

Gate two query process

Strategic solution(s)	Grand Union Canal
Query number	GUC005
Date sent to company	12/12/2022
Response due by	12/14/2022

Query

Please could you confirm if there is a separate annex available relating to planning/consents. If not, please could you provide further detail on –

- Which consents will be included in the DCO application and a summary of any consents that need to be obtained outside of the DCO
- Your justification for applying for a Section 35 direction
- A strategy or plan for effective delivery of the land lifecycle? This should include an explanation of how the approach will support the effective and efficient delivery of planning consent, land acquisition and delivery of the programme.
- Explain how systems and resources have been/will be put in place to support processes and governance arrangements for delivering the planning and land acquisition process?
- Please explain how you will ensure a good experience for customers (i.e. land owners, residents, businesses) impacted on the project.
- Please provide key risks and issues relating to land and planning and an explanation of how your strategy supports the management/mitigation of risks?

Solution owner response

Q1a: Which consents will be included in the DCO application and a summary of any consents that need to be obtained outside of the DCO

A1a: We understand through our regular engagement with the NAU that the general approach is that EA regulation of medium to long term activities will not be incorporated into the Development Consent Order (DCO) process. Medium to long term activity regulation will stay with the EA but shorter-term activities, perhaps associated with the construction phase, are likely to sit with the DCO.

At this stage of the SROs development, the two major consents will be the consent to discharge from Minworth SRO into the canal system, and to abstract from the canal system at Leighton Buzzard. There would be no GUC SRO without either of these being in place.

We understand the Environment Agency are currently looking at revising their guidance to make it clearer as to what is in and what is out, given the likely increase of DCO applications as a result of the SROs. We will continue to work with the Environment Agency and the NAU, and ensure their guidance is followed.

Q1b: Your justification for applying for a Section 35 direction

A1b: We are not planning to apply for a Section 35 direction.

The GUC SRO meets the NSIP requirements of exceeding 80Ml/d water transfer as required by WRSE in its draft Regional Plan, and the Affinity Water draft WRMP24 as a result. It is therefore able to 'qualify' as having to proceed through the DCO route.

We will continue to monitor the WRSE requirement as that planning process moves through its consultation phase and into a final version which will be used to support the Affinity Water final WRMP24.

Q1c: A strategy or plan for effective delivery of the land lifecycle? This should include an explanation of how the approach will support the effective and efficient delivery of planning consent, land acquisition and delivery of the programme.

A1c: Section 7.17 to 7.23 in our Gate 2 submission document refers to our outline strategy for land referencing, access and acquisition.

Figure 7.1 within our Gate 2 submission highlights land referencing activities will be a key focus of Gate 3. To enable this to be successful we are intending to compile a land strategy document in early 2023 to aid and guide the efficient delivery of this workstream.

We are in the process of appointing a DCO Planning Manager as a critical role (see 7.11 in the Gate 2 submission). The first key focus for this role will be to incorporate a land strategy into the wider programme, under the context of the wider DCO timeline.

Q1d: Explain how systems and resources have been/will be put in place to support processes and governance arrangements for delivering the planning and land acquisition process?

A1d: The project team (Affinity Water, Severn Trent Water and The Canal & River Trust) have been working with internal and external planning experts, as well as working closely with the rest of the industry through the ACWG and its sub-groups to prepare itself for Gate 3 and the commencement of the DCO pre-application phase.

The programme we submitted within our Gate 2 paper which highlights the WRSE required date of 2031/32 for the GUC SRO to deliver Deployable Output (DO). As we have discussed with the regulators and key stakeholders, this ultimately means the GUC project must begin the planning phase immediately. Therefore, the movement from Gate 2 to Gate 3 signifies a shift from the primary focus being to consider scheme feasibility, to the focus at Gate 3 being both continuing key feasibility assessments and beginning the formal planning/consenting phase.

We have initially shared outline Gate 3 team structure with RAPID and the NAU at our SRO level engagement sessions and are continuing to test the market to determine the most efficient and effective way in which they can be brought on board. This revised team structure is specifically designed to restructure the project team so that it can accommodate the increased scope and workload required at Gate 3. The structure proposed has been cross-checked with several other SROs, and it is based on structures which have proved successful in the delivery of multiple other DCO applications across a variety of sectors.

Q1e: Please explain how you will ensure a good experience for customers (i.e. landowners, residents, businesses) impacted on the project.

A1e: Initial thinking regarding the customer journey for those who will be affected / impacted by the project has led us towards developing a set of Design Principles. These Design Principles have been derived through our efforts on an ACWG sub-group and are available in our Annex E8 'Design Principles'. This set of principles will ensure that scheme design is driven towards considering a wider perspective, ensuring the way the scheme looks and meets the needs of those who use it.

Throughout our Gate 2 submission we have highlighted the benefits of this SRO being able to utilise an existing structure in the canal network. This helps reduce disruption and wider construction impacts, but it also gives the project team a platform upon which to make the ‘customer’ or canal user experience better.

To this end we have been convening a canal user forum throughout Gate 2 and we have recently scheduled some dates in 2023 (within Gate 3). This forum involves boating groups, angling groups, canoeists etc. Further details on customer engagement are available in Annex E2.1 to E2.4 and a summary in Chapter 9 of the Gate 2 submission document. In section 7.15 and 7.16 of our Gate 2 paper, we talk about our consultation strategy, with Annex E2.1 including further detail on key next steps as we move towards the planning process and engagement associated with this phase (section 6.2 of Annex E2.1).

Q1f: Please provide key risks and issues relating to land and planning and an explanation of how your strategy supports the management/mitigation of risks?

A1f: At this stage of the development of the GUC SRO, there are three main areas of risks related to land and planning.

1. Engagement of Local Authorities and key consultees,
2. Engagement with affected landowners,
3. The absence of field based, ground investigations at key sites.

Regarding Risk area 1 (above), we have engaged with various local authorities (LA’s) who, based on our current proposal, we assume could be affected by the GUC SRO. The contact we have received back has either been from LA’s who consider there to be little impact as the canal passes through their area without any construction impact, or feedback to state this is too early in the process and due to lack of resource we should contact the LA further down the line.

Risk areas 2 and 3 (above) are to be expected at this stage of the SRO’s development as the Regional Planning process has published their draft plan at the same time as our Gate 2 submission. Now it is confirmed that the draft plan contains the GUC SRO that we can start to engage with landowners. One of the earliest Gate 3 tasks is to commission a study to build on the land referencing efforts through Gates 1 and 2 with a view to containing key individuals (see Section 7.28 of the Gate 2 submission for details of this risk). Similarly, Risk area 3 would not be feasible at this stage, having not spoken to the landowner.

These risk areas are not uncommon when dealing with water projects of this size and nature at this stage of the project’s development.

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