



# ANNEX G1

## Consenting Strategy

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

# Consenting Strategy

Minworth - Strategic Resource Option

Prepared by Fisher German LLP on behalf of  
Severn Trent Water

## Project Title

Minworth - Strategic Resource Option

## Agent

Fisher German LLP

## Contact details

The Estates Office

Norman Court

Ashby de la Zouch

LE65 2UZ

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[REDACTED]

[REDACTED]

[REDACTED]

# 1. Introduction

- 1.1 Minworth Strategic Resource Option (SRO) is included as an SRO in the Price Review 19 Final Determination as a source option for the Severn to Thames Transfer (STT) SRO and Grand Union Canal (GUC) SRO. The project is progressing through the Regulators' Alliance for Progressing Infrastructure Development (RAPID) process.
- 1.2 The Minworth SRO involves the provision of new on-site tertiary treatment processes within Minworth Sewage Treatment Works to treat effluent and discharge to new discharge points, either the River Avon, the GUC or both. The treated water would then be used as a flow augmentation scheme for downstream drinking water uses. Severn Trent are developing the Minworth SRO and working with Affinity Water in relation to the GUC SRO element. A number of environmental assessments are under way to assess impacts on both the River Tame which would receive reduced flow, and the receiving waterbody.
- 1.3 The Minworth SRO is a solution which uses existing effluent to provide a supply of water to support subsequent water transfers. The diverted supply and new, and advanced, tertiary water treatment processes within the operational site boundary of the Minworth site are understood to be essential to supply the water required for the GUC SRO which is proposed to be operational by 2032. The connection from Minworth to the GUC is the sole source of supply for the GUC SRO.
- 1.4 Minworth is, however, one of multiple sources to supply the STT SRO which is understood as likely to come forward after the GUC SRO potentially in 20 years time. Minworth supply is not essential to the justification for the STT SRO. In order to ultimately connect Minworth to the STT a new water pipeline to the River Avon is required.
- 1.5 Fisher German (FG) have been appointed to provide land and planning support to Severn Trent to inform the Gate 2 submission for the Minworth SRO. Fisher German have reviewed the proposed development to identify any additional land and planning constraints to that already identified by Jacobs (author of the Concept Design Report) in the pipeline route options analysis. Jacobs have been appointed as designers for the project. [REDACTED]
- 1.6 This consenting strategy has been prepared to support the Gate 2 process [REDACTED]

## 2. Proposed Development

2.1 The proposed development which comprises the Minworth SRO includes:

- New advanced tertiary treatment processes for existing effluent within Minworth Sewage Treatment Works to supply the GUC SRO (no off-site works);
- New advanced tertiary treatment processes for existing effluent within Minworth Sewage Treatment Works and new, approximately 28km, pipeline to the River Avon to provide a source for the STT SRO;
- Potentially delivered separately or as a combination.

2.2 Within the existing operational site at Minworth the following new advanced treatment works would need to be installed as part of the Minworth SRO to support transfer to GUC, STT or both. Figure 1 below outlines the new process infrastructure required:

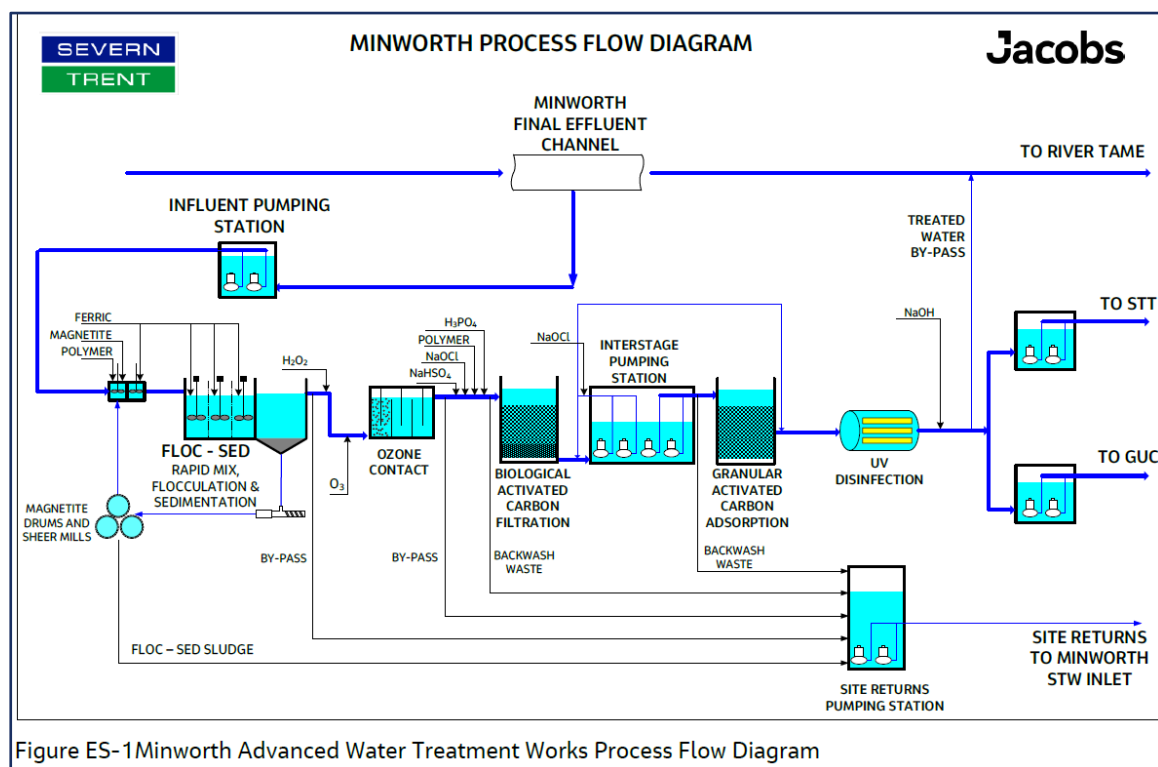


Figure ES-1 Minworth Advanced Water Treatment Works Process Flow Diagram

Figure 1 – Extract from the 'Process Options Report', Jacobs dated 27 April 2022 A7W13155-WR-REP-221001.

2.3 The proposed layout is set out in the preliminary plan copied below as Figure 2. This shows the potential site location and extent of new plant, machinery and buildings expected to be required within the existing operational area of the Minworth Sewage Treatment Works.

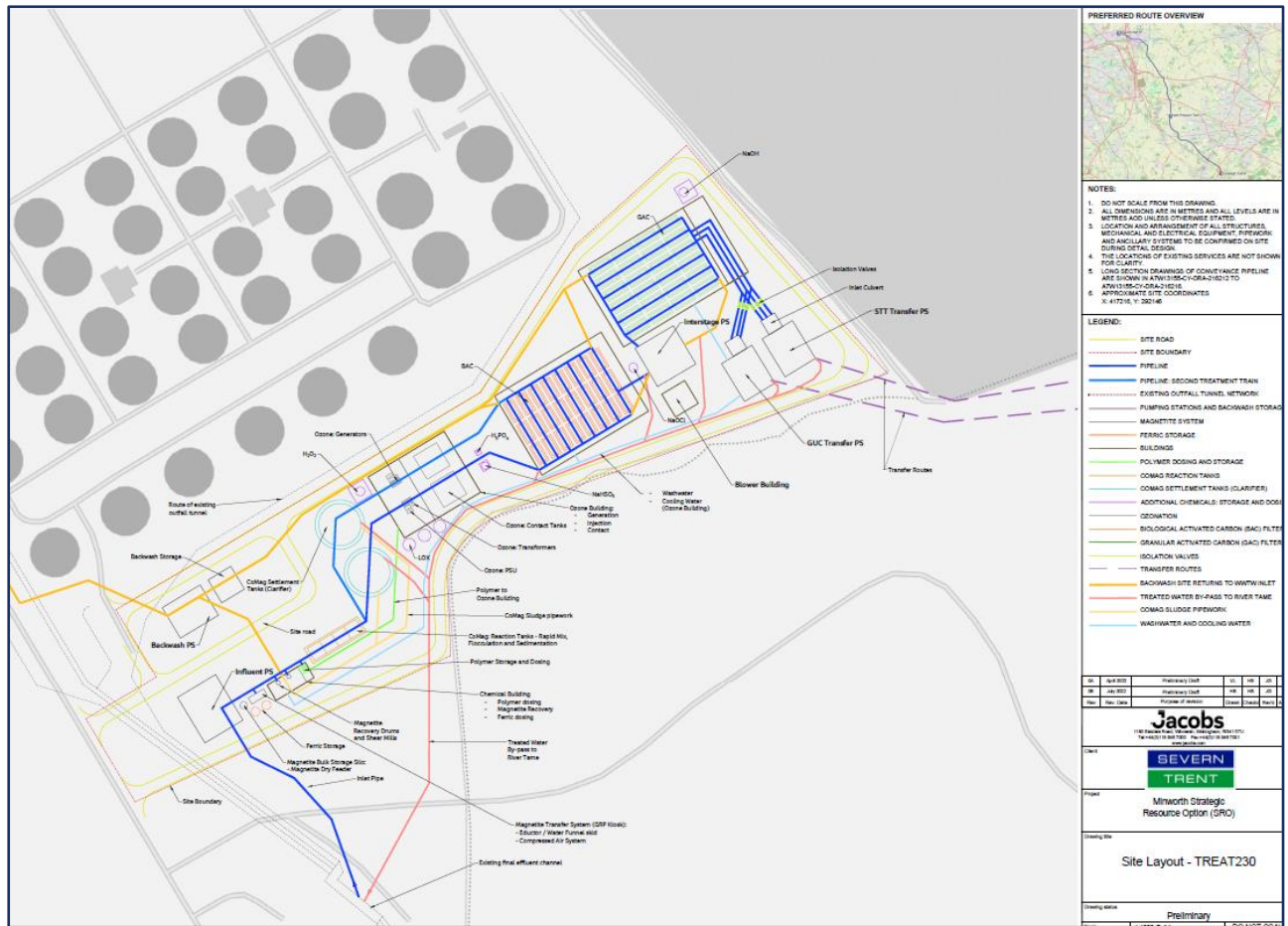


Figure 2 – Preliminary Site Layout, Minworth Strategic Resource Option, Jacobs.

2.4 In relation to the new proposed pipeline. The preferred route option, as set out in the ‘Pipeline Route Options Appraisal’ (Doc No. A7W13155-CY-REP-210001 Rev. 0C dated 29 March 2022 prepared by Jacobs), is a 28.25km pipeline between Minworth treatment works and the River Avon. This report concludes that Pipeline Route option G2 WRMP19 is the preferred route based on its high ranking from the Multi-Objective Decision Analysis (MODA) and lowest cost of construction. The appraisal set out in detail in the Jacobs report took a four-stage process which is summarised below:

- Stage 1: Opensource datasets were compiled for the area of interest including Environmental, Geotechnical, Major services, and Ground level data. The plans identify environmental features and designations of national and some local importance which the options may have a potential impact on or define the route and design choices.
- Stage 2: To allow comparison of the routes, to identify the preferred option, comparative costs have been developed for both capital expenditure (CAPEX) and operational expenditure (OPEX). In addition to cost comparison, a Multi-Objective Decision Analysis (MODA) has been developed to allow the inclusion of non-monetary factors important in option selection.
- Stage 3: A preliminary steady state hydraulic analysis has been undertaken in this stage and the output is the identification of a long-list of potential routes for the pipeline. The general approach in defining the routes/corridors is based on achieving a balance between the shortest distance from the pumping station to the outfall location (River Avon), and ensuring the route is functional in terms of pipeline hydraulics, as well as avoiding environmentally sensitive areas such as ancient woodland, SSSI etc.

- Stage 4: The routes were assessed against the criteria developed at Stage 2 for inclusion in the multi objective decision analysis tool MODA. To aid transparency of assessment, items included were digitised: either by a point denoting crossing location or a polyline indicating the length of pipeline estimated to be affected. These are included in the GIS data package issued alongside this appraisal.

2.5 The route selected (ref: WRMP19, Figure 3 and 4 below) is ranked first based upon cost, constructability, crossing numbers and other difficulties. The report notes that the preferred route has low elevations giving it a lower hydraulic profile and is predominantly through fields minimising environmental and social constraints.

2.6 The pipeline would have the ability to transfer up to 115 megalitres of water per day. It is understood that the transfer would not be required to this extent on a continuous basis and the flows would directly correlate with drought conditions and in times of need i.e., burst or pollution incident. However, to ensure that the system operates effectively there is likely to be a continuous sweetening flow to maintain the SRO in a state of readiness (potentially 10% of maximum capacity flow). The water would then mix with the River Avon, a major tributary of the River Severn, and then provide support for subsequent abstraction as part of the STT SRO to support customers in the South East of England in times of need.

2.7 A new site would need to be acquired approximately halfway along the pipeline route to house a break pressure tank (BPT).

2.8 Figure 3 below shows the preferred route, WRMP19 [REDACTED]

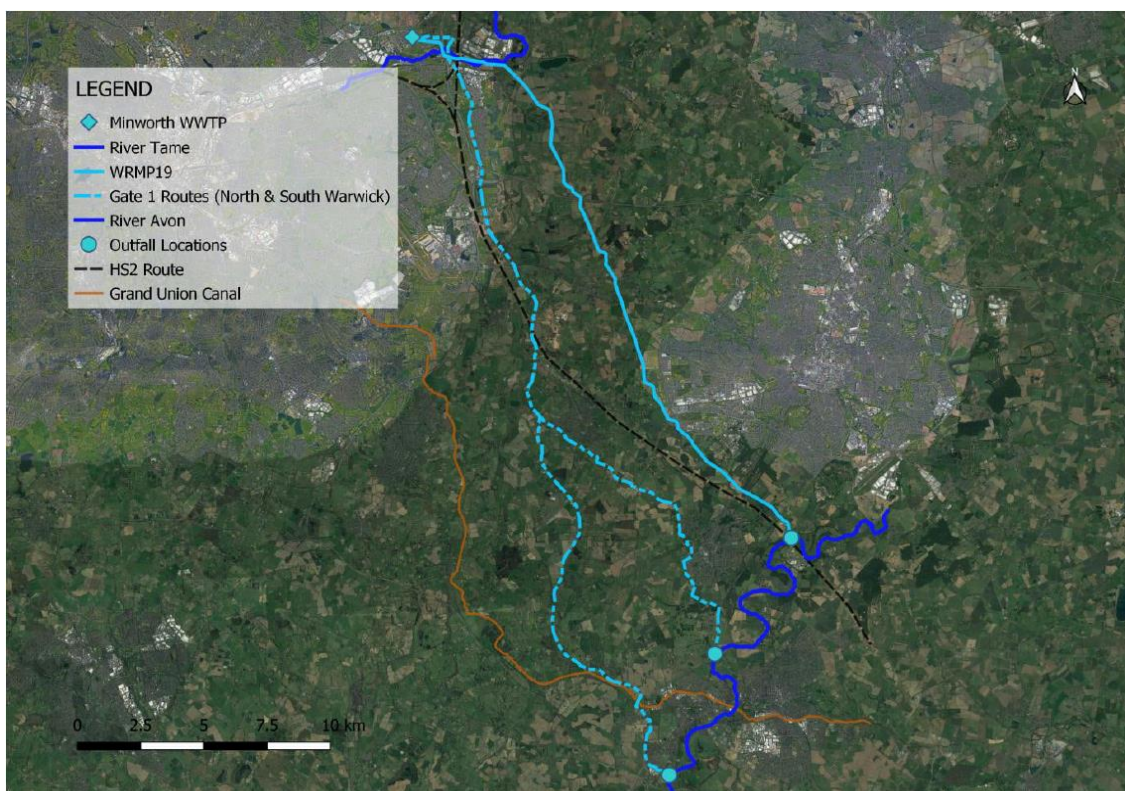
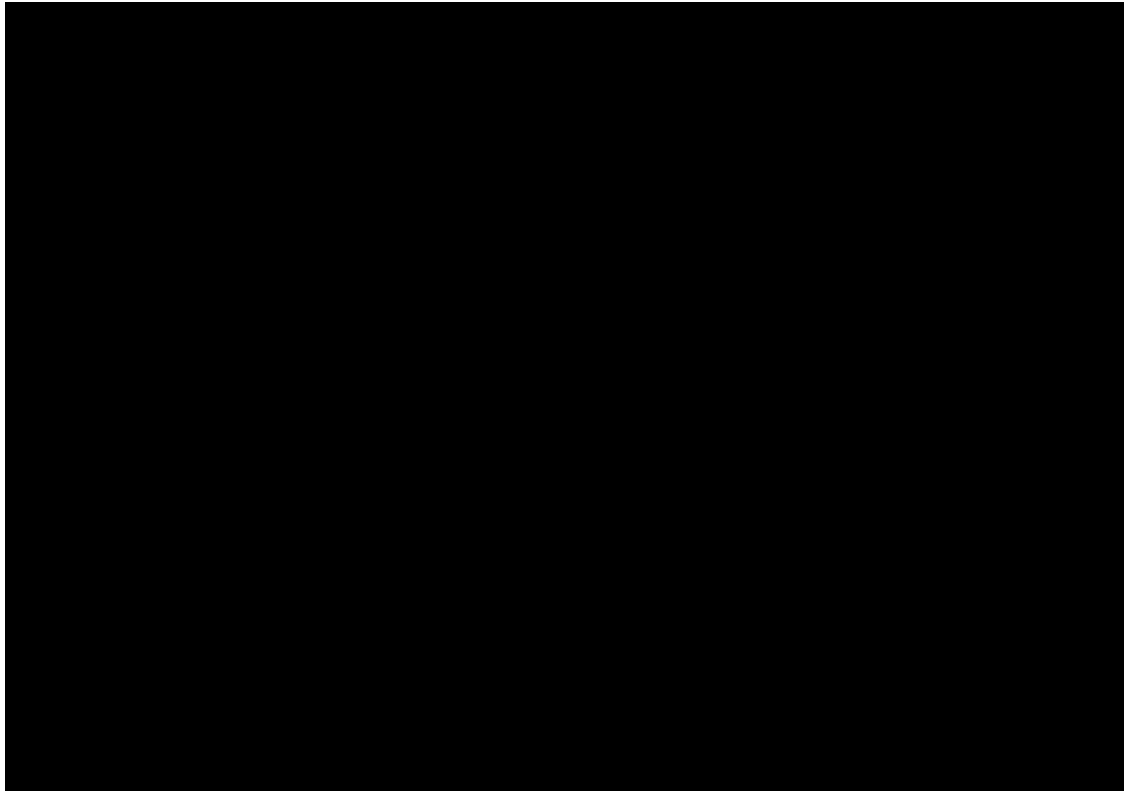



