identified.	<ul style="list-style-type: none"> HGV movements and construction vehicles could be routed and timed to avoid peak traffic periods and sensitive receptors. Use of best practice methods including the development and implementation of Construction Environmental Management Plans. Dust suppression measures could be utilised during construction. Air quality monitoring could be undertaken where appropriate. Lower emissions plant and vehicles could be used.

		<ul style="list-style-type: none"> Detailed air quality and transport assessments could be undertaken as required.
Biodiversity and nature conservation		
<p>Construction activities for pipelines and associated works can occur over long distances and could result in the loss of or disturbance to habitats and species. Watercourse crossings present particular risks such as</p> <ul style="list-style-type: none"> the loss or damage of habitats and species; creating a barrier to the movement of fish and other wildlife; preventing sediment and woody debris being moved downstream; and prevention of natural river movement. <p>There is also the potential for the transfer of non-native species</p>	<p>Some disturbance to habitats and species associated with the operational maintenance of any water transfer infrastructure and risks associated with the transfer of non-native species.</p>	<p>The layout of development could seek to avoid damage to designated nature conservation sites and the area of works could be minimised to reduce the risk of adverse impacts on local biodiversity. Species and habitat surveys could be undertaken pre, during and post construction to inform the application of appropriate management and mitigation procedures. For underground works, following construction there is the potential for the reinstatement of the environment to its pre- construction condition. Where this cannot be achieved, it may be necessary to create compensatory habitat depending on the type and sensitivity of any designated nature conservation sites that may be affected. Where a river crossing cannot be avoided, the design and engineering of the crossing should be undertaken in accordance with best practice guidance.</p> <p>Use of best practice methods including the development and implementation of Construction Environmental Management Plans should be considered. These could incorporate for example seasonal restrictions on timings of vegetation clearance and impacts on species and need for 'watching briefs'.</p> <p>Design measures to mitigate the risk of adverse effects on aquatic flora and fauna could be identified and implemented including, for example:</p> <ul style="list-style-type: none"> Fish passages may be required where there is a physical obstruction to a water course. The design of screens on intake pipes could minimise the risks to fish and other marine organisms The timing, method and location of discharges from desalination plants could be considered to minimise the effects on marine flora and fauna. <p>Biodiversity enhancement measures (such as new habitat creation and provision of green corridors) could be incorporated where possible into the project design.</p>
Carbon Emissions		
<p>The construction activities required for water transfer schemes could generate emissions of greenhouse gases from HGV movements, construction plant and the embodied carbon in raw materials.</p>	<p>Greenhouse gas emissions could be mainly associated with the energy use required for pumping of water (and other associated infrastructure needs) and a small number of vehicle movements.</p>	<p>The use of low emission plant could be considered. Maximising the use of on-site materials could reduce HGV movements. New infrastructure could be designed to incorporate the use of energy efficient materials, building techniques and energy efficient pumping and water treatment equipment. Gravity fed transfers could require less energy requirements for pumping. Opportunities could be sought for the use of, or generation of, renewable energy to help offset additional operational carbon emissions.</p>
Historic Environment		
<p>Adverse impacts on the significance of heritage assets could</p>	<p>Although most pipelines would be subsurface,</p>	<p>Site layout and visual screening options could be considered to reduce impacts on any heritage assets.</p>

occur directly (through the loss of, or harm to, assets) or indirectly (through effects on setting). Construction activities (such as associated vehicle movements, dust and noise generation) may also have impacts on heritage assets.	associated development such as water treatment works could continue to affect the settings of heritage assets. Any operational changes in river flows could affect heritage assets such as mills and bridges or water dependent archaeological assets.	Construction methods could adopt practices which seek to reduce potential adverse impacts to heritage assets. Archaeological watching briefs could be put in place during construction to identify, record and protect heritage assets. Careful consideration should be given to the operational impacts of infrastructure on heritage assets associated with changes in water flows.
Flood Risk		
Construction works may be liable to flooding, and/or cause or exacerbate flooding elsewhere, particularly where development sites are located in Flood Zones 2 or 3 or cross watercourses.	An increase in impermeable areas as a result of any associated development may also cause increased flood risk elsewhere due to surface water runoff.	A flood risk sequential approach could be taken towards the siting of infrastructure within the development area. Sustainable drainage approaches and other measures such as planting could be adopted to ensure no net change in fluvial, estuarine or surface water flood risk, arising from site run-off. Where required flood storage measures could be included in the design of development.
Landscape and Visual Impacts		
Construction activity associated with long distance pipelines could have detrimental impacts on the visual amenity of nearby receptors and landscape quality, particularly where development affects designated landscapes, as well as townscapes.	The impacts of subsurface pipelines are likely to be negligible. However, any aboveground infrastructure such as pumping stations and water treatment works may continue to have adverse impacts on landscape character and visual amenity.	Construction activity could be screened where possible to avoid or minimise adverse landscape and visual impacts. Site layout and infrastructure design could minimise landscape and visual impacts including utilising existing, and providing new, landscape features. Opportunities could be sought to enhance landscape character through, for example, green infrastructure provision. Opportunities could be sought to improve public access to the countryside.
Land Use, including open space, green infrastructure and green belt		
Possible temporary or permanent loss or damage to existing land uses. Construction activity could lead to soil contamination as a result of accidental spillage, disturb existing contaminated land, or cause soil compaction as a result of the use of heavy machinery.	Expected to be negligible.	Site layout design could seek to avoid development on the best and most versatile agricultural land and geologically sensitive sites. Where possible, land could be reinstated following construction. Development should seek to remediate contaminated land. Undertake all construction activities in accordance with relevant best practice pollution prevention guidance.
Resource and waste management		
Construction materials use and waste arisings (although any soil displaced during	Any associated development or processes (such as water treatment)	Efficient use of existing on site materials and infrastructure assets could be utilised. Where possible, reused or recycled materials could be used during construction. Construction and

pipeline works could be reinstated).	could generate waste and involve resource use (such as chemicals).	operational waste could be reused or recycled where possible. Infrastructure could be designed to incorporate the use of resource efficient processes, materials and building techniques.
Socio Economic Impacts		
Could have a significant positive impact on the local economy associated with employment opportunities, supply chain benefits, together with local spend. However, potential direct adverse impacts by loss of existing land uses and indirect effects on existing nearby businesses and the tourism sector due to, for example, loss of amenity. An influx of construction workers to host communities could potentially increase pressure on existing services and facilities (albeit temporarily).	Minor opportunity for job creation for day-to-day operation and maintenance of infrastructure.	Where possible, work could be carried out by local firms and contractors that could help contribute to the local economy and meet any employment needs. Potential opportunities for public education could be identified as part of proposals. Opportunities for proposals to provide recreation/tourism opportunities could be considered.
Traffic and Transport		
Vehicle movements associated with the movement of materials, waste and workers to/from sites. There may also be a requirement for pipeline works within or across roads. This could result in congestion and driver delay as well as road safety impacts. Vehicle movements could also cause nuisance to the host community and impacts on wildlife and habitats. Potential requirement for the temporary (and possibly permanent) closure of public rights of way.	Minor impacts expected.	HGV movements and construction vehicles could be routed and timed to avoid peak traffic periods and sensitive receptors. Consideration could be given to the utilisation of waterborne and rail transport to deliver large quantities of construction materials. Where new transport infrastructure is required (for example, roads) consideration should be given to how this can be delivered to maximise public benefit. A detailed transport assessment including a Construction Traffic Management Plan could be undertaken and implemented. Siting and construction activities could be undertaken so as to minimise any short term adverse effects on public rights of way.
Water Quality and Resources		
Potential for contamination to affect groundwater, surface	Transfer schemes can adversely affect various parameters of	Care should be taken during construction regarding the potential for contaminants such as silt, concrete or fuel oil to pollute water courses or groundwater.

<p>water and water courses from construction activities. Where pipelines cross watercourses, there may be changes to the hydrological regime, continuity, or morphological conditions.</p>	<p>water quality. The effects are dependent on the baseline conditions of the two water bodies that the water transfer is taking place between. The rate of transfer and seasonal timing can also have a significant effect on factors such as iron concentration and the growth of cyanobacteria. These effects in turn could lead to a failure to meet 'good ecological status' or 'good ecological potential' under WFD Regulations. Potential to spread invasive non-native species.</p>	<p>Construction activities should be undertaken in accordance with relevant best practice pollution prevention guidance. Realignment of or compensation for directly affected watercourses subject to Water Framework Directive requirements. Appropriate and efficient water treatment processes could be used subject to approval with the relevant authorities and consenting / licensing requirements.</p>
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Appendix 2 – Relevant development plan designations

A review has been undertaken to identify potentially relevant planning designations to the STT scheme based on the concept designs developed in Gate 2 for the STT interconnector Deerhurst pipeline option (the Gate 2 preferred scheme), the STT interconnector Cotswolds Canal option and two identified Vyrnwy bypass options.

The focus of the review is not to identify every potential planning designation, but to focus on those with the potential to influence or affect the routeing and design of the options, or the ultimate decisions on consents. Given that applications for consent for the STT scheme will not be made until a future AMP, there is the potential for planning designations to change before applications for consents are made. As the work to identify and select options continues further, more detailed reviews of the relevant Local Plans and other development plan documents will be undertaken.

At the current time, the following planning designations are considered potentially relevant to the STT scheme.

Planning Designation / Proposal	LPA / Location	Element of the project	Relevance to STT
Cotswold AONB	Cotswold & Tewkesbury	STT interconnector - Deerhurst pipeline option	National landscape designation. Policy tests in the dNPSWRI, require applications for major development (such as STT) to be refused, except in exceptional circumstances. Applications must demonstrate need, the cost and scope for developing outside the AONB or meeting the need in some other way, and detrimental effects on the environment, landscape and recreation and how that can be moderated. Given the AONB designation, next phase of route and site selection will need to consider options to route around or develop outside the AONB, or minimise impacts within it, alongside potential routes and sites within. .
	Stroud, Cotswold	STT interconnector - Cotswold Canal option	
Special Area of Conservation (SAC)	Tewkesbury	STT interconnector – Deerhurst pipeline option	There are a number of SAC, SPA and RAMSAR sites which have the potential to be affected, depending on detailed route and site selection work, including sites where there is the potential for indirect impacts arising from construction.
	Stroud, Wiltshire	STT interconnector – Deerhurst pipeline option	
	Shropshire	Vyrnwy bypass options	
Special Protection Area (SPA)/RAMSAR	Stroud	STT interconnector - Cotswold Canal option	
SSSIs	Vale of White Horse, West Oxfordshire, Cotswold & Tewkesbury	STT interconnector – Deerhurst pipeline option	There are a number of SSSI which have the potential to be affected, depending on detailed route and site selection work, including SSSI sites where there is the potential for indirect impacts arising from construction.
	Stroud, Cotswold, Wiltshire, Swindon, West Oxfordshire	STT interconnector - Cotswold Canal option	
	Shropshire	Vyrnwy bypass Options	
National Nature Reserves	West Oxfordshire,	STT interconnector – Deerhurst pipeline option	There are several National Nature Reserves which have the potential to be affected, depending on detailed route and site selection work, where there is the potential for indirect impacts arising from construction.
	Wiltshire, West Oxfordshire,	STT interconnector - Cotswold Canal option	
Local ecological and landscape designations	Vale of White Horse, West Oxfordshire, Cotswold & Tewkesbury	STT interconnector – Deerhurst pipeline option	The pipeline passes close to a Special Landscape Area, Landscape Protection Zone and Local Wildlife Sites. Depending on detailed route and site selection work, there is the potential for indirect impacts arising from construction.
	Stroud, Cotswold, Wiltshire, Swindon, West Oxfordshire	STT interconnector - Cotswold Canal option	
	Shropshire	Vyrnwy bypass Options	
	Vale of White Horse, West Oxfordshire, Cotswold & Tewkesbury	STT interconnector – Deerhurst pipeline option	

Ancient woodland, veteran trees and important hedgerows	Vale of White Horse, West Oxfordshire, Cotswold, Stroud	STT interconnector - Cotswold Canal option	Site based surveys would be undertaken as part of the detailed environmental assessment work, enabling these features to be identified and considered in route and site selection work, and in the selection of appropriate construction methodologies. Identification of veteran trees and important hedgerows has not yet been undertaken.
Historic environment	Vale of White Horse, West Oxfordshire, Cotswold & Tewkesbury	STT interconnector – Deerhurst pipeline option	Given the length of pipeline route there are many historic environment designations that could potentially be affected.
	Gloucester, Stroud, Cotswold, Wiltshire, Swindon, Vale of White Horse, West Oxfordshire,	STT interconnector - Cotswold Canal option	
	Shropshire	Vyrnwy bypass Options	
Flood risk	Vale of White Horse, West Oxfordshire, Cotswold & Tewkesbury	STT interconnector – Deerhurst pipeline option	Flood Risk is a constraint needing to be taken into account within route and site selection,
	Gloucester, Stroud, Cotswold, Wiltshire, Swindon, West Oxfordshire, Vale of White Horse	STT interconnector - Cotswold Canal option	
	Shropshire	Vyrnwy bypass Options	
Existing Local Plan Development Allocations	Vale of White Horse (2031) West Oxfordshire (2011-2031) Cotswold (2011-2031 Plan) Tewkesbury (JCS 2017)	STT interconnector – Deerhurst pipeline option	<p>The review of Local Plan designation has identified that the route options as they stand have the potential to impact on the following:</p> <ul style="list-style-type: none"> • a rural business allocation; • locally important open space and local green space; • protected route of a former railway line; • land safeguarded for a reservoir; • new route of the Wilts and Berk canal; • several mineral resource areas; • close to several safeguarded waste sites <p>The implications of these will be fully explored during the site and route selection work, with, where possible, the opportunities to avoid any designations explored.</p>
	Vale of White Horse (2031), West Oxfordshire (2011-2031), Cotswold (2011-2031 Plan), Gloucester Joint Core Strategy (2017) and Saved policies, Stroud Local Plan (2015), Wiltshire Core Strategy 2026 and Wiltshire Housing Allocations Plan (2020), Swindon Local Plan (2026)	STT interconnector - Cotswold Canal option	
	Core Strategy 2006-2026 and SAM Dev Plan 2006-2026	Vyrnwy bypass Options	
Emerging Local Plan Development Allocations	Cotswold (Issues and Options Consultation March 2022) Tewkesbury (Main Modifications on 2011-2031 Plan), Vale of White Horse Issues and Options (JLP 2041),	STT interconnector – Deerhurst pipeline option	

	Cotswold (Issues and Options Consultation March 2022), Gloucester City Plan (2011-2031), Stroud Local Plan Review, Wilshire Local Plan Review (2036), Swindon Local Plan Review (2036), Vale of White Horse Issues and Options (JLP 2041)	STT interconnector - Cotswold Canal option	LPAs are required to prepare and keep up to date their Local plans. Several the LPAs are in the process of reviewing their Development Plans, rolling forward the policies and allocations for a further 5 to 10 years ahead of existing plans. As part of their plans, new allocations of land for housing and other developments will need to be identified. These will need to be kept under review, as work on the STT scheme progresses, to ensure that the STT scheme proposals take into account emerging development proposals, and that new development proposals take account of the STT scheme.
	Shropshire Local Plan (2016-2038)	Vyrnwy bypass Options	

Appendix 3 – Indicative list of other consents potentially required

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/ Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Works within, or with the ability to effect, a SSSI	SSSI Assent, Section 28E of the Wildlife and Countryside Act 1981.	Natural England (NE)	England	STT interconnector Vyrnwy bypass	4 weeks	28 days	Phase 1 Ecology Survey	The consent is personal to the owner / occupier of the land included in the SSSI (s 28E WCA 1981). Where consent is required for operations within a SSSI, this must be sought from NE by the owner / occupier so that those operations may be lawfully carried out.	To be determined through engagement with Natural England	Subsequent consent to be applied for separately
Works within, or with the ability to effect, a European designated habitat site	Habitats Regulation Assessment Report	SoS/LPA (depending upon route to consent)	England and Wales	STT interconnector Vyrnwy bypass	6 weeks	At point of project consent	Habitat Regulations Assessment	HRA will need to be completed as part of the application for consent. The relevant SoS is the competent authority for the purposes of the Habitats Directive and the 2017 Habitats Regulation.	Authorisation under the Habitats Regulations secured as part of the DCO. HRA will extend into Wales due to discharge to Vyrnwy and functionally linked habitat to SAC.	Authorisation under the Habitat Regulations secured as part of the determination of the planning application or separately if permitted development.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Works that could disturb European protected species (e.g., badger, bats, great crested newt, listed birds)	European Protected Species Licence	Natural England	England	STT interconnector Vyrnwy bypass Shrewsbury redeployment	Species dependent	30 working days	Protected species surveys	Some species may require translocation under licence. The Conservation of Habitats and Species Regulations 2017, regulation 55. Also, Protection of Badgers Act 1992, Section 10.	Letters of No Impediment to be secured for DCO examination. Subsequent licences to be applied for separately.	Subsequent licences to be applied for separately
Works that could disturb wild birds or the nest of wild birds	Wildlife Licenses	Natural England	England	STT interconnector Vyrnwy bypass Shrewsbury redeployment	4 weeks	30 working days	Phase 1 Habitat Survey	Wild birds or the nest of wild birds are protected under the Wildlife and Countryside Act 1981 (s16). Likely that works will be designed to avoid disturbance to nesting birds. Licences only likely to be granted in exceptional circumstances.	To be determined through engagement with Natural England if required	Subsequent licences to be applied for separately if required