Figure 3 – WRMP19 Route Overview (Extract from Jacobs report, March 2022)





- 2.9 The above ground elements of the proposed development would comprise the new assets within the Minworth STW site, the break pressure tank site and outfall. The proposed changes to the waterbodies are being fully investigated by Severn Trent and their environmental consultants and the key stakeholder the Environment Agency are integral to the RAPID process.
  
- 2.10 The temporary impacts associated with the installation of the pipeline below ground would include temporary working area, compounds and vehicle access points. The methodology for installation would be a combination of directional drilling for crossing points and open cut. The pipeline would be a largely buried asset and once reinstated the route should be returned to existing land uses wherever possible, save for any requirements for above ground chambers for washouts, valves etc. Whilst the chosen consenting strategy will cover these requirements, they should be designed so as to mitigate the impact on land use, and therefore compensation. 



### 3. Gate 1 Consenting Strategy

3.1 The Gate 1 report submission, '*Strategic regional water resource solutions – Preliminary feasibility assessment*' dated 05 July 2021, sets out the consenting options available from a land and planning perspective. The report acknowledges that the typical consenting route for new water infrastructure is to submit planning applications and use permitted development rights under the Town and County Planning Act 1990. However, in light of the national significance of the water transfer project means that consenting options for Nationally Significant Infrastructure Projects (NSIP) need to be

considered. It is noted that the options for Minworth do not automatically meet the NSIP criteria but that the national significance of the project offers potential to use this consenting regime.

3.2 For the Minworth SRO project, the preferred consenting route at Gate 1 was to seek acceptance of the project as a NSIP by the Secretary of State (SoS) within DEFRA via Section 35 of the Planning Act 2008. The report states that the complexity of delivering a 37km pipeline (ref pipeline route proposal at Gate 1) in this location [REDACTED] means that this consenting route would provide certainty of timeframe with the benefit of other consents if required. The report summarised the options as follows:

- Preferred option: a Development Consent Order under Section 35 of the Planning Act 2008 after seeking designation of the project as an NSIP by DEFRA.
- Alternative option 1: planning permissions under TCPA (potentially using permitted development rights as well), coupled with Compulsory Purchase Order under the Water Industry Act 1991 if required.
- Alternative option 2: associated development to the STT DCO.

3.3 The gate 1 report indicated that the next steps would be to investigate in more detail the options for a consenting strategy and this report provides the information required. The next sections of this report review the land lifecycle and planning aspects of the proposed consenting strategy.

## 4 Land Lifecycle

4.1 The water treatment processing is proposed to be constructed within existing Severn Trent owned land. Whilst there is a general assumption that the necessary land rights, such as access, exist for the proposed development, due diligence should be undertaken to verify that the required services are available. If they are not, investigation into the securing of rights for additional service requirements should be undertaken. Any deficiencies will need to be addressed as part of the wider land rights strategy.

4.2 The majority of the pipeline infrastructure is expected to be situated in private land. As such necessary legal rights will be required to facilitate the development.

4.3 The Water Industry Act 1991 affords Severn Trent the right to undertake relevant works under notice through the application of section 168 (Entry for works purposes) and section 159 (Power to lay pipes in other land), with relevant pipework referred to under section 158 and supported by section 219 (General interpretation).

4.4 Section 158 (7) (a) makes reference to relevant pipework in relation to a water undertaker as:

*"references to a water main (including a trunk main [but not including a pipe laid in pursuance of section 66B(3)(a)(ii) above which is used for the purpose of supplying water other than for domestic or food production purposes or laid in pursuance of section 66B(3)(a)(iii) above], resource main, discharge pipe or service pipe"*

4.5 Legal advice confirms that the pipework proposed under this SRO meets the definition of a 'trunk main' as outlined in section 219:

*"trunk main" means a water main which is or is to be used by a water undertaker for the purpose of—*

*(a) conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir; or*

*(b) conveying water in bulk, whether in the course of taking a supply of water in bulk or otherwise, between different places outside the area of the undertaker, from such a place to any part of that area or from one part of that area to another part of that area;*

4.6 [Redacted]

4.7 It should be noted that the use of statutory notices under the Water Industry Act 1991 would not result in the pipeline being protected by an easement. Assets covered by the statutory provisions of the Water Industry Act 1991 are afforded rights referred to in section 159 (1):

*(1) Subject to the following provisions of this section, to section 162(9) below and to the provisions of Chapter III of this Part, every relevant undertaker shall, for the purpose of carrying out its functions, have power—*

*(a) to lay a relevant pipe (whether above or below the surface) in any land which is not in, under or over a street and to keep that pipe there;*

*(b) to inspect, maintain, adjust, repair or alter any relevant pipe which is in any such land;*

*(c) to carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b) above.*

[Redacted]

4.8 [Redacted]

4.9 [Redacted]

4.10 Sections 155 and Schedule 13 of the Water Industry Act 1991 provide powers of compulsory purchase both in support of works covered by statutory notices, and those falling outside those provisions, subject to the criteria set out in those sections/schedule. [REDACTED]

4.11 Whether or not CPO powers can be applied, or whether a DCO is relied upon, there are certain restrictions and limitations on the availability and use of compulsory powers, and statutory noticing powers, for example in relation to Crown land or special category land (such as land owned by the National Trust and statutory undertakers, and land forming part of a common, open space, or fuel or field garden allotment) - detailed advice will be required once the land referencing is complete.

4.12 [REDACTED]  
Where rights cannot be agreed prior to the DCO submission, negotiations will continue prior to and during the examination. In all instances, the use of compulsory powers should be applied as a last resort.

4.13 [REDACTED]  
Whilst the final break pressure tank site will be required on a permanent basis, it's temporary working area, in addition to the main pipeline route could be acquired temporarily under DCO, enabling it to be handed back to landowners following reinstatement. It should be noted that land can also be taken on a temporary basis under the statutory noticing powers of the Water Industry Act 1991 where those powers apply. [REDACTED]

4.14 [REDACTED]

4.15 As a DCO provides the ability to acquire a right in land, if chosen as the chosen consenting strategy, easements would form the basis of agreement and right in land for the pipework allowing for the construction, operation, maintenance and decommissioning of the pipeline without having to acquire the freehold of the land outright. Easements are enacted by deed in perpetuity, or through a compulsory acquisition, and upon registration at the Land Registry run with the land and bind future landowners and derivative interests such as tenants and other occupiers of the land to their terms.

4.16 Easements are the standard industry mechanism for securing land rights for pipelines where the Water Industry Act 1991 is not utilised.

4.17 [REDACTED]

[Redacted text block]

4.18 [Redacted text block]

4.19 [Redacted text block]

4.20 The overall approach to securing land and/or rights in land under a DCO would be to apply for the compulsory purchase of all land or rights as required within the Order limits, and only exercise those powers where voluntary rights cannot be reasonably secured from the landowner, or where the landowner is unable to provide adequate rights due to complication with landownership or other third-party rights or covenants.

4.21 Some interests in property required may have existing rights or covenants which may restrict the use of the land for the required purpose. [Redacted text block]

4.22 Landowners affected by the exercise of these compulsory powers of acquisition will be compensated according to the 'compensation code'. The compensation code is a collective term for the principles deriving from Acts of Parliament and case law, relating to compensation for compulsory acquisition. Its general purpose is to provide fair compensation for those whose property has been compulsorily acquired for public works.

## 5 Planning Policy Context

5.1 This section of the report identifies the planning policy documents relevant to the proposed development.

[Draft National Policy Statement \(NPS\) for Water Resources Infrastructure \(November 2018\)](#)

5.2 This draft document sets out Government policy for the development of nationally significant infrastructure projects (NSIPs) for water resources in England. This NPS is intended to be used as the primary basis for preparing applications for development consent, for examination by the Examining Authority and for making decisions by the Secretary of State in considering development consent applications for water resources infrastructure, that fall within the definition of NSIPs, as defined in Sections 27, 28 and 28A of the Planning Act 2008. However, it is important

to note that this document is still going through consultation and has not yet been formally adopted.

- 5.3 The Government has stated in the draft document that they are committed to a twin track approach to securing resilient water supplies, which requires new water resources and further action to reduce demand for water.
- 5.4 The draft NPS states that where a development does not meet the current requirements for an NSIP set out in the Planning Act, but the SoS considers the project to be nationally significant under Section 35 of the Planning Act, the SoS may direct that a water resources infrastructure development should be treated as a development for which development consent is required. This could apply to infrastructure types in the field of water that do not meet the definition of an NSIP for water resources; provided the relevant requirements of section 35 are satisfied. Where a water resources infrastructure project is treated as a development for which development consent is required through section 35 of the Planning Act 2008, the NPS may be a material consideration.
- 5.5 It is stated at paragraph 1.1.9 of the draft NPS that in England the water resources NPS may also be a material consideration in making decisions on applications for development that fall within local authority planning regime (for example under the Town and Country Planning Act 1990).
- 5.6 The draft NPS confirms that applications for development consent for water resource projects may also include 'associated development' within the meaning of the Planning Act. Development that does not fall within the definition of water resources infrastructure or associated development may require a separate application for planning permission to be made to the LPA (draft NPS paragraph 1.3.2).
- 5.7 The draft NPS makes reference to the requirement to demonstrate need for a project in a DCO application. It is stated at paragraph 1.4.5 that the SoS will consider applications for development consent for infrastructure projects meeting the criteria in section 27, 28 and 28A of the Planning Act. These projects need to be present in final Water Resources Management Plans (WRMP) which the SoS will have permission to publish. If the project is in a final published 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. Where a section 35 direction is made in relation to a scheme which has been identified as a preferred option in a final WRMP, the NPS would apply. In relation to section 35 referrals that are not present in a WRMP these should be dealt with on a case by case basis and the application would need to demonstrate that the project meets the needs for nationally significant water resources infrastructure.
- 5.8 In the table titled 'Options for addressing demand' within the draft water resources NPS the development of new water resources infrastructure is presented as an option. It is stated that *"water storage systems will be required to support transfers, along with other schemes such as desalination and effluent reuse that provide a high level of resilience to longer term drought periods"* (page 13).
- 5.9 This document states that water transfers are important for enhancing the resilience of water supplies by improving connectivity between areas of water surplus and those facing a deficit. The draft NPS states that overall, there is currently a surplus of water for England, due to surpluses in the North and South West outweighing deficits in the South and East. This high degree of regional

variability highlights the need for a more strategic approach to managing water resources, and water transfers have an important role to play. Transfers can move water from areas of surplus to areas that need it. In some cases, this can be through existing infrastructure such as rivers and canals but other channels and pipes and supporting infrastructure may also be required.

- 5.10 Under the heading 'other infrastructure' it is stated that '*other infrastructure or technologies, not specified in the Planning Act that do not meet the definition of an NSIP, may be considered under the Planning Act following a direction by the SoS under section 35*'. Importantly it states that '*this could include other options to enhance the storage capability of the water supply system and water available for use, including but not limited to aquifer re-charge and effluent re-use schemes*' (paragraph 2.6.14).
- 5.11 Paragraph 2.6.15 states that recycled water can have the advantage of being a constant, reliable supply of water and may reduce the amount of water extracted from the environment. The draft NPS states that whilst not identified as a separate water resource activity in the Planning Act, large scale effluent reuse is likely to result in large transfers. In such circumstances the transfer may qualify as an NSIP, when assessed against the relevant threshold in the Planning Act or through a section 35 referral. It is likely that treatment and other supporting infrastructure should be considered as associated development.
- 5.12 Paragraph 3.1.2 states that subject to the detailed policies and protections in the NPS and the legal constraints set out in the Planning Act, there is a presumption in favour of granting development consent for water resources NSIPs that fall within the need for infrastructure established in the NPS. The examining authority and SoS should take into account its potential benefits including the facilitation of economic development, including job creation, housing and environmental improvement and any long term or wider benefits and the potential adverse impacts including any longer term and cumulative adverse impacts as well as any measures to avoid, reduce or compensate for any adverse impacts (para 3.1.3). Regard also has to be had to any local impact reports submitted by local authorities in accordance with the Planning Act.
- 5.13 Paragraph 3.8.3 recognises that other separate environmental consents may be required. In deciding a DCO application, it is stated that '*the SoS should focus on whether the development is an acceptable use of the land, and the impact of that use, rather than the control of processes, emissions or discharges themselves*'. Decisions under the Planning Act should complement but not duplicate those taken under the relevant pollution control regime.
- 5.14 Paragraph 3.8.6 if applicants wish to twin track DCO and Environmental Permits, the EA recommends submitting the permit at least 6 months prior to a DCO application.

### National Planning Policy Framework (NPPF)

- 5.15 National policy is set out in the NPPF which was updated in July 2021. This framework seeks to ensure sustainable forms of development and good design, alongside the protection and enhancement of the environment.
- 5.16 Paragraph 20 of the NPPF states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy.

5.17 Paragraph 153 states that Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

### Local Development Plans

5.18 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. If the Town and Country Planning Act 1990 route option is followed and separate planning applications are submitted to each of the local authorities, then the applications will be determined in accordance with the relevant Local Development Plan. The draft water resources NPS states that the NPS may also be a material consideration in making decisions on applications for development that fall within local authority planning regime.