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
<p>Works affecting an important hedgerow, if the hedge is:</p> <ul style="list-style-type: none"> - A rural hedge, more than 20m long (or any part of such a length) - Less than 20m long but meets another hedge at each end <p>Located on or next to:</p> <ul style="list-style-type: none"> - Land used for agriculture or forestry - Land used for keeping horses, ponies or donkeys - Common land - A SSSI - A local nature reserve - A PRoW 	Hedgerow Removal Notice	LPA	England	STT interconnector Vyrnwy bypass	4 weeks	6 weeks	<p>Phase 1 Habitat Survey</p> <p>High resolution aerial photography</p> <p>Hedgerow condition assessment</p>	<p>The hedgerow removal notice must be served by either the owner of the hedgerow or a 'relevant utility operator' (as defined by the Hedgerow Regs 1997, if to be removed by or on behalf of that operator) who is not the owner, following which the LPA will either serve on that person written notice that the hedgerow may be removed, or the 42 day period has expired without the LPA serving a hedgerow retention notice (Regulation 5, HR 1997).</p> <p>Reg 6(1)(e) of the Hedgerow Regs permits hedgerow removal if it is required for development authorised by a planning permission or deemed planning permission - hence may perhaps be disappplied by grant of a DCO.</p>	Can be authorised under the DCO, and the separate requirement for consent disappplied.	Deemed consent is secured through grant of planning permission. If permitted development, will require separate application for Hedgerow Removal Notice

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Works to trees with Tree Preservation Orders	Tree Preservation Order Consent	LPA	England	STT interconnector Vyrnwy bypass	6 weeks	8 weeks	Arboricultural Impact Assessment and Method Statement	Regulation 13 Tree Preservation Regs 2012 states that subject to the exceptions in regulation 14, no person shall (a) cut down;(b) top;(c) lop;(d) uproot;(e) wilfully damage; or (f) wilfully destroy, any tree to which an order relates, or shall cause or permit the carrying out of any of the activities in subparagraphs (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	Works can be authorised under DCO to specific identified trees (or tree groups), and the separate requirement for consent disapplied.	Can be included within application for planning permission. If permitted development. will require separate application for 'works to trees' consent.
Works to trees located within a Conservation Area	Notification of works	LPA	England	STT interconnector Vyrnwy bypass	6 weeks	8 weeks	Arboricultural Impact Assessment and Method Statement	The outcomes are either: the local authority makes a Tree Preservation Order (TPO) to protect the tree; or does not make a TPO and allows the work to go ahead	Works authorised under DCO to specific identified trees (or tree groups)	Can be included within application for planning permission. If permitted development. will require separate application for 'works to trees' consent.
Tree Felling Licence required where more than 5m ³ per quarter for non-statutory functions, i.e., habitat restoration / management	Tree Felling Licence	Forestry Commission	England	STT interconnector Vyrnwy bypass	4 weeks	12 weeks	Arboricultural survey	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	Can be authorised under the DCO with the agreement of Forestry Commission or authorised subsequently.	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
								person, to fell the trees' (s 10 FA 1967)		
Requirement to temporarily close a PRoW	Temporary Closure Order	Local Highway Authority	England	STT interconnector Vyrnwy bypass	2 weeks	8 weeks	PRoW condition assessment	The DCO would include a schedule of roads and PRoW to be closed. However, there would still be a requirement to serve notice of the closure. Closures and diversions are likely to be required at multiple stages.	Can be authorised under the DCO	Separate application for consent to Highway Authorities
Requirement to permanently close or divert a PRoW	Stopping up or extinguishment of a PRoW	Local Highway Authority	England	STT interconnector Vyrnwy bypass	2 weeks	16 weeks	PRoW condition assessment	As above	Can be authorised under the DCO	Separate application for consent to Highway Authorities
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	Listed Building Consent	LPA	England	STT interconnector Vyrnwy bypass	2 weeks	8 weeks	HER Records Search	N/A	Can be authorised under the DCO	Can be included within application for planning permission. If permitted development, will require separate Listed Building consent.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
curtilage buildings or other structures), provided the works affect the character of the building as a building of special interest.										
Works and other activities that physically affect a scheduled monument	Scheduled Monument Consent	Historic England	England	STT interconnector Vyrnwy bypass	8 weeks	4 weeks	HER Records Search/Heritage Statement	N/A	Can be authorised under the DCO	Can be included within application for planning permission. If permitted development, will require separate Scheduled Monument Consent.
Building of operational buildings where those buildings are staffed and therefore not covered by the exemptions set out in Building Regulations 2010	Building Regulation Consent	LPA	England	STT interconnector Vyrnwy bypass	2 weeks	12 weeks	Building Regulation	Exemption set out in Buildings Regulations 2010, Regulation 9 & Schedule 2 'Exempt Buildings and Work', Part 2 CLASS2, Buildings not frequented by people.	Contractor to secure authorisation prior to implementation	Contractor to secure authorisation prior to implementation

<p>Works in, over, under or affecting the flow of an ordinary watercourse</p>	<p>Ordinary Watercourse Consent</p>	<p>LPA or Drainage Board</p>	<p>England</p>	<p>STT interconnector Vyrnwy bypass</p>	<p>4 weeks</p>	<p>8 weeks</p>	<p>Flood Risk Assessment</p>	<p>Section 120(3) of the Planning Act 2008 states that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. s 120(4) and Schedule 5 state that this may include in particular the diversion of navigable or non-navigable watercourses.</p> <p>Section 23(1) of the LDA 1991 provides that no person shall erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction or erect a culvert in an ordinary water course or alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse, without the consent of the drainage board concerned.</p> <p>Section 23(6) states that nothing in this section shall apply to any works carried out or maintained under or in pursuance of any Act or any order having the force of an Act. The DCO is an order having the force of an Act, so land drainage consent is not required.</p>	<p>Can be authorised under the DCO with the agreement of LLFA etc or authorised subsequently.</p>	<p>Subsequent consent to be applied for separately.</p>
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Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
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	EA	England	STT interconnector Vyrnwy bypass	4 weeks	12 weeks	Topographic Survey Flood Risk Assessment WFD Compliance Assessment Phase 1 Ecology Survey	Environmental Permits are granted to the 'operator' of a regulated facility ((Reg 13, EPR 2016). The 'operator' is the person who has control of the facility (Reg 7, EPR 2016). The regulator (the EA in England) may transfer an Environmental Permit to a proposed transferee on the joint application of the operator and proposed transferee (Reg 21, EPR 2016)	Schedule 2 Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (Schedule 2 Infrastructure Regulations) - it is possible, with agreement with the EA, to disapply specific consents in exchange for protective measures within a DCO. Therefore, can be authorised under the DCO with the agreement of EA etc, or authorised subsequently.	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Works on or near a main river, on or near a flood defence structure, in a flood plain or, on or near a sea defence	Flood Risk Activity Exemption	EA	England	STT interconnector Vyrnwy bypass	4 weeks	1 week	-	As above	Schedule 2 Infrastructure Regulations - it is possible, with agreement with the EA, to disapply specific consents in exchange for protective measures within a DCO. Therefore, can be authorised under the DCO with the agreement of EA etc, or authorised subsequently.	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
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	EA	England	STT interconnector Vyrnwy bypass	4 weeks	12 weeks	Flood Risk Assessment, Protected Species Surveys	N/A	Schedule 2 Infrastructure Regulations - it is possible, with agreement with the EA, to disapply specific consents in exchange for protective measures within a DCO. Therefore, can be authorised under the DCO with the agreement of EA etc, or authorised subsequently.	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
New water discharge activity	Standard or Bespoke Environmental Permit	EA/NRW	England/Wales	STT interconnector (discharge consent for interconnector being dealt with as part of the Thames licencing strategy connected with the SESRO SRO) Vyrnwy bypass -may require new discharge consent or variation of the Oswestry permit for new discharge location.	8 weeks	12 weeks	Flood Risk Assessment Protected Species Surveys HRA EIA WFD Assessment	N/A	Schedule 2 Infrastructure Regulations - it is possible, with agreement with the EA, to disapply specific consents in exchange for protective measures within a DCO. Therefore, can be authorised under the DCO with the agreement of EA etc, or authorised subsequently. Any consents required in Wales from NRW will need to be sought separately outside of the DCO process.	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Operation of Part A1 Low Impact Installation	Standard or Bespoke Environmental Permit	EA	England	STT interconnector Vyrnwy bypass	8 weeks	16 weeks	Protected Species Surveys HRA EIA WFD Assessment	N/A	Schedule 2 Infrastructure Regulations - it is possible, with agreement with the EA, to disapply specific consents in exchange for protective measures within a DCO. Therefore, can be authorised under the DCO with the agreement of EA etc, or authorised subsequently.	Subsequent consent to be applied for separately.
Operation of Part B Activities related to Local Air Pollution Prevention and Control (this includes the processing of used concrete with a mechanical crusher (for use onsite or at another nominated site)	Environmental Permit	LPA	England	STT interconnector Vyrnwy bypass	12 weeks	4 weeks' notice of deployment	Air quality assessment	N/A	Can be authorised under the DCO with the agreement of the LPAs, or authorised subsequently	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
New requirement to abstract over 20 cubic metres a day and / or impound water by creating a new sluice, weir or dam	Abstraction / Impoundment Licence	EA	England	STT interconnector Vyrnwy bypass	12 weeks	16 weeks	Protected Species Surveys HRA WFD Assessment	STT interconnector will require a transfer licence not an abstraction or impoundment licence.	Schedule 2 Infrastructure Regulations - it is possible, with agreement with the EA, to disapply specific consents in exchange for protective measures within a DCO. Can be authorised under the DCO with the agreement of the LPAs, or authorised subsequently	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Temporary abstraction of more than 20 cubic metres a day over a period of less than 28 days	Temporary abstraction licence	EA	England	STT interconnector Vyrnwy bypass	12 weeks	28 days	N/A	N/A	Schedule 2 Infrastructure Regulations - it is possible, with agreement with the EA, to disapply specific consents in exchange for protective measures within a DCO. Can be authorised under the DCO with the agreement of the LPAs, or authorised subsequently	Subsequent consent to be applied for separately.
Connection to a mains sewer	N/A	Local Water Authority	England	STT interconnector	8 weeks	Varies	N/A	N/A	Potential authorisation under the DCO with protective provisions or authorised subsequently.	Subsequent consent to be applied for separately.
New potable mains water connection	N/A	Local Water Authority	England	STT interconnector	8 weeks	Varies	N/A	N/A	Potential authorisation under the DCO with protective provisions or authorised subsequently.	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
For connection of a business to the main sewer supply	Trade Effluent Consent	Local Water Authority	England	STT interconnector	8 weeks	Up to 2 months	N/A	Section 118, Water Industry Act 1991. Required if trade effluent is discharged to the public sewer.	Potential authorisation under the DCO with protective provisions or authorised subsequently.	Subsequent consent to be applied for separately.
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	EA	England	STT Interconnector , Vyrnwy bypass	8 weeks	Up to 4 months	N/A	Assume that waste carriers are registered with the EA.	Schedule 2 Infrastructure Regulations - it is possible, with agreement with the EA, to disapply specific consents in exchange for protective measures within a DCO. Therefore, can be authorised under the DCO with the agreement of EA etc, or authorised subsequently.	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/ Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Activities involving use, treatment, disposal or storage of waste (e.g., screening and blending of waste, aerosol crushing, composting, etc.)	Exemption for using, treating, storing and disposing of waste	EA	England	STT Interconnector , Vyrnwy bypass	8 weeks	5 working days	N/A	N/A	Schedule 2 Infrastructure Regulations - it is possible, with agreement with the EA, to disapply specific consents in exchange for protective measures within a DCO.	Subsequent consent to be applied for separately.
Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size	T7 waste treatment exemption	LPA	England	STT Interconnector , Vyrnwy bypass	4 weeks	5 working days	Ground investigations	N/A	Potential authorisation under the DCO with protective provisions or authorised subsequently.	Subsequent consent to be applied for separately.
Approval of noise generating activities during construction	Section 61 consent (noise and / or vibration)	LPA	England	STT Interconnector , Vyrnwy bypass	4 weeks	4 weeks	Noise Impact Assessment	Control of Pollution Act 1974	Subsequent consent to be applied for separately by Contractor	Subsequent consent to be applied for separately.
The operation of a mobile plant for the treatment of soils and contaminated material, substances or products	Standard rules mobile plant permit	EA	England	STT Interconnector , Vyrnwy bypass	8 weeks	Up to 4 months	Ground investigations	N/A	Can be authorised under the DCO with the agreement of the EA or authorised subsequently	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Permanent alterations or improvements to a public highway	Section 278 highways agreement	Local Highway Authority	England	STT Interconnector , Vyrnwy bypass	8 weeks	Up to 6 months	Topographic Survey Traffic Count Data Visibility Splays	N/A	Works can be authorised under DCO and the separate requirement for consent disapplied.	Section 278 agreement would be secured as part of the planning permission
Transport of an Abnormal Load	Notification	Police, Highways Authorities and bridge structure owners such as Network Rail	England	STT Interconnector , Vyrnwy bypass	8 weeks	1 week	N/A	An 'abnormal load' is a vehicle that has any of the following: - 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	Subsequent consent to be applied for separately by Contractor	Subsequent consent to be applied for separately by Contractor
Transport of a Special Load	Notification	Police, Highways Authorities and bridge structure owners such as Network Rail	England	STT Interconnector , Vyrnwy bypass	8 weeks	Up to 10 weeks	N/A	N/A	Subsequent consent to be applied for separately by Contractor	Subsequent consent to be applied for separately by Contractor

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Applications for road closures and other restrictions which require a Temporary Traffic Regulation Order (TTRO). This includes restrictions on country roads, footpaths and bridleways	Temporary Traffic Regulation Order	Local Highway Authority	England	STT Interconnector , Vyrnwy bypass	4 weeks	12 weeks	N/A	Road Traffic Regulations Act 1984.	Works can be authorised under DCO and the separate requirement for consent disapplied. Highway authorities may require use of their Permit Schemes.	Subsequent consent to be applied for separately by Contractor
Works affecting Network Rail Land (within 15m)	Asset Protection Agreement	Network Rail	England	STT Interconnector , Vyrnwy bypass	12 weeks	6 weeks	N/A	N/A	Protective provisions can be secured through the DCO, with subsequent consent to be applied for separately by Contractor.	Subsequent consent to be applied for separately by Contractor
Hold certain quantities of hazardous substances at or above defined limits	Hazardous Substances Consent, Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 2015	LPA	England	STT Interconnector , Vyrnwy bypass	9 weeks	8 weeks	N/A	N/A	Works can be authorised under DCO and the separate requirement for consent disapplied. Highway authorities may require use of their Permit Schemes.	Can be secured separately alongside planning permission/ permitted development.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Working in close proximity to fuel pipeline	Part 4 Energy Act 2013	CLH Pipeline System Limited	England	STT Interconnector , Vyrnwy bypass			N/A	CLH Pipeline Systems acquired the Government Pipeline and Storage System and has the benefit of Part 4 of the Energy Act. This includes safe operation of pipelines.	Protective provisions can be secured through the DCO, with subsequent consent to be applied for separately by Contractor.	Subsequent consent to be applied for separately by Contractor.
Works within Common Land and / or Village Greens	Section 38 Consent, Commons Act 2006	SoS	England	STT Interconnector , Vyrnwy bypass (although the route selection process will seek to avoid such areas)	8 weeks	6 months	EIA Land referencing	Land referencing to be completed. Consent for work affecting Common Land.	Can be secured through the DCO, but subsequent additional Common Land Consent procedure may be required depending on impacts on Common Land.	Subsequent consent applied for following planning permission.
Works within Crown Land	Section 135, Planning Act 2008	SoS	England	STT Interconnector , Vyrnwy bypass (although the route selection process will seek to avoid such areas)			Land referencing	Land referencing to be completed. Consent to acquire third party interests in Crown land	Compulsory acquisition of rights over Crown Land not available.	Subsequent consent applied for following planning permission.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Required in England/Wales or both	Potential to be applicable to STT Interconnector / Vyrnwy bypass/ Shrewsbury redeployment	Approximate timescale to prepare application documents and determine		Surveys and assessments required	Notes	STT interconnector DCO - Indicative permitting approach	Vyrnwy bypass/Shrewsbury redeployment - Approach/timing to other consents
					Prepare	Determine				
Notification of Construction Project	Construction (Design and Management) Regulations 2015	Health and Safety Executive	England	STT Interconnector , Vyrnwy bypass, Shrewsbury redeployment	1 week	N/A	N/A	The Construction (Design & Management) Regulations (CDM 2015) require that the Health and Safety Executive is notified of the construction project. The contractor would issue this notice, in advance of construction commencing.	Contractor notification prior to implementation	Contractor notification prior to implementation

Appendix 4 – STT permitting roadmap

STT Permitting Roadmap

Introduction

There are a number of workstreams associated with permitting the STT scheme. These include:

- Workstream 1: Discharge consent and abstraction licence arrangements
- Workstream 2: River Severn Regulation interactions and development of a Section 20 operating agreement
- Workstream 3: Planning consent interactions (timeline)

Exclusions from the STT permitting roadmap include

- Construction consents
- Discharge into the River Thames and permits beyond that – the SESRO SRO team are leading on these, but the STT SRO team is liaising closely with them.