5.19 The adopted relevant development plans include:

- Birmingham Development Plan (BDP) 2031 (Adopted January 2017)
  - No specific policies relevant to the proposed development within the Adopted Development Plan. Policy TP6 - Management of flood risk and water resources, mentions water resources more generally.
  - There is an Infrastructure Delivery Plan which forms part of the Supplementary Planning Guidance and mentions the provision of water in more detail.
- North Warwickshire Local Plan (Adopted September 2021)
  - No specific policies relevant to the proposed development within the Adopted Development Plan. Policy LP33 – Water Management this policy focuses on ensuring development is not at risk of flooding or increases flood risk elsewhere. Policy LP1 – Sustainable Development states that Supplementary Planning Guidance and documents will be used to guide provision, Infrastructure requirements are outlined in the Infrastructure Delivery Plan.
- Solihull Local Plan Shaping a Sustainable Future (Adopted December 2013)
  - No specific policies relevant to the proposed development within their Adopted Development Plan.
  - Policy P11 – Water Management seeks to ensure that new development is water efficient and does not increase flood risk and enhances water quality where possible. There is no mention of the provision of water in this policy.
- Warwick District Local Plan 2011-2029 (Adopted September 2017)
  - No specific policies relevant to the proposed development within the Adopted Development Plan.
  - Policy FW4 Water Supply - Developers will be expected to ensure that there is adequate water supply to serve existing and proposed developments.

5.20 The plans contain specific policies which guide development within the Green Belt and Safeguarded areas, development management policies, environmental and heritage related policies.



## Emerging Local Development Plans

- 5.21 It is important that consideration is also given to any emerging local development plans. The four Local Planning Authorities are at different stages of producing their new Local Plans.
- 5.22 Birmingham City Council are currently preparing a new Local Plan for Birmingham which will guide how the city will develop in the future and provide policies to guide decisions on development proposals and planning applications up to 2042. They are currently in the evidence gathering stage of the plan-making process and are preparing an Issues and Options Document for consultation in Autumn 2022. The current timeframe is for the New Birmingham Plan to be adopted in December 2025.
- 5.23 North Warwickshire Borough Council recently adopted their new Local Plan in September 2021 and are therefore not currently working towards a new Local Plan.
- 5.24 Solihull Metropolitan Borough Council submitted the Solihull Local Plan to the Planning Inspectorate on 13 May 2021 for independent examination. One of the Key Submission Documents is a Policy Map which reduces the size of the Mineral Safeguarding Area within Solihull and therefore if adopted will no longer impact the proposed pipeline route. Therefore, in the emerging Local Plan the only planning policy designation relevant to the route in Solihull is the Green Belt designation.
- 5.25 Warwick District Council is currently working with Stratford-on-Avon District Council to prepare a new local plan for South Warwickshire. The plan is expected to replace the strategic policies in the Stratford Core Strategy and the Warwick District Local Plan and set out a long-term spatial strategy for homes, jobs, infrastructure, and climate change across both districts. This plan is still at an early stage and so far, a Scoping and Call for Sites consultation has taken place to find out what issues the new Local Plan should cover and where new development should be located. A Call for Sites interactive map has been uploaded to their website and a large proportion of the land between Coventry and Kenilworth has been included as potential Mixed Use, Housing and Employment sites. It is important to note that the Call for Sites phase is an early part of plan-making, but crucially, only one part of the process. Publication of the Call for Sites is in no way an endorsement that the site is either suitable for development or will be included within the Local Plan itself.

## 6. Planning Constraints

- 6.1 The proposed development includes the installation of advanced tertiary water treatment processing facilities within the operational site at Minworth treatment works. This would involve new additional infrastructure to be provided within the existing site which comprises plant, machinery and buildings. The information available to date sets out the additional processes that will be required to be installed to treat the effluent prior to discharge to the GUC, STT or a combination of both (see Figure 1 and 2). The entirety of Minworth STW is located within Green Belt. Part of the area proposed to accommodate the new infrastructure is included within a designated Site of Importance for Nature Conservation (SINC).
- 6.2 For the transfer to the River Avon, there will need to be a site identified to accommodate a break pressure tank part way along the pipe route. The break pressure tank is required as the pipeline would be comprised of two sections, a rising main and gravity main. The [REDACTED]

[REDACTED]

6.3 The current preferred pipeline route (reference: G2 WRMP19, Figure 3 and 4) has been reviewed for potential constraints. These include environmental designations, heritage designations, planning policy designations (adopted), planning history and public rights of way. These are shown on the annotated route plan included at Appendix A. Flood zones have not been checked as this is flood compatible development. Planning history has not been checked in the jurisdictional areas of North Warwickshire Borough Council or Warwick District Council due to the absence of functional map search facilities. [REDACTED]

[REDACTED] Further planning history checks will be required periodically as the project develops as new planning applications and permissions could be granted at any time (recommend quarterly or six-monthly checks).

6.4 [REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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6.5 [Redacted text block]

6.6 [Redacted text block]

6.7 [Redacted text block]

6.8 The majority of the route is within the Green Belt and a Mineral Safeguarding Area. The route crosses multiple Public Rights of Way. There are 10 Listed Buildings within 100m of the proposed route corridor, one of which is within the proposed route corridor. [Redacted text block]

6.9 Sites such as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar Sites are protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations). A habitats regulations assessment (HRA) must be carried out by a competent authority to test if a plan or project proposal could significantly harm the designated features of a European site. There are no such designations within 10km of the existing Minworth STW site and the proposed pipeline transfer to the River Avon. The nearest is over 11km from the

pipeline route to the River Avon. Confirmation would be required regarding any potential impacts on any sites at part of the screening process to check if the proposal is likely to have a significant effect on site's conservation objectives. If at this stage there are not anticipated to be significant effects further assessments are unlikely to be required.

## 7 Stakeholder Engagement

7.1 Proactive engagement with stakeholders, in this case Local Authorities, is essential for the successful consenting, planning and delivery of this scheme. This section reviews the stakeholder engagement which has been undertaken for this scheme and provides details of some of the initial feedback received.

7.2 The preferred route (reference: G2 WRMP19) passes through the following local planning authority areas as summarised below:

- Birmingham City Council – approximately 1km
- North Warwickshire Borough Council – approximately 12.25km
- Solihull Metropolitan Borough Council – approximately 7.9km (approx. 50m of proposed route crosses into the Coventry City Council boundary)
- Warwick District Council – approximately 7.05km

7.3 North Warwickshire Borough Council and Warwick District Council are not Unitary Authorities and therefore, Warwickshire County Council also covers these areas. There is a small section of pipeline (approximately 50m) which incurs into the Coventry City Council boundary. [REDACTED]

[REDACTED] If the pipeline does remain in this position then Coventry City Council would be a stakeholder in the planning consenting process either through TCPA or DCO process.

7.4 The Minworth STW is within the Birmingham City Council area. This site is an existing operational sewage treatment works and substantial in scale. Within the operational site boundaries Severn Trent as a statutory undertaker benefit from extensive permitted development rights. [REDACTED]

[REDACTED]

7.5 [REDACTED]



- They ask for details of the phasing and methods of construction as well as what biodiversity net gain contributions would be made.
- In general terms the route would not prejudice the delivery of their Local Plan objectives

7.9

[REDACTED]



- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

■ [Redacted]

- [Redacted]
- [Redacted]
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- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

7.11 [Redacted]

7.12 [Redacted]



7.13

[Redacted]

## 8

[Redacted]

8.1

[Redacted]

[Redacted]

[Redacted]

8.3

[Redacted]

[Redacted]

[Redacted]

• [REDACTED]

8.4 [REDACTED]

[REDACTED]

8.6 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8.10 [REDACTED]





[Redacted text block]

## 9 Assessment of Consenting Options

9.1 The preferred consenting route option at Gate 1 was to seek acceptance of the project as a Nationally Strategic Infrastructure Project (NSIP) by Department for Environment, Food and Rural Affairs via Section 35 of the Planning Act 2008. The gate 1 report summarised the options as follows:

- Preferred option: a Development Consent Order under Section 35 of the Planning Act 2008 after seeking designation of the project as an NSIP by DEFRA.
- Alternative option 1: planning permissions under TCPA (potentially using permitted development as well), coupled with Compulsory Purchase Order under the Water Industry Act 1991 if required.
- Alternative option 2: associated development to the STT DCO.

9.2 This section reviews the DCO process, thresholds and summarises the strengths, weaknesses, opportunities and threats of each option drawing on advice provided by Burges Salmon.

### Development Consent Order (DCO)

9.3 A Development Consent Order is the means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP). This typically includes energy, transport, water and waste projects. The aim of the process is to streamline the decision-making process for major infrastructure projects. The DCO process allows for applicants to secure consent for the principal element of the development and ancillary elements which are subordinate but integral to the development. The Act also allows for a range of other consents to be included within the DCO and for provisions to be applied or disappplied.

- 9.4 A DCO is a statutory instrument (i.e. a standalone legal order) which will contain the majority of powers necessary to deliver a project. These powers typically include the ability to close and divert highways, to carry out street works, and to compulsorily acquire land and rights as necessary to deliver the project although it may still be necessary to obtain some other consents such as environmental permits via separate processes.
- 9.5 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 set out the procedures for determining whether an Environmental Impact Assessment is required. If the proposal is deemed to be EIA development, an Environmental Statement (ES) must be submitted as part of the DCO. The purpose of the ES is to explain the likely effects which will occur as a result of the scheme during both construction and operation. It is important that the document covers the measures which will be set out to avoid, prevent, reduce or offset any significant effects on the environment.
- 9.6 The DCO application is made to the Planning Inspectorate who will consider the application and make a recommendation to the Secretary of State. Once a DCO application is submitted it will be subject to the statutory timetable. This by contrast is designed to be a relatively fast moving process which avoids some of the delays associated with potentially controversial applications being determined at local authority level or on appeal. There are six stages of the NSIP process: pre-application, acceptance, pre-examination, examination, recommendation and decision and post decision. A summary of the key stages are summarised below and an indicative programme is attached at Appendix H:
- **Pre-application** - Before an application is submitted, the applicant must carry out consultation on their proposal with key stakeholders, consultees and the public. Comprehensive land referencing and surveys. Environmental Impact Assessment and preparation of Environmental Statement, other environmental assessments eg Habitat Regulations Assessment if required.
  - **Acceptance** – This stage begins when the application for a development consent order is submitted to the Planning Inspectorate. There is a 28-day period for the Planning Inspectorate, on behalf of the Secretary of State, to decide if the application meets the standards required for examination.
  - **Pre-examination** – This is the stage where members of the public can register themselves as an Interested Party by making a Relevant Representation (a written summary of their views on the application). This is also the stage where an Examining Authority is appointed, and all Interested Parties will be invited to a Preliminary Meeting. There is no formal timeframe for this stage, but it usually takes approximately three months.
  - **Examination** – The Planning Inspectorate has up to 6 months to examine the application. During this stage Interested Parties are also able to provide more information and views on the application.
  - **Recommendation and Decision** – A report is prepared by the Planning Inspectorate to the relevant Secretary of State, within three months of the Examination period finishing, which provides a recommendation. The relevant Secretary of State then has a further three months to either grant or refuse the development consent application.
  - **Post Decision** – Following the decision, there is a six-week period where the decision can be challenged in the High Court.
- 9.7 From the Planning Inspectorate accepting an application to making a decision, the whole process should last in the region of 16 months. This would follow at least 12 months of pre-application consultation and extensive survey work. There is considerable front loading of the

preparation for a DCO application which has a particular focus on the need to consult with options at a stage where the community and stakeholders have a meaningful opportunity to influence the eventual project. In addition, full information is required to be provided for the options considered but rejected. The pre-application requirements of the DCO process are extensive.

- 9.8 It is recommended that the applicant discusses the application with the Planning Inspectorate before the application is submitted. This will help ensure that the information submitted is prepared and organised in an appropriate manner, giving them a higher chance of being accepted for examination. Notice must in any event be given to the Planning Inspectorate of the intention to submit of it is for EIA development.
- 9.9 It is important that the proposal is sufficiently developed and supported by extensive consultation prior to submission as post submission changes which would result in a materially different scheme will not be permitted.
- 9.10 The applicant of a DCO must pay fees to cover the cost of the casework done by the Secretary of State. These fees are payable at different stages throughout the process including at the time of submitting an application, when the application is accepted for examination, when the formal examination commences, when the formal examination is completed. These fees can vary depending on how many people are on the examining authority panel and the number of days that are expected to be needed for the formal examination.
- 9.11 Where works are included in a DCO, consent is granted for everything in one decision and nothing can be undertaken until that consent is granted and comes into force. In addition, sufficient detail needs to be provided about the various elements of the project so they can be fully described and assessed. It is not possible to secure an 'outline' consent for certain elements and leave substantial details to be provided at a later time.
- 9.12 The particular wording of the DCO requirements (which have the same function as planning conditions) will determine if some elements of works can begin before the details of all the elements have been approved. It is common to seek to allow some phased delivery of work under a DCO, but it cannot be guaranteed that work on one element could begin until certain details are approved for the whole project; commonly key controls such as the Code of Construction Practice or Environmental Management Plans have to be in place before any substantial works can commence.
- 9.13 In the event works are permitted under a DCO there is no need to obtain a separate planning permission. However, this does not prevent elements that are 'associated development' from also being consented and constructed via a planning permission or permitted development rights separately.

**Section 28 Water Transfer NSIPs**

- 9.14 The Planning Act sets out thresholds above which certain types of major infrastructure projects are considered to be nationally significant and require development consent. The thresholds are generally in reference to the size and scale of the project. Water transfer projects are only NSIPs for the purposes of section 14 of the Planning Act 2008 (and therefore only require a DCO) if they meet the criteria set out in section 28. The relevant criteria are:

(1) *Development relating to the transfer of water resources is within section 14(1)(n) only if—*

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

(b) it is expected that—

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

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

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

(i) between river basins in England,

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

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

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

(2) In this section—

- “river basin” means an area of land drained by a river and its tributaries;
- “water undertaker” means a company appointed as a water undertaker under the Water Industry Act 1991;
- “water undertaker's area” means the area for which a water undertaker is appointed under that Act.

9.15 The development is proposed to be carried out by Severn Trent Water as a statutory water undertaker and therefore criterion a) is met.