Figure 1 shows the workstreams.

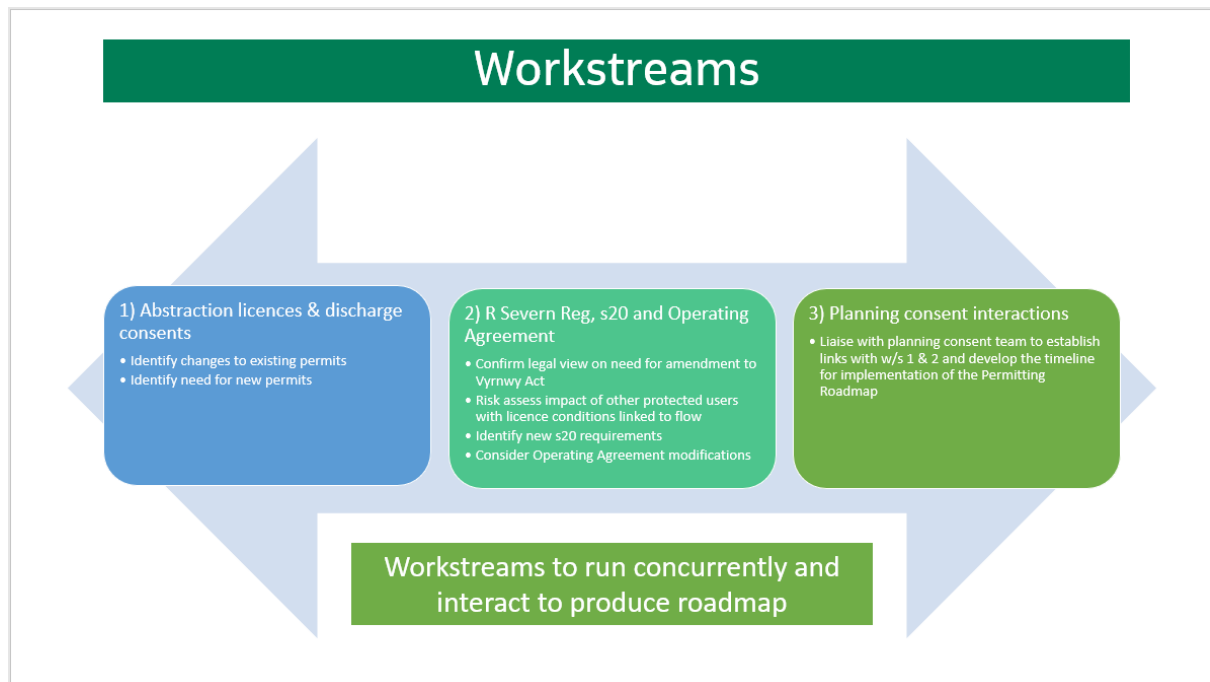


Figure 1 – STT Permitting Workstreams

Workstream 1: Discharge consent and abstraction licence requirements

For all elements of STT a review of existing permits has been undertaken and an assessment of requirements for variations to these made. In addition, the need for new permits has been undertaken. This assessment has been made based on the current understanding of the elements of the STT scheme and its potential operation.

Figure 2 below sets out the as is permitting and the anticipated permitting situation for STT. There is a PowerPoint slide deck with animation which takes each element of STT individually that builds to this holistic view.

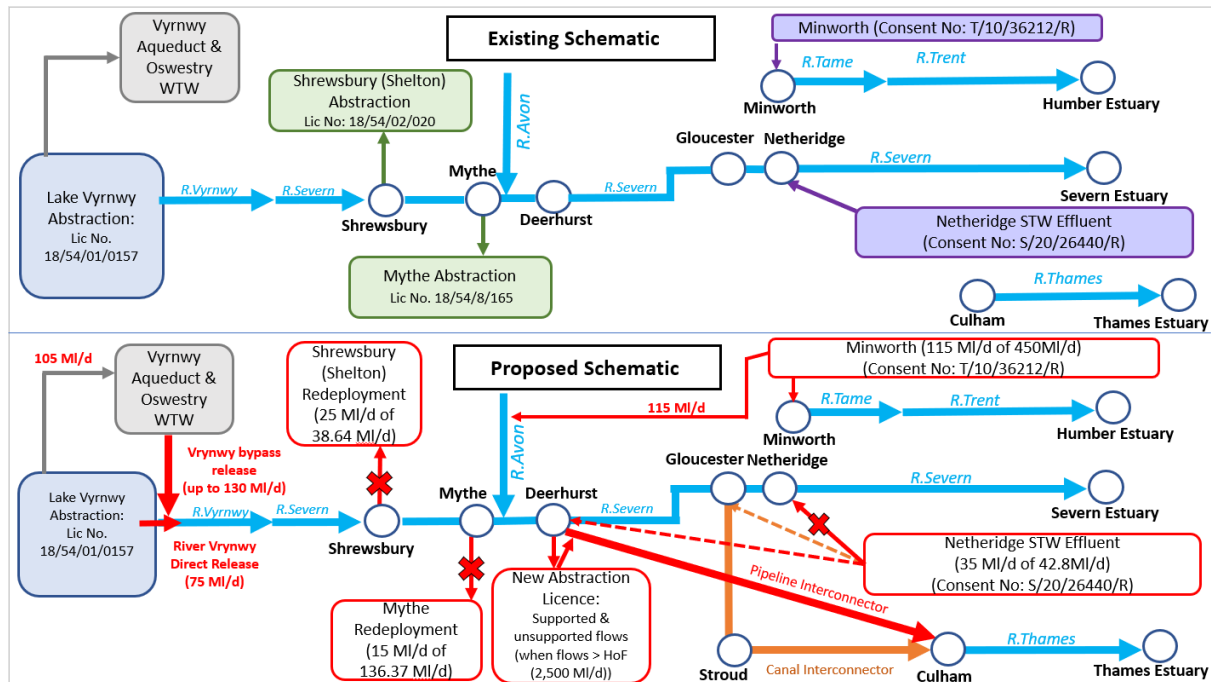


Figure 2 - Current permitting and the anticipated permitting situation for STT

For STT the permit requirements are:

- 4 new discharge consents
- 2 amendments to an existing discharge consent
- 2 new abstraction licence
- 4 amendments to abstraction licences

These are shown in Table 1.

Table 1: Potential new licences and permits and variations to existing

	Discharge permits	Abstraction licences
Existing permits / licences to be varied	<ul style="list-style-type: none"> • Netheridge • Minworth 	<ul style="list-style-type: none"> • Vyrnwy • Shelton • Mythe • River Thames
New permits / licences to be obtained	<ul style="list-style-type: none"> • Vyrnwy bypass • Netheridge • Minworth* • Interconnector (into River Thames or SESRO) 	<ul style="list-style-type: none"> • Interconnector (transfer licence) • SESRO

*Within the Regional Water Resources Plans Minworth may have 3 discharge locations (existing Tame, new Avon and new GUC). Whether these are 3 separate but linked discharge consents or one consent with 3 discharge points and conditions is to be determined.

Table 2 sets out the requirements for each of the new or amended discharge permits and abstraction licences. Abstraction from the River Thames via existing licences or through the proposed new SESRO licence is not included as this is part of the River Thames licencing strategy.