9.16 Deployable output' is defined in the Planning Act 2008 as:

*'in relation to a given facility, the annual average volume of water that can be produced per day from that facility under drought conditions, having regard in particular (where applicable) to—*

- A) *the hydrological yield of the facility;*
- (a) *the quantity of water licensed for abstraction;*
- (b) *the state of the local environment;*
- (c) *the properties of any—*
- (i) *pumping plant;*
- (ii) *well;*
- (iii) *aquifer;*
- (iv) *raw water main;*
- (v) *aqueduct;*
- (vi) *transfer main;*



(vii) output main;

(e) any water treatment processes;

(f) any requirements relating to water quality;

- 9.17 Legal advice states that for criterion b) the 'deployable output' must be "expected to" exceed 80MI/d. In relation to the Minworth to River Avon pipeline provided that the facility could transfer 115MI/d per day in accordance with the definition, it will meet the criteria. The legal advice is that it is not necessary that the facility operates at this level on a daily basis, only that it is capable of doing so.
- 9.18 Criterion c) requires that the project enables the transfer of water between river basins or water undertakers' areas in England. The transfer from Minworth to the River Avon would not meet the criteria as the transfer remains within the Severn Trent statutory undertakers area. However, as this project 'enables' the transfer to another undertaker, the legal advice is that it may be arguable that this criterion may be met.
- 9.19 In considering criterion d) the legal advice is that there is no definition of 'drinking water' in the Planning Act 2008. In such cases the normal UK definition will apply and drinking water is that which meets the necessary standards of purity and cleanliness to be supplied for consumption by humans. We understand that the water to be transferred by the Project will be treated discharge from Minworth which will mix with the existing water which comes from various sources. This water would not meet the standards required for it to be acceptable as 'drinking water' and will require treatment following abstraction before it could be supplied to consumers. The transfer is therefore not drinking water and criterion d) is met.
- 9.20 If the NSIP criteria in section 28 are met the DCO route must be followed. However, if a project falls outside of these types or thresholds, it is still possible to apply to use the DCO regime. Section 35(1) of the Planning Act states that the SoS may give a direction for development to be treated as development for which development consent is required.
- 9.21 The provisions of Section 35 of particular relevance are:
- the development is or forms part of a project (or proposed project) in the field of water;
  - the development would (when completed) be wholly in England or waters adjacent to England up to seaward limits of the territorial sea; and
  - the SoS thinks the project (or proposed project) is of national significance, either by itself or when considered with one or more projects (or proposed projects) in the same field.
- 9.22 To obtain a Section 35 Direction, the applicant must submit a request to the Secretary of State who has 28 days to decide if the proposal is of 'national significance' either by itself or when considered with one or more projects (or proposed projects) in the same field.
- 9.23 There are no detailed statutory criteria for determining what development may be granted a section 35 direction. DEFRA has not issued a policy statement on how it intends to approach section 35 requests. The Draft NPS refers to a number of scenarios where a section 35 direction could, in theory, be made but all the references are very high level.
- 9.24 The factors considered in a DEFRA consultation in 2017 in revising the NSIP thresholds for water projects should be specifically addressed where applicable. These include whether a project will:

- a) will serve a substantial number of people;
- b) is likely to have a significant economic impact, or is important for driving growth in the economy;
- c) is of a substantial size;
- d) will have an impact across an area wider than a single local authority area;
- e) is important to the delivery of a nationally significant infrastructure project or other significant development;
- f) makes a significant contribution to environmental objectives; or
- g) will require multiple consents or authorisations, and which, in consequence, would benefit from the single authorisation process offered by the NSIP planning process.

9.25 Section 35 direction cannot be issued where a TCPA application for the relevant works has already been made. Whilst it is possible to keep consenting options open during the pre-application phase once a planning application has been made then the relevant works cannot be included in a section 35 direction. It is accordingly necessary to determine if a section 35 direction will be sought as a strategic decision as it is not available to allow opt-in to the DCO process where a TCPA application has been made but encounters consenting issues. There is, however, no legal prohibition on including works within a DCO as associated development where a planning application has been made. In such circumstances it would, however, be important to consider the publicity and reputational effects of doing so.

9.26 A number of Section 35 directions have been issued in the past for other infrastructure projects. A summary of the reasons used in other successful Section 35 applications is set out in Appendix G. On 31 May 2022 the SoS for the DEFRA issued a Section 35 Direction relating to the Hampshire water transfer and water recycling project. The proposed project relates to the construction of new water transfer and water recycling infrastructure for the purposes of water supply. The SoS was of the view that the proposed development by itself is nationally significant and should be treated as a development of national significance.

9.27 A Section 35 Direction would be required to be obtained for the Minworth SRO to confirm that the proposed development would qualify as an NSIP and that criterion c) is met. STT Minworth works with the connecting pipeline could make a strong case for being granted a section 35 direction.

**Section 29 Waste Water Treatment NSIPs**

9.28 The waste water treatment NSIP threshold is set out in Section 29 of the Planning Act 2008 which provides;

*‘(1) The construction of a waste water treatment plant is within section 14(1)(o) only if the treatment plant (when constructed) –*

*(a) will be in England, and*

*(b) is expected to have a capacity exceeding a population equivalent of 500,000.*

...

*(2) The alteration of a waste water treatment plant is within section 14(1)(o) only if –*

(a) the treatment plant is in England, and

(b) the effect of the alteration is expected to be to increase by more than a population equivalent of 500,000 the capacity of the plant'

- 9.29 The new advanced treatment process proposed at the Minworth works are an addition to the existing facility and would not comprise construction of a new waste water treatment plant. They would accordingly not fall within section 28(1) as the works would add to the existing treatment process so that the water to be discharged meets the standards required to maintain the water quality of the receiving water body. On that basis, it can be assumed that the works do not provide significant new capacity for treating water and would not exceed the threshold of providing capacity for a population equivalent of 500,000 people. Therefore, the works would not fall within section 28(2).
- 9.30 The advanced new water treatment works to treat water to supply GUC, STT or a combination of both would therefore not alone constitute an NSIP in their own right. It is not considered that a section 35 case could be made solely for the new treatment works proposed at Minworth to be considered as an NSIP.

***Associated Development to the GUC SRO DCO and STT SRO DCO***

- 9.31 Section 115 of the Planning Act provides that, in addition to the development for which development consent is required under Part 3 of the Act consent may also be granted for associated development.
- 9.32 Associated development is defined in the Planning Act as development which is associated with the principal development. Sub-sections (2) to (4) of 115 of the Planning Act set out other requirements relating to associated development. Associated development can include development in England and in waters adjacent to England. A guidance note was published in April 2013 by DCLG to help those who intend to make an application for development consent under the Planning Act to determine how the provisions of the Planning Act in respect of associated development apply to their proposals.
- 9.33 Section 5 of the guidance notes states that it is for the SoS to decide on a case by case basis whether or not development should be treated as associated development. In making this decision the Secretary of State will take into account the following core principles:
- (i) The definition of associated development, as set out in paragraph 3 above, requires a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development or help address its impacts.
  - (ii) Associated development should not be an aim in itself but should be subordinate to the principal development.
  - (iii) Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development. This does not mean that the applicant cannot cross-subsidise, but if part of a proposal is only necessary as a means of cross-subsidising the principal development then that part should not be treated as associated development.
  - (iv) Associated development should be proportionate to the nature and scale of the principal development. However, this core principle should not be read as excluding associated infrastructure development (such as a network connection) that is on a larger scale than is necessary to serve the principal development if that associated

infrastructure provides capacity that is likely to be required for another proposed major infrastructure project. When deciding whether it is appropriate for infrastructure which is on a larger scale than is necessary to serve a project to be treated as associated development, each application will have to be assessed on its own merits. For example, the Secretary of State will have regard to all relevant matters including whether a future application is proposed to be made by the same or related developer as the current application, the degree of physical proximity of the proposed application to the current application, and the time period in which a future application is proposed to be submitted.

- 9.34 Legal advice states that it is only the works forming the NSIP itself which must be consented by a DCO. The Minworth treatment processing works are necessary to supply the water to be transferred by the STT and/or GUC, but they do not themselves form part of a water transfer facility and are therefore not part of the transfer NSIP.
- 9.35 Given that the Minworth tertiary treatment works would create the sole source of water to be transferred by a transfer project, and are necessary to bring the water up to a standard which is required to prevent an adverse impact on the water quality in the receiving water body, these works could form 'associated development' to a transfer DCO (ie either the GUC DCO or the STT DCO) if it was preferable to include them, having regard to the principles in the guidance, for the following reasons:
- Provided that these works are only necessary to allow supply to the transfer, the works are directly related to the NSIP project and practically necessary to allow it to function, there is a direct relationship between them and the NSIP;
  - the works do not serve an aim in and of themselves, the purpose of constructing them would be to ensure that the impacts of the transfer of water are acceptable, these works would not be required but for the NSIP;
  - the works are not designed as a source of additional revenue but are necessary to achieve an acceptable level of impact from the water transfer project;
  - the works are proportionate nature and scale as they are designed to serve the water transfer NSIP project.
- 9.36 Applicants must decide what to include in an application for development consent on the basis of the project and the case that can be made for additional works being associated with the proposed project. As 'associated development' works do not have to be included in the DCO, applicants can also seek to consent those through another route. In England, the scope of associated development can be wide, and such works can be consented through the DCO or TCPA. Inclusion in the DCO can streamline the number of consents required without unnecessarily constraining the promoter. This is because unlike the NSIP itself, associated development can be amended post-consent by TCPA where required later.
- 9.37 Where the STT interconnector project is an NSIP, in addition to being a standalone NSIP, works to Minworth to supply water to that transfer (ie the works at the Minworth sewage works and the connecting pipeline to the River Avon) could form 'associated development' to the STT scheme. Further consultation would be required with Thames Water in this regard.

9.38 A SWOT analysis is set out in the table below to highlight the benefits and drawbacks of the DCO route:

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>• Offers a one stop shop for the DCO including deemed planning permission plus powers of compulsory purchase</li> <li>• Coordinated, comprehensive consenting approach to assess the impacts across multiple separate Local Planning Authorities areas.</li> <li>• A single decision will be made by a single authority rather than multiple separate decisions with separate conditions which will need discharging and monitoring with multiple LPA's.</li> <li>• The consenting timings are more rigid and predictable.</li> <li>• Reduces the risk of local political matters influencing the decision-making process.</li> <li>• Engagement of protected undertakers in terms of consenting is required by the DCO.</li> <li>• DCO would include all aspects of the development, including those that would otherwise not be covered by statutory noticing powers afforded by the Water Industry Act 1991 where they apply, including deemed planning permission, plus powers of compulsory purchase.</li> <li>• DCO allows temporary possession to be taken where land is not required on a permanent basis and rights to be acquired permanently (as opposed to just freehold possession).</li> </ul>	<ul style="list-style-type: none"> <li>• Draft water resource NPS, no final version issued to date. Still material consideration but less weight should be attributed to it.</li> <li>• No other water DCO projects at pre-application stage or taken through DCO process to date.</li> <li>• Substantial number of surveys and documents required to submit for the DCO application.</li> <li>• Extensive pre-application consultation requirements.</li> <li>• This option is likely to be more expensive than the TCPA route.</li> <li>• Less flexibility to amend route outside limits of deviation once DCO made.</li> <li>• Additional consenting by protected undertakers still required, albeit backed by the DCO.</li> <li>• Defined timetable allows less scope for evolution of the scheme post application compared to TCPA.</li> <li>• [REDACTED]</li> <li>• [REDACTED]</li> <li>• [REDACTED]</li> <li>• [REDACTED]</li> <li>• [REDACTED]</li> <li>• [REDACTED]</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>• Recognition of scale and significance of project – potential for impacts across a wider than local area including four LPA's and waterbodies.</li> <li>• Ability to include multiple consents and powers required for delivery in one consent.</li> <li>• Severn Trent would be in control of their own consenting process for Minworth STT SRO.</li> </ul>	<ul style="list-style-type: none"> <li>• DEFRA determine that the scheme does not comprise an NSIP.</li> <li>• This option requires extensive consultation with stakeholders and the community to be undertaken before the application can be submitted.</li> <li>• [REDACTED]</li> <li>• [REDACTED]</li> <li>• [REDACTED]</li> <li>• [REDACTED]</li> </ul>

	<ul style="list-style-type: none"> <li>As 'associated development' Severn Trent potentially less control as led by another water company.</li> </ul>
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### Town and Country Planning Act (TCPA) 1990

- 9.39 An alternative option is to follow the standard Town and Country Planning Act 1990 (TCPA) procedure for securing planning permission for none DCO development. Planning permission would be required for any new buildings over 29 cubic metres in capacity within the operational land at Minworth sewage treatment works. Planning permission would be required for the below ground pipeline and plant and machinery if the proposed development comprised EIA development which means that permitted development rights cannot be used. To secure planning permission would involve the submission of a planning applications to the Local Authority in which each part of the application site is located, together with the application of the statutory noticing powers afforded by the Water Industry Act 1991 where available or securing of rights by negotiation or compulsion where statutory noticing powers are unavailable.
- 9.40 Severn Trent are a statutory undertaker for the supply of water and sewerage and benefit from extensive Permitted Development Rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 in Part 13 'Class A – Water or Hydraulic power undertakings' and 'Class B Development by or on behalf of Sewerage Undertakers'.
- 9.41 Permitted development rights are set out in Class A and state that development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of, amongst others, comprises:
- (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; ...*
  - (E) *the installation in a water distribution system of a booster station, valve house, meter or switch gear house;*
  - (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'.*
- 9.42 The development not permitted within sub section (E) includes the installation of a station or house exceeding 29 cubic metres in capacity, and in sub section (G) comprises plant and machinery which exceeds 15 metres in height or the height of anything it replaces, whichever is the greater and additional restrictions relating to extension or alterations to buildings. Class B is similar in terms of the extent of permitted development rights for sewage related infrastructure.
- 9.43 The installation of the new water pipeline below ground and the installation of new plant and machinery within the operational Minworth site (provided the maximum height does not exceed 15m) could be considered permitted development assuming the proposed development falls within the undertakings of the statutory undertaker. The proposed installation of any buildings exceeding 29 cubic metres in capacity; new above plant and machinery on non-operational land (eg the break pressure tank site) and new/modified access points off classified roads would require planning permission.
- 9.44 Permitted development rights can only be utilised where the development proposed does not require an Environmental Impact Assessment (EIA). The proposed pipeline does not wholly fall

within Schedule 1 section 12 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 where an EIA is mandatory as technically it is not a water resource transfers between river basins. The installation of the pipeline does fall within the description of development within Schedule 2 part 10) Infrastructure projects (L) installation of long distance aqueducts where the threshold is if the area of the works exceeds 1 hectare. The pipeline route is approximately 28km in length and would require an area of works considerably in excess of 1ha, as the threshold would be reached it is necessary to consider whether the project is likely to have significant effects on the environment. Furthermore, the pipeline route crosses the Blythe SSSI which is a 'sensitive area' in the EIA Regulations and therefore would need to be subject to a formal EIA screening with the LPA's.

- 9.45 The proposed development would be subject to the submission of a formal request for an EIA screening opinion from the LPA's in order to determine whether an Environmental Statement would be required. If the LPA's either individually for various sections, or collectively, deem that the pipe route requires EIA then the permitted development rights would not apply for the pipeline route and express planning permission would be required.
- 9.46 Planning applications would need to be submitted to the relevant LPA in which the development is located. They would need to be submitted with a duly completed application form and notices served; application fee; full set of scaled plans; environmental and technical information; statement of community involvement and a planning, design and access statement as a minimum. In terms of statutory timescales for determination it would depend on the type of application submitted and likely to be 13 weeks or 16 weeks. In reality, the determination period could be protracted given the scale and nature of the project and potential resource issues in LPA's/Consultees.
- 9.47 A SWOT analysis is performed in the table below to highlight the benefits and drawbacks of the TCPA route.

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>• Specific elements could be considered permitted development eg on site plant and machinery at Minworth assuming undertaking falls within role as statutory undertaker.</li> <li>• Approach utilised for other large pipeline water infrastructure across England eg Birmingham Resilient Project/Strategic Pipeline Alliance albeit not for SRO/water transfer projects.</li> <li>• Severn Trent would be in control of their own consenting process.</li> <li>• Process is tested and familiar.</li> <li>• Water Industry Act 1991 may provide powers of entry to undertake relevant works. Where these powers are available, they provide relatively streamlined programme opportunities when compared to DCO/CPO.</li> <li>• [REDACTED]</li> </ul>	<ul style="list-style-type: none"> <li>• Project must be considered as a whole for the purposes of EIA.</li> <li>• Requirement for separate EIA screening/planning applications to multiple LPA's.</li> <li>• TCPA is not designed to be effective for consenting long distance cross boundary linear schemes.</li> <li>• Require changes to governance/planning performance agreement to enable cross boundary collaboration between LPA's if there is a desire/ability to do so.</li> <li>• Potential for Judicial Review of LPA decision.</li> <li>• Compulsory land acquisition powers are not supported within the TCPA process as part of a planning application and would be required as a separate consent.</li> <li>• Need to obtain and align consents from other key decision makers</li> </ul>

<ul style="list-style-type: none"> <li>Water Industry Act 1991 powers backed by CPO availability, where those powers apply.</li> <li>Water Industry Act 1991 statutory noticing powers provide rights of temporary possession where those powers apply.</li> </ul>	<p>including Environment Agency and Natural England.</p> <ul style="list-style-type: none"> <li>[Redacted]</li> <li>[Redacted]</li> <li>[Redacted]</li> <li>[Redacted]</li> <li>[Redacted]</li> <li>[Redacted]</li> </ul>
<p><b>Opportunities</b></p>	<p><b>Threats</b></p>
<ul style="list-style-type: none"> <li>A less regulated and in-depth consultation exercise would be required before the applications could be submitted.</li> <li>This option is likely to be faster than a DCO if the statutory timescales are adhered to.</li> <li>Option to lodge an appeal with the Planning Inspectorate if planning applications are undetermined or refused.</li> <li>Where relevant, Water Industry Act 1991 provides CPO availability – note: that statutory noticing powers do not support the acquisition of the BPT site and acquisition by negotiation or CPO would be required.</li> <li>Opportunity to deal with compensation under the provisions of the Water Industry Act 1991 where these powers can be relied upon. [Redacted]</li> </ul>	<ul style="list-style-type: none"> <li>Local politics influencing decision making at Planning Committee.</li> <li>Multiple planning applications would be required. This could lead to inconsistent consents being granted at different times.</li> <li>It would be determined in accordance with adopted development plans which do not have relevant policies.</li> <li>Appeal would add to project timescales and costs.</li> <li>Consent from protected undertakers still required outside the DCO/CPO process. Note that there are a high number of crossings associated with the route corridor. Note that this applies to both consenting options.</li> <li>Where Water Industry Act 1991 noticing powers are be relied upon, easements do not form the resultant right in land and these would need to be obtained separately (or in place of) if desired.</li> <li>CPO may be refused in the absence of consent for the STT SRO.</li> </ul>


### Other Consents and Licences

9.48 This section sets out the secondary licences and consents which may be required for the Minworth SRO scheme. If the DCO route is followed this would include a number of the secondary licences and consents required as a single overarching consent. If the TCPA route is followed, then the majority of the consents listed in the table below would need to be obtained separately.

Activity	Licence / Consent	Regulating Body	Notes	DCO Inclusion
Works within a SSSI	SSSI Assent	Natural England	[Redacted]	Can be superseded by the DCO
Works that could disturb European protected	European Protected	Natural England	[Redacted]	Technically possible but never agreed to be included



Species	Species Licence			in a DCO as there is insufficient detail available on the timing of works and approach to mitigation etc at the DCO stage.
Works affecting an important hedgerow	Hedgerow Removal Notice	Local Planning Authority	Works affecting an important hedgerow	Routinely included in DCO's, as is consent to works to hedgerows not classed as 'important'.
Works to trees with Tree Preservation Orders	Tree Preservation Order Consent	Local Planning Authority	Works to trees with Tree Preservation Orders.	Routinely included in DCO's.
Requirement to temporarily close a PRow	Temporary Closure Order	Local Planning/ Highway Authority	Multiple PRow along route.	Routinely done through an article of the DCO negating need for a separate closure order.
Requirement to permanently close or divert a PRow	Stopping up or extinguishment of a PRow	Local Planning/ Highway Authority		Routinely done through an article of the DCO negating need for a separate order, but case must be made for replacement or diversion route or why that is not required.
Works of demolition, alteration or extension to a listed building	Listed Building Consent	Local Planning Authority		Can be included in a DCO but test is very high. Direct impacts on listed building should be avoided where possible.
Works and other activities that physically affect a scheduled monument	Scheduled Monument Consent	Historic England		Can be included in a DCO but test is very high. Direct impacts on SAMs should be avoided where possible, there is unlikely to be a policy justification for direct harm to a SAM
Works in, over, under or affecting the flow of an ordinary watercourse	Ordinary Watercourse Consent	LPA or Internal Drainage Board	Multiple along route.	Have been routinely disapplied in DCO's however, the EA has recently started objecting to this.
Works on or near a main river, on or near a flood defence structure, in a flood plain	Flood Risk Activity Exemption	Environment Agency		
New water discharge activity	Standard or Bespoke Environmental Permit	Environment Agency		

Approval for noise generating activities during construction	Section 61 consent (noise and / or vibration)	Local Planning Authority		Usually obtained separately by the contractor close the time the works concerned will be carried out and specific plant details are known.
Permanent alterations or improvements to a public highway	Section 278 highways agreement	Local Planning/ Highways Authority		
Transport of an Abnormal Load	Notification	Police, Highways Authorities		Not included, road booking will also still need to be undertaken separately
Applications for road closures and other restrictions which require a Temporary Traffic Regulation Order (TTRO). This includes restrictions on county roads, footpaths and bridleways.	Temporary Traffic Regulation Order	Local Highways Authority	This includes restrictions on county roads, footpaths and Bridleways.	Routinely done through an article of the DCO negating need for an order.
Works affecting Network Rail Land (Within 15 m)	Asset Protection Agreement	Network Rail		Not strictly a planning consent, similar in nature to landowner consent, routinely done in parallel with the DCO.
Works within Common Land	Section 38 Consent	Planning Inspectorate (on behalf of DEFRA)		Cannot be included.

## 10 Preferred Consenting Option

10.1 This section sets out the preferred consenting strategy based on the information available to date and legal advice. In summary, the proposed development which forms the **Minworth SRO** comprises:

- New advanced tertiary treatment processes for existing effluent within Minworth Sewage Treatment Works to supply the GUC (no off-site works)
- New advanced tertiary treatment processes for existing effluent within Minworth Sewage Treatment Works and new pipeline approximately 28km in length to discharge into the River Avon to provide a source for the STT
- Potentially delivered separately or as a combination.

### Minworth GUC

10.2 It is considered that the GUC Minworth tertiary treatment processing works and/or the STT Minworth tertiary treatment processing works within the existing operational site in isolation

would not meet any of the Planning Act 2008 criteria for a water or waste water NSIP. A section 35 application is unlikely to be successful as a standalone application. The proposed development within the Minworth site is not of a scale or complexity which would make it nationally significant to make a DCO necessary. In particular it lacks the need for multiple consents and compulsory powers and the likely impact of the works being located alongside an existing treatment works is limited. It is advised that the Minworth GUC onsite works are either consented under the TCPA in advance of the GUC DCO or as 'associated development' as part of the GUC SRO DCO.

- 10.3 The works within Minworth STW could form 'associated development' to a water transfer DCO if it was preferable to include them. However, although the GUC DCO project is dependent on these being undertaken to function, the Minworth works are separable from the transfer NSIP. An applicant always has the choice of seeking to consent associated development through planning permission rather than a DCO. For works within an existing water treatment site where no access to other powers (such as compulsory acquisition) are required, consenting these through a planning application can be appropriate. Whether this route is appropriate will depend upon the prospects of the planning application being determined swiftly by the local planning authority without an appeal or material objection and in advance of the examination of the GUC application.
- 10.4 Where planning permission for Minworth is not in place when the GUC DCO is applied for the GUC Project would need to be able to explain how and when the Minworth works would be consented in order to demonstrate deliverability of the GUC DCO. The Examining Authority for the DCO is likely to take considerable interest in this element, as, without a credible prospect of consent being granted, there is a potential impediment to the delivery of the scheme which would undermine the case for compulsory acquisition powers.
- 10.5 In order to reduce consenting risk in the DCO, and to be able to demonstrate that the cumulative EIA with any works at Minworth is robust, any separate planning permission for Minworth should be applied for as early as possible to ensure the outcome would be known (at the latest) during the DCO examination. Leaving an application so late of course risks being refused and needing to go to an appeal, meaning that no permission is in place at the close of the DCO Examination, with consequential risk to the granting of the DCO. Any decision not to include Minworth as associated development should therefore take account of the potential risk to the DCO deliverability case of not having this planning permission in place when required.
- 10.6 It is understood that based on the information available to date the preferred consenting option for Severn Trent is to seek to include the new tertiary treatment works required within the Minworth STW site as 'associated development' to the GUC SRO DCO.

### Minworth STT

- 10.7 This element of the Minworth SRO comprises new tertiary treatment processes for existing effluent within Minworth Sewage Treatment Works and a new pipeline of approximately 28km in length to discharge into the River Avon to provide a source for the STT.
- 10.8 There are two main options to be considered which includes the TCPA route which is likely to involve the submission of separate planning applications to each of the multiple Local Planning Authorities, or alternatively progress the project as a NSIP through the DCO process. On balance both options have merits and either option could be utilised to secure consent. It is important to recognise that the TCPA option, together with the application of Water Industry Act 1991 statutory noticing powers for land entry and construction where those powers apply, or the negotiation or

compulsory acquisition of rights where unavailable, could be implemented, however there are a number of advantages associated with the DCO process as set out below.

- 10.9 The proposed development comprises the installation of advanced treatment processes within the Minworth site and a new below ground pipeline of approximately 28km in length with the capability to transfer up to 115 million litres of treated water per day in times of need. The current discharge into the River Tame would be diverted to discharge into the River Avon to provide flow to support subsequent abstraction by another water undertaker as part of the STT SRO.
- 10.10 It is considered that given the need case, substantial length, complex nature and overall scale of the Minworth SRO that it could be considered of 'national importance'. The need case for the proposed development is of national significance in transferring water to be used to maintain water supplies in other water undertakers' areas in times of need. The pipeline route is approximately 28km long [REDACTED]  
[REDACTED] Works will be required across multiple local authority boundaries and through numerous sites of statutory undertakers, owners, and occupiers. It is considered that the size of the project could have larger than local impacts. [REDACTED]  
[REDACTED] The installation of a 28km linear pipeline would be a complex construction project which would require a considerable number of vehicle access points and associated compounds and new treatment processes. Therefore, it is recommended that securing a DCO would be the preference as this process will enable the acquisition of the necessary land and rights over land using compulsory acquisition powers, and secure a wide range of other consents, licences, permissions and statutory powers, through this single consenting process in a timely and effective way.
- 10.11 As with the Minworth GUC element of the project the additional onsite treatment work can either be considered as separate and follow the TCPA route or made part of the water transfer DCO as 'associated development'.
- 10.12 To pursue the DCO route for the Minworth STT, a Direction would be required from the SoS for Environment, Food and Rural Affairs (DEFRA) under section 35 (1) of the Planning Act 2008. This would be required to confirm that the project could be treated as development of national significance for which development consent is required. The actual process is relatively straightforward with a short timescale. The applicant is required to submit a written request presenting the case for the scheme to be considered an NSIP to the SoS (DEFRA) and then there is a 28 day period in which a decision is issued. The time limit can be extended if the SoS requests more information. [REDACTED] a number of section 35 directions have been issued in the past. A comprehensive and robust case would need to be presented to support a section 35 application focusing upon the need case, size, scale, timescales and demonstrating tangible benefits.
- 10.13 Where the STT interconnector project is an NSIP, in addition to being a standalone NSIP, works to Minworth to supply water to that transfer (ie the works at the Minworth STW and the connecting pipeline) could form 'associated development' to the STT scheme.
- 10.14 There have not been any water transfer related DCO projects consented to date or at the pre-application stage. However, on 31 May 2022 the SoS for the DEFRA issued a section 35 direction relating to the Hampshire water transfer and water recycling project. The proposed project relates

to the construction of new water transfer and water recycling infrastructure for the purposes of water supply.

10.15 The SoS was of the view that the proposed development by itself is nationally significant and should be treated as a development of national significance having taken into account that the project would:

- be for a complex and substantial scheme, involving extensive infrastructure works and requiring multiple powers and consents (including multiple planning permissions, compulsory acquisition powers and highways orders) which should be seen as nationally significant in its own right; and
- benefit from an application being determined in a timely and consistent manner by way of the Development Consent regime and by removing the need to apply, and the uncertainty of applying for a large number of separate powers and consents.

10.16 The direction continues to state that the proposed project would:

- provide a substantial number of people across Hampshire with a resilient water supply during drought conditions and would be a piece of strategic regional infrastructure in meeting the modelled supply deficiency for Southern Water's water supply zone;
- make a significant contribution (c47%) to resolving the overall supply demand deficit in Southern Water's Western Area of supply;
- support the delivery of up to 87,000 new homes by 2045;
- have the capacity to be upgraded to support further increases in population growth, housing supply and/or further water resource pressures;
- mitigate against the social and economic risks of debilitating water restrictions for both businesses and households when the weather is dry; and
- make a significant contribution to the UK Governments environmental objectives and policy priorities.

10.17 The Direction is understood to be the first for a water project which includes water transfer. The information submitted with the application and in the determination is helpful in providing precedent and an example of a successful section 35 application.

10.18 The Minworth STT SRO project is within the qualifying fields for which a section 35 direction can be sought as it is within the field of water, wholly in England and could be considered to be a complex project of national importance potentially alone and in combination with other projects.

10.19 Section 28 of the Planning Act sets out the criteria and thresholds for water resources transfer NSIP's. In summary it states that water transfer schemes moving water from one river basin to another, or between different water undertaker's areas in England, where the volume of water to be transferred will exceed deployable output of 80 million litres per day are considered NSIP projects.

10.20 The Minworth SRO STT transfers water within the same water undertakers area, although the ultimate purpose is to supply other water undertakers with additional water in times of need. Furthermore, by moving the discharge point from one river basin to another separate river basin this would have impacts upon both river basins as a reduced flow will go into the River Tame and increased flow to River Avon the purpose of which is a water transfer to support another

water undertaker's supply. Therefore, although not in direct accordance with the criteria set out in section 28 it could be considered that the associated impacts of the Minworth SRO proposal would be similar to that of a project that squarely met the criteria and should therefore be assessed as an NSIP.

10.21 There are number of benefits associated with a Minworth STT SRO DCO process as summarised below:

- process designed to consent large scale linear infrastructure projects.
- coordinated, comprehensive consenting approach to assess the impacts across multiple separate Local Planning Authorities areas.
- comprehensive assessment of impacts.
- draft NPS refers to large scale effluent reuse resulting in large transfers could qualify as an NSIP.
- Severn Trent control application process.
- enables a single authority to issue consent through a single application.
- the consenting timings are rigid and predictable.
- reduces the risk of local political matters influencing the decision-making process.
- engagement of protected undertakers given that consenting is required by the DCO.
- DCO would include all aspects of the development, including those that would otherwise not be covered by statutory noticing powers under an alternative consenting strategy.
- the ability to compulsory acquire land, as well as other critical consents, can all be consented with a single application
- the principle of the project is supported by the draft National Policy Statement for Water Resources Infrastructure. In contrast, the Local Development Plans do not have policy relating to this type of development.
- DCOs typically have a high success rate, particularly when they are supported by NPSs.

10.22 The following conclusions have been drawn in relation to the options available for consenting the Minworth SRO:

- the new tertiary treatment works required within the operational Minworth works to supply the GUC (but not any off-site works) do not qualify as an NSIP in accordance with the criteria set out in the Planning Act 2008, therefore a DCO cannot be applied for and the proposed development would not justify a section 35 direction. The onsite tertiary treatment works should be consented through the TCPA route or as 'associated development' as part of the wider GUC SRO DCO project. It is understood that the preferred consenting option for Severn Trent is to seek to include the new tertiary treatment works required within the Minworth STW site as 'associated development' to the GUC SRO DCO.
- the new tertiary treatment works required within the operational Minworth works and the installation of a c28km pipeline to the River Avon to supply STT could be consented as a DCO. It is considered that a case could be made for it to qualify as an NSIP through the submission of a section 35 application to DEFRA to request a Direction that the proposed development is of national significance. Where the STT 'interconnector' project is an NSIP, in addition to being a standalone NSIP, works to Minworth to supply water to that transfer (ie the works at the Minworth STW and the connecting pipeline) could form 'associated development' to the STT scheme.

- in combination it is considered possible for DCO applications for connected projects to be consented separately but in parallel. The linkages between the projects and the resource implications need to be carefully considered. The main determinant on whether the projects (Minworth, the GUC and the STT) are consented sequentially or in parallel will be when the projects need to be consented, or in construction or operational. As the increased capacity at Minworth is the justification for the GUC, it is advised that the Minworth GUC works are either consented under the TCPA in advance of the GUC or as associated development as part of the GUC DCO.