Table 2: Discharge permit and abstraction licence requirements

Component of STT	New Discharge Permit Requirement	Amended Discharge Permit Requirement	New Abstraction License Requirement	Amended Abstraction License Requirement
Direct release from Vyrnwy	No	No	No	New transfer purpose and limit for total abstraction volume for both purposes not to exceed current maximum volume.
Release from Vyrnwy via bypass	New discharge permit for release from the bypass	No	No	
Shrewsbury (Shelton)	No	No	No	New transfer purpose and limit for total abstraction volume for both purposes not to exceed current maximum volume.
Mythe	No	No	No	New transfer purpose and limit for total abstraction volume for both purposes not to exceed current maximum volume.
Netheridge	New discharge permit to the River Severn and new discharge point	Revision of existing permit	No	No
Minworth	New discharge permit to the River Avon	Revision of permit to the Tame	No	No
Unsupported flow	No	No	No – see interconnector	No
Interconnector	New discharge permit for unsupported and supported elements (Part of the Thames Licensing Strategy).	No	New licence for unsupported and supported elements from River Severn into the interconnector. Likely to be a transfer licence.	No

Each application to vary an existing permit or for a new permit will be taken through the EA application process in place at the time of application. The process currently includes:

- payment of an application fee
- completion of relevant application forms
- submission of supporting information

New abstraction applications currently need to satisfy three tests:

- Justification of need
- Efficient use of water
- Sustainability

Environmental Impact Assessment (EIA) or environmental appraisal is required depending on the potential environmental effects or an environmental statement based on the EIA or an environmental report based on the environmental appraisal. For STT an EIA will be produced to support the DCO application for the interconnector. It is anticipated that this will cover in sufficient detail the abstraction aspects.

Applicants for abstraction licences must also demonstrate they have, or expect to have from the date when the proposed licence is to take effect, a right of access to:

- the land directly adjoining the inland waters at the place (or places) where the abstraction is to take place; or
- the land consisting of or comprising the underground strata where the abstraction is to take place.

The formal determination period for the abstraction licence application process is 3 months from the date that the EA confirms the application and all supporting information has been submitted correctly and in full. For a scheme such as STT it will be important to agree with the EA what supporting information is required well in advance of application. Current guidance indicates this would likely include EIA. This will be kept under review as the scheme develops and as EA licencing policy develops. Early engagement on the application process and requirements will be undertaken.

Discharge consent applications must be supported by environmental assessment of the impact of the discharge to the receiving watercourse. For Minworth where the proposal is to divert the treated effluent discharge from the River Tame to the River Avon the assessment will also need to consider the impact of removing the discharge from the River Tame. It is expected that supporting information required will include monitoring data, modelling data and trade effluent data. This will be kept under review as the scheme develops and as EA consenting policy develops.

The EA has appointed a designated resource to consider permitting for SROs. We understand this role will consider the EA policy on Reserving Water i.e., how to deal with the issue of when to make applications for large infrastructure projects where there is a need to secure certainty over the resource before investment in the infrastructure. It is understood that NRW are not currently considering such a policy.

In addition, timing in relation to the planning consent process will need to be confirmed i.e., are the permits required to support the DCO, vice versa or whether the processes run concurrently?

Table 3: Actions for discharge consents and abstraction licences

Action	Description of action	Who
1	Confirm list of supporting information required for abstraction licence and discharge consent applications	STT / EA / NRW
2	Develop plan to collect / generate supporting information where this is currently missing	STT
3	Liaise with the planning consent team to confirm links between permitting and planning (workstream 3)	STT

There are a number of remaining uncertainties to be addressed as the Permitting Strategy and the STT scheme development continues. These include

- Current licencing policy is for new licences or varied clauses to be time-limited (but we understand this may change in 2023 when EPR is introduced)

- There are a number of other protected users with licenced abstractions on the River Severn linked to HoF and an approach to these needs to be developed and agreement in principle with the EA sought. The next common end date for the Severn Corridor is March 2034 and this may present an opportunity to consider alternative licence conditions to preserve the STT supported flow for transfer;
- The timing of when to apply for and grant licences and consents if the STT scheme is not selected in regional modelling until 2040 or later (although EA has indicated they have initiated a review of policy to reserve water with future effective dates) and sequencing with DCO
- Abstraction charges

Workstream 2: River Severn Regulation interactions and development of a Section 20 operating agreement

The 1880 Act (Liverpool Corporation Waterworks Act) enabled the building of Lake Vyrnwy. The Severn-Trent Water Authority (Lake Vyrnwy Discharge) Order 1979 revised the maximum discharge from Lake Vyrnwy into the River Vyrnwy to 405,000m³/d (405MI/d) unless river flows at Meifold Gauge are greater than 1.5m when the maximum discharge reverts to the 1880 Act.

The Severn-Trent Water Authority Order 1981 amended the compensation discharge element of the Act to 45,000m³/d (45MI/d) except then the Afon Cownwy gauge exceeds 20,000 m³/d (20MI/d) when the compensation release will be 25,000m³/d (25MI/d).

NRW has confirmed that the maximum releases from Lake Vyrnwy are 405MI/d including the compensation flow of up to 45MI/d. The proposed release direct from Lake Vyrnwy has been reduced to 25MI/d due to environmental concerns and as such this falls well within this limit. At times when river regulation releases are being made the 25MI/d for STT would only be possible if the total of regulation releases, compensation releases and STT release did not exceed 405MI/d (i.e., 25MI/d STT and 45MI/d compensation release and 335MI/d regulation releases).

The interpretation of this is that there is no requirement to seek to amend the Liverpool Corporation Waterworks Act in order to permit STT. However, a new Section 20 operating agreement will be required to set out the controls and co-ordination of all the elements of STT and how it interacts with the River Severn Regulation.

At this stage of scheme development, the operating strategy is defined only in outline. It is therefore not possible to develop more detail around the requirements of a new Section 20 at this point. As ownership and operation of the scheme is developed further this will enable the Section 20 requirements to be defined. Potential operational benefits offered by STT will need to be explored as part of the S20 agreement development.

Workstream 3: Planning consent interactions (timeline)

This will be further developed for Gate 3.

Appendix 5 - Land Strategy

CONTENTS

- 1 Introduction and Context**
- 2 Land Referencing**
- 3 Approach to Land Access**
- 4 Land Acquisition**
- 5 Management of Data**

1. Introduction and Context

Introduction

- 1.1. This strategy provides the basis of the land-based activities associated with the early stages of preferred route determination and application. It provides information and evidence to inform the Severn Thames Transfer (STT) Strategic Resource Option (SRO) RAPID Gate 2 process.
- 1.2. The advice structures an approach and the basis for a methodology for each activity. It is anticipated that the chosen land referencing and agency contractor will provide this in more depth upon appointment.
- 1.3. The activities of land referencing, gaining access to land for survey purposes and land valuation and acquisition have all been addressed. The aim within this strategy is to highlight the key activities associated with the land workstream, and how they can be placed amongst the wider project programme. Also addressed is how the processes and activities relate to Gate 2 and Gate 3 onwards. This way an aligned approach can be made to get the best outcome for Thames Water Utilities limited, Severn Trent Water and United Utilities – “the Programme Partners”.
- 1.4. Key risks and mitigations associated with each activity are also identified within this strategy.
- 1.5. This strategy relates to the STT interconnector which will be a Nationally Significant Infrastructure Project (NSIP) subject to the Development Consent Order (DCO) process. The lands related activities follow a tried and tested methodology for lands activities for a DCO application and post DCO decision. It adheres to the requirements of Section 42, Section 44, Section 49, Section 56, Sections 122 to Section 134 of the PA2008 consultee identification, consultation and notification and compulsory acquisition.

Context

- 1.6. The Severn Thames Transfer (STT) Scheme Strategic Resource Option (SRO) will enable water to be transferred from the River Severn to the River Thames when needed by water companies in the South East of England in times of drought. The STT Scheme SRO comprises the following key components:
 - A new **interconnector** to facilitate the transfer of raw water from the River Severn to the River Thames. This could be either via a new pipeline or through an existing canal;
 - The **river Vyrnwy bypass** to mitigate the release of water into the river from Lake Vyrnwy (required to augment flows in the River Severn);
 - The release of Severn Trent Water’s licensed abstraction from the River Severn at **Shrewsbury**.
- 1.7. Due to the risk of concurrent droughts in both the River Severn and River Thames catchments, additional sources of water in addition to those naturally occurring in the River Severn have been identified to augment natural flows. These multiple diverse sources of water provide resilience to the system in the provision of raw water flows to the Thames. Together with the STT Scheme, these additional sources are collectively known as the STT system.
- 1.8. This Land Strategy relates to the STT interconnector only.

2. Land Referencing

Land Referencing work so far on STT

- 2.1. For the purposes of Gate 2 for STT the land referencing process will be limited landownership searches of the provisional surface sites where permanent land acquisition would be required. Alongside this will be a land risk analysis of the special category land at the surface locations and along the provisional route corridor. This will establish any key risk landowners or land categories such as Crown or National Trust and special category land such as common land, village greens, public open space or sensitive sites such as burial grounds and religious buildings.
- 2.2. The diligent enquiry process of the land referencing activities should take place from Gate 3 onwards.

Diligent Inquiry and the Planning Act 2008

- 2.3. The PA2008 legislation requires certain persons to be identified through a process of diligent inquiry, to be consulted about the proposals and their land interests and rights recorded and categorised prior to an application being made.
- 2.4. Diligent inquiry is not defined in PA2008. For the purpose of an application, diligent inquiry is to be regarded as the completion of the land referencing as set out in the remainder of this section.
- 2.5. The categories of persons that require identification for the purposes of consultation and notification under Sections 42 and 56 are set out in Sections 44 and 57. This involves undertaking diligent inquiry to identify persons with an interest in land within Categories 1, 2 and 3.
- 2.6. Category 1 includes owners, lessees, tenants and occupiers of the land within the proposed project development area ("Order limits").
- 2.7. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within Order limits.
- 2.8. Category 3 includes parties that the applicant thinks that, if the order sought by the application were made and fully implemented, the person would or might be entitled to make a relevant claim for compensation under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or Section 152 of the PA2008.
- 2.9. In order to achieve this, requests for information should be conducted through a questionnaire process which provides the opportunity for the consultants to confirm and present their findings to date, and for the land interests to provide any further detail / corrections. Failure to provide this information allows for an information notice to be served under s167 of the PA2008 by the relevant local authority. Failure to comply can result in a fine being imposed on persons receiving the notice.
- 2.10. This document sets out how the Programme Partners would identify and categorise these persons with interests in land inside and outside the Order Limits by establishing clear Land Referencing Limits, taking account of the potential impact of a defined route on their interests in land.
- 2.11. In addition to the above categories, the Programme Partners must record and categorise certain other types of interest that are subject to special procedures in relation to compulsory acquisition

powers. These are as follows:

Land Categorisation	Risk	Mitigation
Commons, fuel/field allotments, public land and open space	Provide replacement land. Further acquisition costs. Multiple land interests to consult. Reputational risk of impact on a community asset. Approval from the SoS	Identification of interested parties. Early engagement. Route realignment.
Interests held by the National Trust and the Crown	Agreement required for SoS consent. Judicial Review. Land held by these bodies cannot be compulsorily purchased.	Early engagement to reach agreement for land take. Route realignment.
Interests held by government bodies, statutory undertakers and local authorities	These parties have the potential to oppose a project. Driven by political stance / promise. Land organisations, slow to process requests.	Identification of interested parties. Early engagement. Route realignment.

Order Limits for Land Access

- 2.12. Initial survey requirements will be determined by the required survey area for the Environmental Impact Assessment (EIA) in and around surface sites and some areas along the proposed option alignments themselves. The process from here is to identify the affected freeholders and interests in land through HM Land Registry searches. A process of contacting each affected party through mailouts should then be adopted. This can be an opportunity to introduce the scheme and begin the first stages of engagement with those directly affected by land requirements. Further detail on the survey access process and mitigations for access using statutory powers can be found in section 3.

Order Limits for Design and Preferred Route

- 2.13. The defined limits for land referencing are driven by the analysis of preliminary environmental impact report (PEIR) and early surveys, as well as the land-based searches during feasibility at Gate 2. The Order Limits for the Gate 3 design will capture the requirements for environmental surveys and give a more defined corridor which determines the area required for land referencing, to the diligent enquiry standard.

Pre-application Statutory Consultation

- 2.14. In the absence of final order limits or survey information to identify where any significant effects might be felt, the referencing limits should be set to the widest extent that the project considers parties may have a relevant claim for compensation.
- 2.15. The referencing limits for Section 42 should be identified as follows:

1. All interests in draft Order limits (freeholders, leaseholders, tenants, occupiers, rights,

beneficiaries, mortgagees etc. of all land, interests and property)

2. All interests within a [xxm] buffer of [draft Order limits / centreline of the works / particular aspect of the works] (to be defined through further engagement with environmental consultants)
 3. Any interest that is affected by measures of mitigation and statutory blights to a property
 4. All receptors identified as being likely to be significantly affected by operational noise, vibration, smell, fumes, smoke, artificial lighting and/or discharge of any solid or liquid substances from the proposed project.
- 2.16. The Land Referencing Limits for Items 1 and 2 are determined with reference to the land interests that may be directly affected by the STT interconnector.
- 2.17. Items 3 and onwards are a response to the requirement to identify referencing limits for additional Category 3 interests which may be impacted by works or new infrastructure but fall outside of the proposed Order Limits.

Application Submission

- 2.18. Any design changes after statutory consultation will be captured and define what the final land requirement boundaries will be. This will be the Order Limits for the proposed application and will be aligned with the submitted Book of Reference (BoR), Statement of Reasons and Land Plans.
- 2.19. The approach to the book of reference should be as is statutorily required, however there may be some changes to this as some aspects of DCO delivery become digitised and these opportunities will be kept under review.
- 2.20. The land plots within the land plans will link directly to the land plots and their descriptions within the BoR. The defined land use boundary should capture all the land requirements for the project, these will be identified through land categorisations of acquisition type. The basic three categorisations of acquisition are:
1. Permanent acquisition of land – Statutory powers for the undertaker to take freehold of land, defined by the plot boundary – Typically this land is coloured pink on the land plans
 2. Acquisition of rights – statutory powers for the undertaker to take permanent rights over land and the ability to construct the associated works for this right. For example, a utility cable or an access route – Typically this land is coloured blue on the land plans
 3. Temporary possession of land – Statutory powers for the undertaker to use land on a temporary basis, and return to the original landowner after a defined period of time – Typically coloured green on the land plans

3. Approach to Land Access

- 3.1. The recommended method for achieving land access for surveys will be a programmed approach, with early engagement and preparation of access agreements with the affected parties. An initial dialogue will take place as soon as practical with those landowners where non-intrusive time critical surveys are required as identified by the STT environment and design teams. By working closely with the environmental and design teams, areas of priority or risk can be identified, and a programme established for the survey seasons to follow. All information collected should be logged within a suitable database format.
- 3.2. It is advised that a scale of payments for access and the approach to land agents fees is established and agreed before survey requests are issued. Landowners will always want to know what is in the process for them and having these established before questions are raised presents a clear and consistent approach going forward.
- 3.3. It may also be considered that an approach for urban areas and rural areas is defined as processes and timelines may differ. Urban areas would require more input to the diligent enquiry process as there will be more affected parties, meaning a lower response rate and further time allowed to chase up responses and conduct door to door site visits. A rural approach would need to allow further time for individual meetings with landowners, assuming they would have larger plots, sometimes multiple plots of land which is impacted.

Non-Intrusive Surveys

- 3.4. After consultation with the environment and design team, the programme for non-intrusive surveys can be established. The approach should follow the requirements prioritised and seasonal survey windows. Upon identification of target areas, the survey access requests should initially be sent out via mail and followed up where no response is received. Either through further mail outs or where necessary in person, on site or through intermediaries/agents if required.
- 3.5. If no response is gathered through these means, then powers to gain access to land lawfully should be used, options for this are detailed in 3.18.
- 3.6. The survey request forms and agreement packs should be established and approved by the Programme Partners during the programming phase. These should try and capture as many surveys due to take place on a person's land as possible to minimise the amount of contact required with the land interests.
- 3.7. It is advised that a minimum of 3 months is given to the survey access team to achieve land access for non-intrusive surveys. Without this time there is a risk of upsetting landowners with last minute requests or forcing the use of statutory powers for access. This can cause a negative reputational effect for the project and risk any positive relationships which have been made since the early engagement stages of Gate 3. This also allows for a worst case scenario if the statutory powers are to be relied upon.
- 3.8. Land interests should be assured that land access dates are defined, and they are given suitable notice (approx. 4 weeks, with further confirmation a week before) of the surveys due to take place. They should be given details of personnel attending site and what equipment will be involved. Further notice is then required once site has been left and feedback any findings of surveys if these have been requested in a suitable amount of time.

-
- 3.9. All forms of contact with land interests should be recorded and stored in a suitable database format where possible. Without this, claims may be made by uncooperative landowners at stages of representation. The evidence recording this information provides, can be valuable at examination.

Intrusive Surveys

- 3.10. Following a similar process to the non-intrusive surveys, the land identified should be prioritised and programmed to allow the access team to prepare and commence the access negotiations.
- 3.11. The survey request forms and agreement packs should be established and approved by the scheme promoter during the programming phase. These should try and capture as many surveys due to take place on a person's land as possible to minimise the amount of contact required with the land interests.
- 3.12. It is advised that a minimum of 12 weeks is given to the survey access team to achieve land access for intrusive surveys.
- 3.13. Land interests should be assured that land access dates are defined, and they are given suitable notice (approx. 4 weeks, with further confirmation a week before) of the surveys due to take place. They should be given details of personnel attending site and what equipment will be involved. Further notice is then required once site has been left and feedback any findings of surveys if these have been requested in a suitable amount of time. It may in some cases be most suitable to meet and visit a site before any works take place to establish appropriate access routes and storage areas.
- 3.14. Pre and post condition reports for the land should be made, including any access routes for the survey location. It is suggested these are carried out by the land access team and not the appointed survey contractors. This ensures a fair representation of the state of the land is made as this will inform any claims for compensation.
- 3.15. All forms of contact with land interests should be recorded and stored in a suitable database format where possible.