## 11 Next steps

11.1 This section sets out high level next steps for Severn Trent in developing and actioning the consenting strategy in relation to Minworth GUC and Minworth STT.

### Minworth GUC

11.2 It is understood that the preferred consenting option for Severn Trent is to seek to include the new tertiary treatment works required within the Minworth STW as 'associated development' to the GUC SRO DCO. The works proposed within the Minworth STW form a critical and integral part of the Minworth GUC SRO DCO. This report considers the onsite works proposed within Minworth and not offsite works required to secure the transfer. The next steps for Severn Trent from a consenting perspective would be as follows:

- i) appoint legal advisors to represent Severn Trent and agree contractual arrangements with Affinity Water to include the additional treatment works at Minworth as 'associated development' within the Minworth GUC DCO. It is expected that this agreement would seek to include STW as a joint applicant and named undertaker and agreement to roles, responsibilities and conduct of the DCO application process.
- ii) subject to the contractual arrangements in point i) above, provide input into the Minworth GUC SRO application to DEFRA for a section 35 direction which will determine whether the proposed development comprises a national infrastructure project. At this stage there would need to be clarity about all elements of the proposed development, provision of a written description and the Direction would be given to the specific description so any changes would present a risk. Severn Trent specific inputs would include providing detailed descriptions of the development proposed within Minworth STW such as dimensions of buildings and associated infrastructure and construction works associated within the new proposed treatment works at Minworth and provide an overview of consultation undertaken with stakeholders, including regulators, statutory bodies, and local authorities. The case to determine why the project is of national significance would be led by Affinity Water as the offsite works are the elements of national significance and the Minworth works 'associated development'. Other information required includes the need for the scheme, how it supports national policy such as the draft Water Resources NPS, the geographic scope/complexity of the project, the need for multiple powers and consents (including compulsory acquisition of land) and how the DCO process will help provide a timely decision and this is more relevant to

the Affinity Water elements of the application. The next steps below assume a Section 35 application is successfully secured.

- iii) In accordance with the contractual arrangements set out in i) it is expected that Severn Trent would be involved with Affinity Water in appointing a legal and consultant team to deliver the DCO application. The actual drafting of the DCO text is undertaken by lawyers and the legal team take a key role in leading the DCO application. A team of designers, environmental experts, technical, PR/communication experts and planning consultants would be required to develop the material required to support a DCO application.  
[REDACTED]
  
- iv) Severn Trent would need to progress design development of the new tertiary treatment works proposed at Minworth STW to include site boundary (permanent and temporary); dimensions of buildings and associated infrastructure; extent and nature of the construction works and construction programme. It would also be necessary to provide a description of the processes to be undertaken on site and information about the volumes of water available to supply the transfer. At the non-statutory consultation stage a clear design proposal is required which at this stage can include options, however, there should be sufficient detail provided to encourage engagement and comment. For the Environmental Impact Assessment scoping stage a full description of the proposed development is required, design development principles and enough detail about the processes for the environmental specialists to understand the potential impacts associated with the proposed development. At the statutory consultation stage detailed designs are required to include scheme layout, work descriptions, land assembly plans, elevations of above ground structures and visualisations of proposed development.  
[REDACTED]  
[REDACTED]  
[REDACTED]
  
- v) Comprehensive technical and environmental survey work would be required to inform the development of the Environmental Impact Assessment. A team of specialist consultants would be required to be appointed to assess the impacts. It would be expected that this would be agreed as part of the contractual arrangements in point i) above and given the Minworth STW works form 'associated development' would be led by Affinity Water. The consultant team would need access to Minworth STW to undertake the surveys and the matters to be assessed include impacts upon population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydro-morphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape. The Minworth STW is partially designated as a Site of Nature Conservation Interest (SNCI) which is a local designation upon which the potentials impacts would be assessed and if required mitigated through the environmental survey and design development process.
  
- vi) Comprehensive consultation and engagement forms a key component of the DCO application preparation, this comprises non statutory consultation and statutory consultation. Severn Trent would be part of this and involved in engagement particularly



with Birmingham City Council [REDACTED] and would ensure continuity in approach and aim to protect the future relationship for other works at the Minworth site. [REDACTED]

vii) Severn Trent would provide input into the other documents which form part of the DCO [REDACTED] This would include input into planning policy compliance monitoring and planning input into the development of the proposals. The proposed development at Minworth STW is on land subject to Green Belt designation which seeks to protect openness. Severn Trent would provide input into the case for the proposed development drawing attention to the extensive operation undertaken at the Minworth STW site; the existing operational land status of the proposed development site and other planning history information which would support the case for development within the site.

viii) [REDACTED]

### Minworth STT

- 11.3 Additional new tertiary treatment works would also be required within the operational Minworth works to support a water transfer to ultimately supply the STT SRO. The consenting strategy indicates that the proposed development, including the onsite works and the transfer pipeline to the River Avon, could be consented as a NSIP through the DCO process.
- 11.4 The first next step would be to engage with Thames Water regarding the STT 'Interconnector' timeline and the likely timescale for the requirement for the Minworth STW to supply water. It would be necessary for Severn Trent to engage with Thames Water to review the two potential consenting options for the project set out in 11.5 and 11.6 below.
- 11.5 The consenting strategy indicates that a case could be made for the proposed development to qualify as an NSIP in its own right through the submission of a section 35 application to DEFRA. The next steps in this case would be as follows:
- i) Severn Trent would lead the preparation of an application to DEFRA for a section 35 Direction which will determine whether the proposed development comprises a national infrastructure project. It is expected that legal advisors and planning consultants would be appointed to advise on the preparation and submission of the application and to initiate pre-application engagement with the team at DEFRA. At this stage there would need to be clarity about all elements of the proposed development, provision of a written description and the Direction would be given to the specific description so any changes would present a risk. Severn Trent would provide detailed descriptions of the development proposed within Minworth STW, such as dimensions of buildings and associated infrastructure and construction works, and the extent of the water transfer pipeline to the River Avon. It would also be necessary to provide an overview of consultation undertaken with stakeholders, including regulators, statutory bodies, and local authorities. The case to determine why the project is of national significance

would be clearly made in the application. Other information required includes the justification for the need for the scheme, how it supports national policy such as the draft Water Resources NPS, the geographic scope/complexity of the project, the need for multiple powers and consents (including compulsory acquisition of land) and how the DCO process will help provide a timely decision.

- ii) Assuming a section 35 Direction is successful, the proposed development would be considered an NSIP and follow the DCO process. Severn Trent would need to appoint a legal and consultant team to deliver the DCO application. The actual drafting of the DCO text is undertaken by lawyers and the legal team take a key role in leading the DCO application. The consultant team would be supported by designers, environmental experts, technical consultants, PR/communication experts and planning consultants who would be required to develop the material required to support a DCO application. [REDACTED]
- iii) Severn Trent would need to progress design development of the new tertiary treatment works proposed at Minworth STW and associated transfer pipeline and to include site boundary (permanent and temporary); dimensions of buildings and associated infrastructure; extent and nature of the construction works and construction programme. It would also be necessary to provide a description of the processes to be undertaken on site and information about the volumes of water available to supply the transfer. At the non-statutory consultation stage a clear design proposal is required which at this stage can include options, however, there should be sufficient detail provided to encourage engagement and comment. For the Environmental Impact Assessment scoping stage a full description of the proposed development is required, design development principles and enough detail about the processes for the environmental specialists to understand the potential impacts associated with the proposed development. At the statutory consultation stage detailed designs are required to include scheme layout, work descriptions, land assembly plans, elevations of above ground structures and visualisations of proposed development. [REDACTED]
- iv) Comprehensive technical and environmental survey work would be required to inform the development of the Environmental Impact Assessment. A team of specialist consultants would be required to be appointed to assess the impacts. The consultant team would need access to Minworth STW and the proposed pipeline route corridor to undertake the surveys and the matters to be assessed include impacts upon population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydro-morphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape. Along the proposed pipeline route there [REDACTED] and other constraints which would be comprehensively assessed and mitigated as appropriate through the environmental survey work and design development process.
- v) Comprehensive consultation and engagement forms a key component of the DCO application preparation, this comprises non statutory consultation and statutory consultation. Severn Trent would lead this and engagement would be required with Birmingham City Council and other Local Planning Authorities [REDACTED] and

would ensure continuity in approach and aim to protect the future relationship. [REDACTED]

- vi) Severn Trent would provide input into the other documents which form part of the DCO [REDACTED]. This would include input into planning policy compliance monitoring and planning input into the development of the proposals.

11.6 The alternative scenario would be where the STT 'Interconnector project' is an NSIP and the works to Minworth STW to supply water to that transfer (ie the works within the Minworth STW and the transfer pipeline) could form 'associated development' to the STT scheme. The next steps for this scenario would be as follows:

- i) appoint legal advisors to represent Severn Trent and agree contractual arrangements with Thames Water to include the additional treatment works at Minworth STW and associated water transfer pipeline as 'associated development' within the STT Interconnector DCO. It is expected that this agreement would seek to include STW as a joint applicant and named undertaker and agreement to roles, responsibilities and conduct of the DCO application process.
- ii) subject to the contractual arrangements in point i) a legal and consultant team would need to be appointed to deliver the DCO application. The actual drafting of the DCO text is undertaken by lawyers and the legal team take a key role in leading the DCO application. A team of designers, environmental experts, technical, PR/communication experts and planning and land consultants would be required to develop the material required to support a DCO application. [REDACTED]
- iii) Severn Trent would need to progress design development of the new tertiary treatment works proposed at Minworth STW and associated transfer pipeline and to include site boundary (permanent and temporary); dimensions of buildings and associated infrastructure; extent and nature of the construction works and construction programme. It would also be necessary to provide a description of the processes to be undertaken on site and information about the volumes of water available to supply the transfer. At the non-statutory consultation stage a clear design proposal is required which at this stage can include options, however, there should be sufficient detail provided to encourage engagement and comment. For the Environmental Impact Assessment scoping stage a full description of the proposed development is required, design development principles and enough detail about the processes for the environmental specialists to understand the potential impacts associated with the proposed development. At the statutory consultation stage detailed designs are required to include scheme layout, work descriptions, land assembly plans, elevations of above ground structures and visualisations of proposed development. In order to submit the DCO application the list of documents [REDACTED] is required to include detailed designs, plans and sections to show limits of deviation.
- iv) Comprehensive technical and environmental survey work would be required to inform the development of the Environmental Impact Assessment. A team of specialist consultants

would be required to be appointed to assess the impacts. It would be expected that this would be agreed as part of the contractual arrangements in point i) above. The consultant team would need access to Minworth STW and the proposed pipeline route corridor to undertake the surveys and the matters to be assessed include impacts upon population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydro-morphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape. Along the proposed pipeline route there is a SSSI, heritage and other constraints which would be comprehensively assessed and mitigated as appropriate through the environmental survey work and design development process.

v) Comprehensive consultation and engagement forms a key component of the DCO application preparation, this comprises non statutory consultation and statutory consultation. Severn Trent would be part of this and involved in engagement particularly with Birmingham City Council and other Local Planning Authorities where [REDACTED] and would ensure continuity in approach and aim to protect the future relationship. [REDACTED]

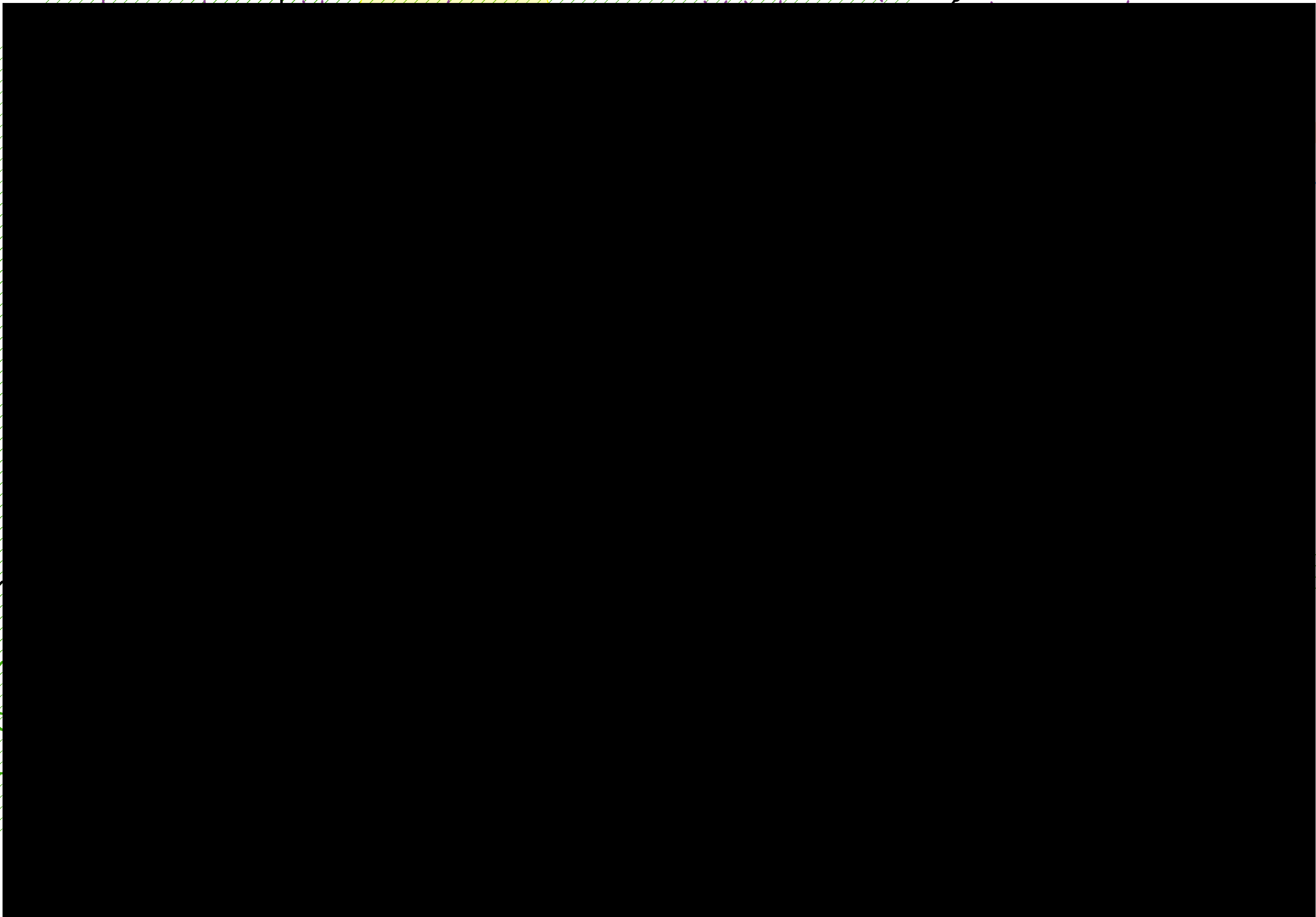
vi) Severn Trent would provide input into the other documents which form part of the DCO [REDACTED] This would include input into planning policy compliance monitoring and planning input into the development of the proposals.