Negotiated Access / Licence Agreements

- 3.16. All non-intrusive surveys should be secured through a basic land agreement. Although not legally binding, these do demonstrate a commitment between the Programme Partners and the land interest and can provide valuable detail such as access routes, areas to avoid and any contact details during the survey itself.
- 3.17. For intrusive works, where compensation for damage to land or an access fee may be required, it is advised to use a licence agreement to secure land access and agree the terms of the survey itself.

Powers to gain Access

- 3.18. Situations where gaining access via negotiation is not possible will require the use of statutory powers. The options are set out below along with the time frames associated with the service and lead in periods to the notice themselves.
- Section 158, 159, 168, 169 & SCHEDULE 6 – [Water Industry Act 1991](#)

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- 7-day lead in period.
 - Approved signatory from scheme promoter required for sign off.
 - Flexible and can be used on various types of works, intrusive and non-intrusive.
 - Defined by a single survey activity so multiple notices required for various survey activities.
 - Some surveys aren't covered by the notices e.g., bird/bat boxes, monitoring, soft blocking
 - Gaining access through a warrant when enforcing the notice is long and often expensive

 - Section 172 – [Housing and Planning Act 2016](#)
 - 6-8 weeks required for the notice process alone
 - 3 attempts at gaining access via negotiation are required to be proved
 - Can capture multiple survey requirements
 - Available to statutory undertakers when pursuing and NSIP

 - Powers gained via DCO
 - Requires approved application of DCO
 - Powers can be tailored to project timeline and development environment

 - Section 53 – [Planning Act 2008](#)
 - Slow process – 6-12 months
 - Requires approval from the PINS
 - Resource heavy
 - Link to NSIP is required to use this power

4. Land Acquisition

- 4.1. All land required for the construction, operation and maintenance of the STT interconnector will require a mix of temporary possession and land and rights acquisition. The differing methods of securing these are detailed below. The negotiation of this process could begin before Gate 3, and before the beginning of Statutory Consultation when engagement with landowners would have been substantial for the land referencing and land access for surveys activities. Acquisition through compulsory methods would be secured through the DCO or WIA powers and have to take place after consent from the SoS or planning authority has been achieved.
- 4.2. To influence the approach and manage the spend of the land acquisition process, regular land cost estimates should be conducted to ensure these key costs are factored into a scheme budget and inform the funding statement required for application. Where possible all land to be purchased should be at market value, as reflected in the land cost estimate.
- 4.3. An open approach to cover a variety of scenarios (e.g., rural and urban) have been addressed within the advice below. A flexible approach will be required or a strategy which addresses both these land types will be necessary. The negotiation and acquisition process can vary depending on the environment so this may be an approach to consider.

General Vesting Declaration (GVD) – DCO

- 4.4. Some land may be acquired at various times throughout a scheme's lifecycle, if the point is after powers have been granted through the approval of an Order (DCO for example) then the GVD process can be utilised.
- 4.5. The compulsory acquisition process can be through the use of a / multiple general vesting declarations (GVDs). There may still be instances where the acquisition of land through a private agreement will continue to be sought where expected completion is imminent and therefore use of the GVD can be avoided.
- 4.6. Once requirements for enabling works, temporary possession or permanent acquisition are confirmed, or following finalisation of the detailed design, a programme for the land required should be formalised. This will determine the detailed strategy for exercising GVDs and the options to purchase land and rights.
- 4.7. If required temporary possession can be taken to allow a flexible approach to detailed design while construction is ongoing and the GVD process is completed at the end of construction. This is the approach which has been taken on TWUL's Tideway project and minimises final permanent land acquisition and the need for compulsory acquisition.
- 4.8. In order to achieve the powers for compulsory acquisition and ability to exercise the GVD process, the applicant must have demonstrated the need for the land and that alternatives were not viable through the Statement of Reasons application document. They must also demonstrate that appropriate attempts have been made to reach an agreement and these are recorded for evidence.
- 4.9. Relying on powers of compulsory acquisition however can have its risks. Compulsory acquisition powers are considered as a last resort, for example due to a land interest refusing to engage with

a project. In this instance, although the legal process is in place, physical measures such as the use of the Sheriff or bailiffs can be time consuming and have an impact on the construction programme. From a reputational perspective, unless it is the communicated and agreed method of purchasing with the community, it can look like a very heavy-handed approach and paint the project in a negative way.

Compulsory Purchase (CPO) Section 155 – WIA

- 4.10. If following the WIA process, any land where freehold ownership is required, Section 155 WIA can be used. The land referencing process will complement this, and production of the required land schedules and plans to support the notices will be required.
- 4.11. To achieve this the Programme Partners will be required to gain approval from the SoS. It must be defined what area of land is needed and the function it provides to the scheme. A compelling case in the public interest must be presented and evidence that agreement to purchase the land has been made, even if terms are rejected by a landowner. It must also be proved that there aren't any other viable options to achieve the means of the project and that if approved, the necessary planning requirements and funding are in place.
- 4.12. The process should follow the below steps:
 - Once we know we want to go ahead, we need to prepare a Statement of Reasons
 - Consider whether the land is of a type where additional information/notices/considerations are required
 - Make a formal resolution to use Compulsory Purchase Powers
 - Prepare the Order, Schedule and Map
 - Make the Order.

Independent Land Agreements

- 4.13. Where possible land agreements for purchase, rights or temporary possession should be sought. It is necessary for the acquiring authority to demonstrate meaningful negotiation has been undertaken to secure voluntary agreement ahead of requesting compulsory acquisition powers. Successful negotiation of such agreements can significantly reduce the amount of preparation time needed for Examination and compulsory acquisition hearings. It also helps maintain the goodwill of key stakeholders, landowners, and their advisers.
- 4.14. Heads of Terms (HoTs) for option agreements ahead of the application submission should be sought with all affected land interests where possible. Such agreements allow the businesses / landowners to understand the timescales attributable to the project and mitigate accordingly. It also allows the project to look at different scenarios, such as renting land elsewhere or facilitating land exchange, which may in some circumstances be more favourable than straightforward monetary compensation. Early engagement and an understanding of the impact on the land occupation allows time to tailor the negotiations to suit the individuals within an overarching payment strategy to maintain fairness and consistency.

Pipeline Easements / Wayleave / Freehold

- 4.15. The acquisition of rights will be required across the Scheme(s) for the purposes of new pipeline to secure, inspect, maintain, adjust, repair or alter the pipe after its construction. The Programme Partners should seek to implement these rights through agreement initially but could use the powers from approved powers to implement if required. These will be registered as an easement within the relevant land titles to the Programme Partners if agreement can be reached. Where the owner's consent cannot be obtained, using notice under WIA or DCO allows for a compulsory wayleave to be acquired which secures the required future provisions for the pipeline's placement.
- 4.16. Depending on the size of the new pipeline there may be an argument for the schemes to follow the Tideway style of purchasing the land within the subsoil to ensure the necessary protections for the new asset. This can be determined once more is known about the design and should be considered an option.

Maintenance and access rights

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

Temporary use of land for construction

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

5. Management of Data

Lands Database

- 5.1. To ensure all relevant details and communications with landowners and interest are captured it is recommended the information is stored within a common data environment which is accessible through an online portal/platform. This captures all the information in one place and can make relations between the land interest in the scheme and the land itself. Communications with interests such as letters, meeting minutes or notes from phone calls can be stored in these environments.
- 5.2. This creates an audit trail which as a scheme develops to application phase is particularly important. Aiding processes like design stage meetings to review what has been said on site, all the way through to examination when records may need to be accessed as evidence.

Lands GIS

- 5.3. Associated with the database above, a lands GIS system or data layer should be required to ensure all land that interacts with the scheme is documented correctly. This should be maintained throughout the lifecycle of the project to ensure land information is kept up to date.
- 5.4. Land referencing information alongside the land parcels themselves should also be recorded. Such information like environmental designations, administrative boundaries, special category land or Crown land can be utilised into extremely helpful layers within a GIS system which can inform the design of a scheme. A GIS system for the project has already been set up. This provides the detail which the feasibility studies have been based on, alongside the design options. Any land data which has been purchased has also been included.
- 5.5. If there is an opportunity to link the spatial data within a GIS with the landownership database then that should be explored, as this will be of much benefit to a project as time goes