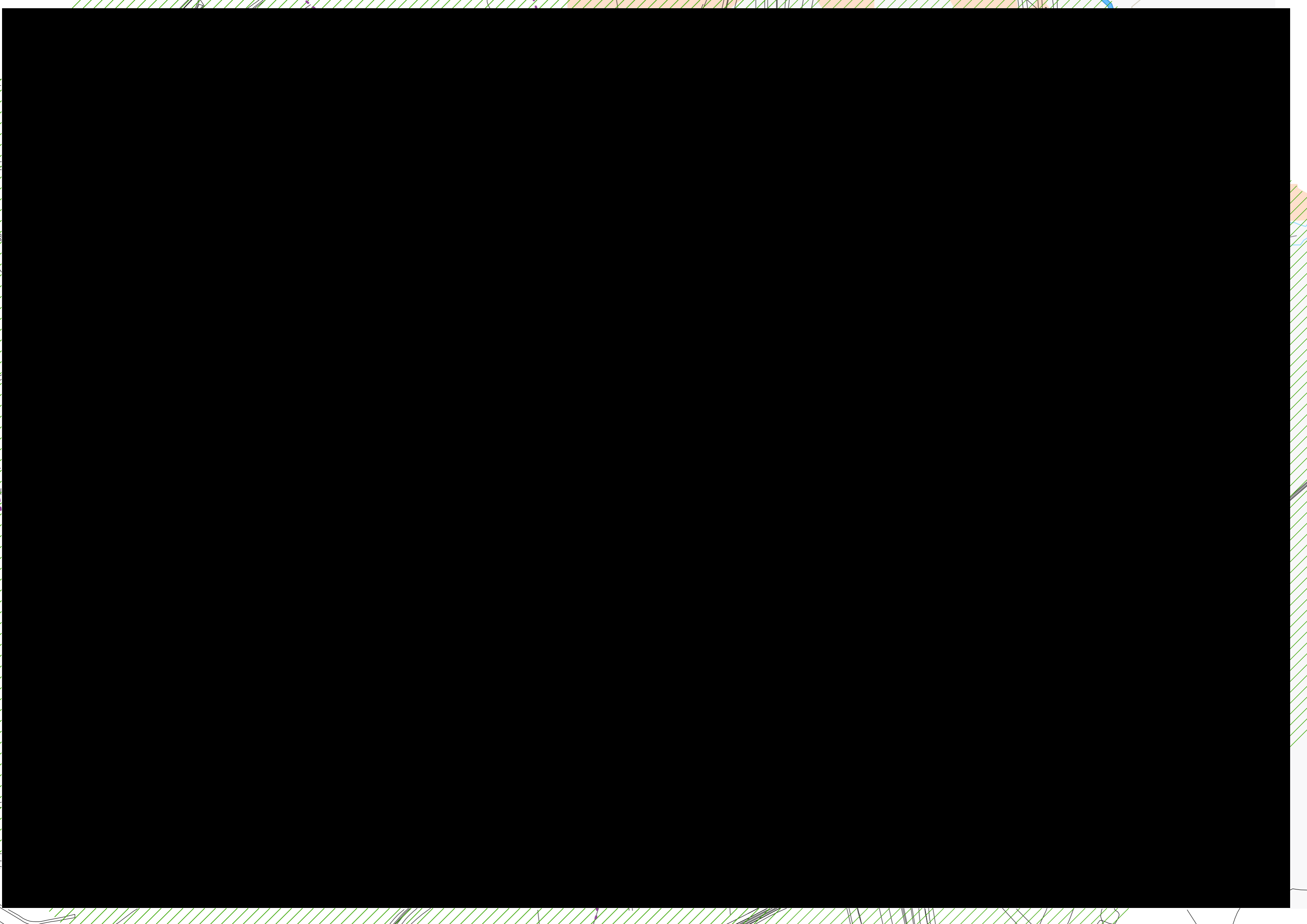
11.7 The key planning risks and management strategy to consenting the Minworth GUC and STT SRO are summarised in the table below:

Risk	Risk Description	Risk Mitigation & Management Strategy
S35 Direction	<p>If an S35 direction is not provided by DEFRA the DCO route is ruled out for the Minworth GUC and STT element of the proposed scheme.</p> <p>Where the STT 'Interconnector project' is an NSIP, the works to Minworth STW to supply water to that transfer (ie the works at the Minworth STW and the transfer pipeline) could form 'associated development' to the STT scheme</p>	<p>Severn Trent and appointed project team to maintain regular engagement with the relevant parties (DEFRA, RAPID, legal and consenting advisors) to ensure contingency measures (TCPA route preparation) can be implemented, if necessary, as early as possible. It would be necessary to liaise closely with the LPA's in any event to agreed terms of permission if DCO granted.</p>
TCPA route	<p>If the TCPA route is used the consenting period could be unacceptably long. This is due to the risk of planning appeals and also additional consents being required separately.</p>	<p>Severn Trent and appointed team would require a robust and comprehensive engagement strategy with all</p>

		LPAs and seek to secure 'Planning Performance Agreements' arrangements.
DCO not accepted for examination	The DCO application could be rejected before examination if pre-application consultation and public engagement is deemed inadequate.	Severn Trent and appointed team to ensure pre-application consultation and public engagement is comprehensive and robust to meet DCO requirements.
DCO refused	The DCO application could be refused if the proposed scheme is not considered sufficiently robust in terms of route selection and design	Severn Trent and appointed team carry out a thorough preparation and planning phase to establish the most suitable design whilst considering the key policy requirements.
TCPA refused	One of the TCPA applications could be refused by one of the Local Planning Authorities or a statutory body could object to one of the TCPA applications.	Severn Trent and appointed team consult with the relevant stakeholders to ensure any potential objections to the scheme are mitigated as early as possible. Option to appeal and Planning Inspector consider application.
Water Resources Infrastructure NPS adoption	The NPS which is relevant to the SRO is still at a draft phase. There is a risk this is not progressed to adoption. Still a material consideration but less weight should be attributed to it.	Severn Trent and appointed team to engage with DEFRA to understand timeframes for adoption.

The following appendices have been redacted.





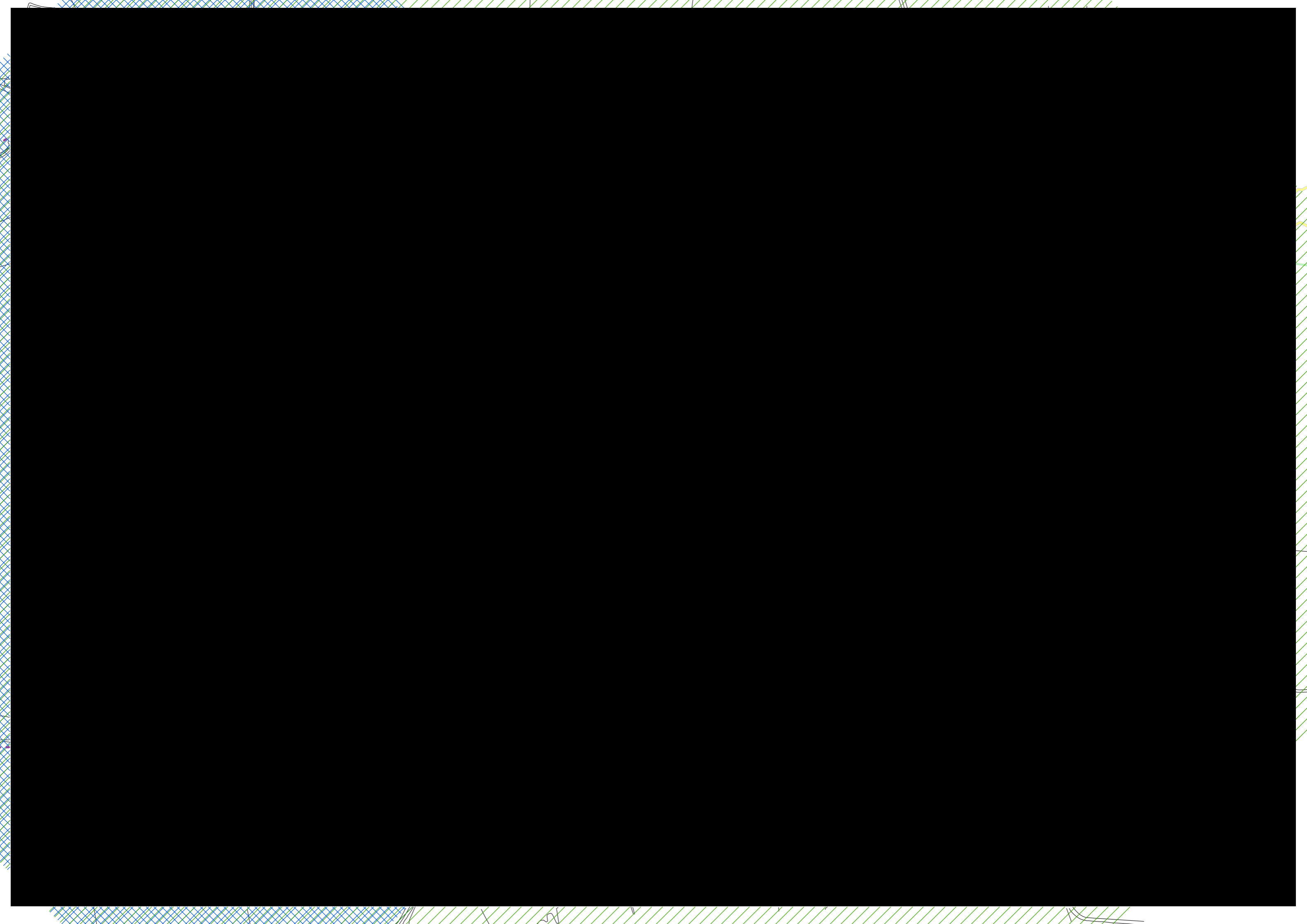


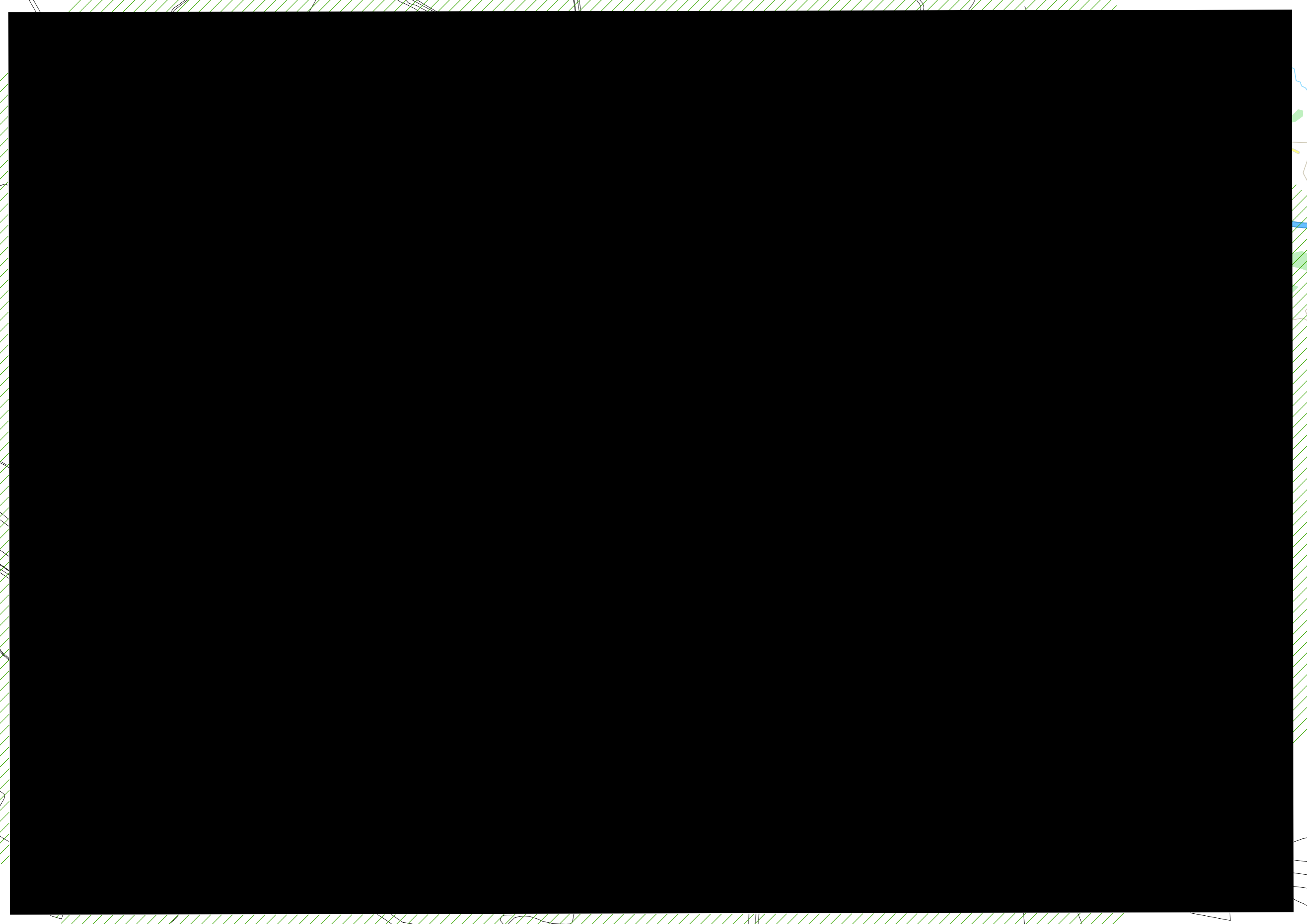




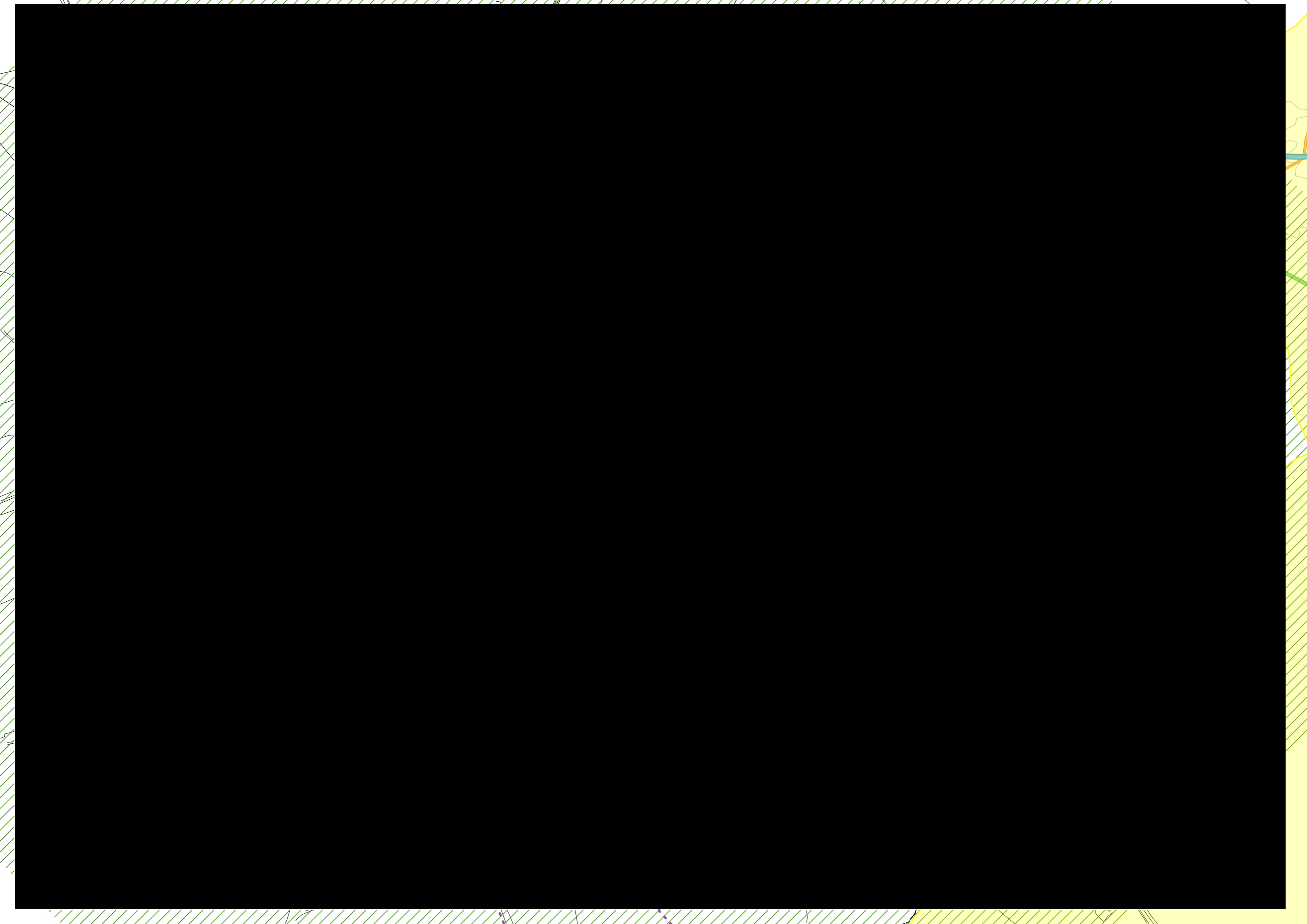
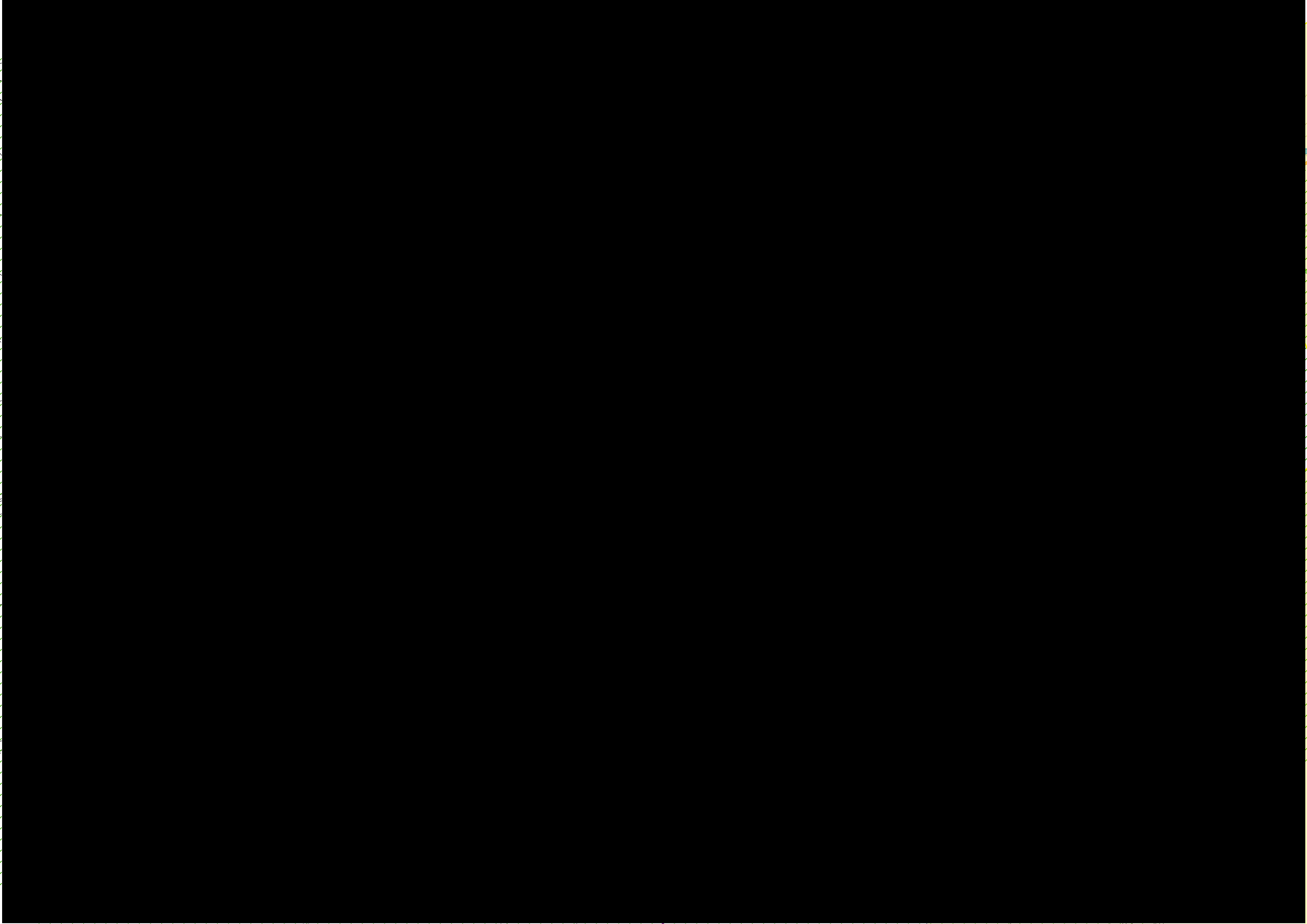












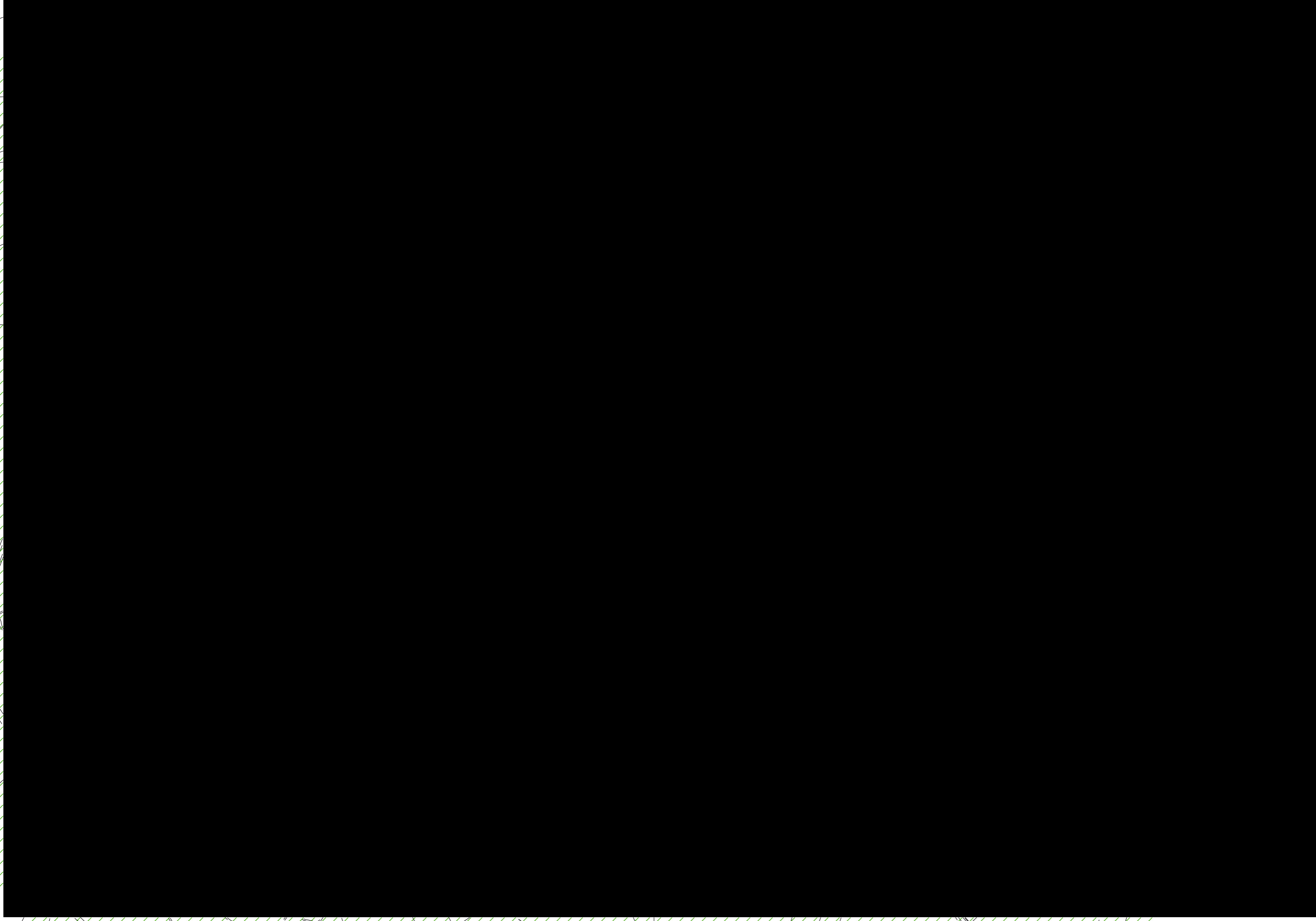






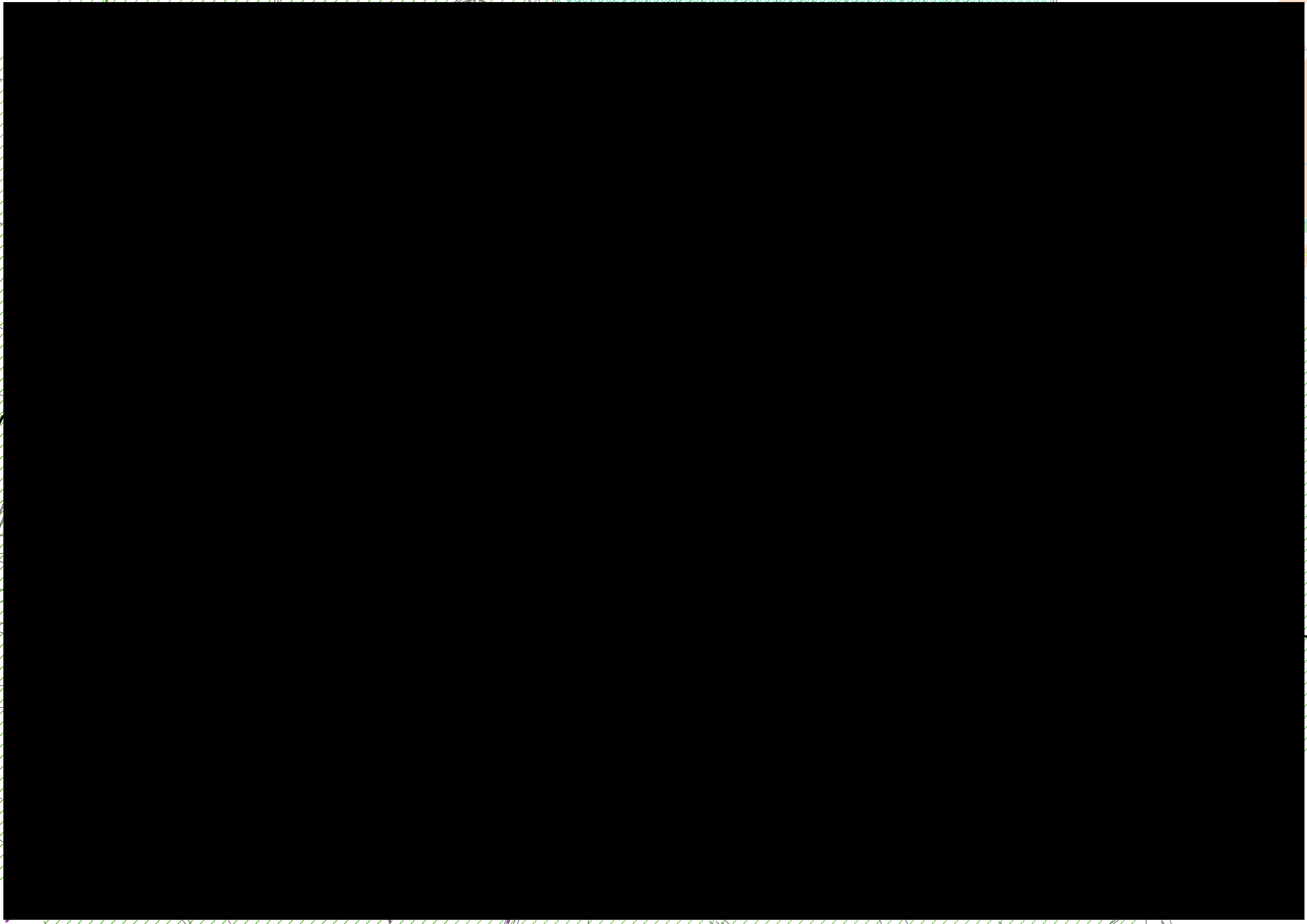


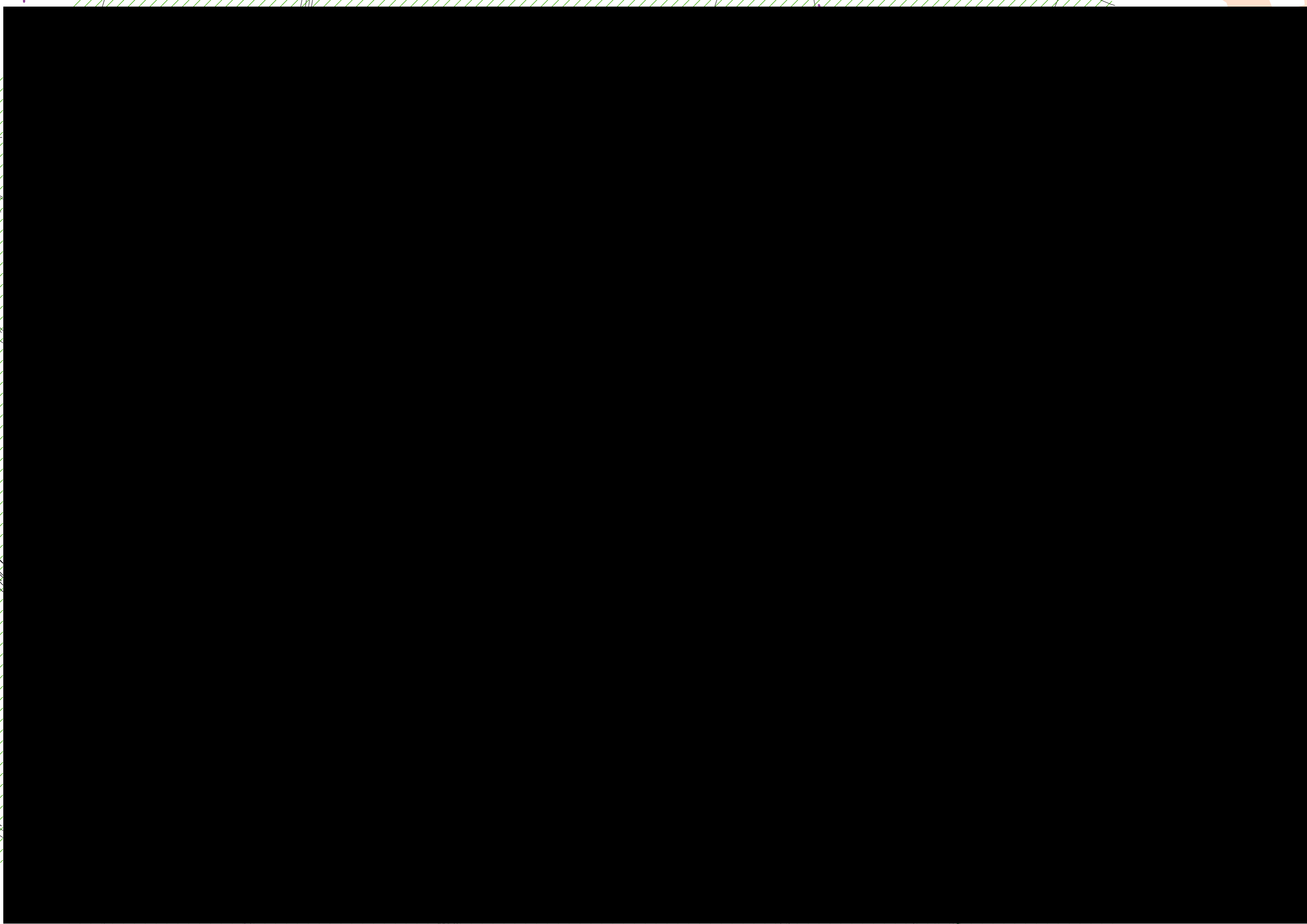










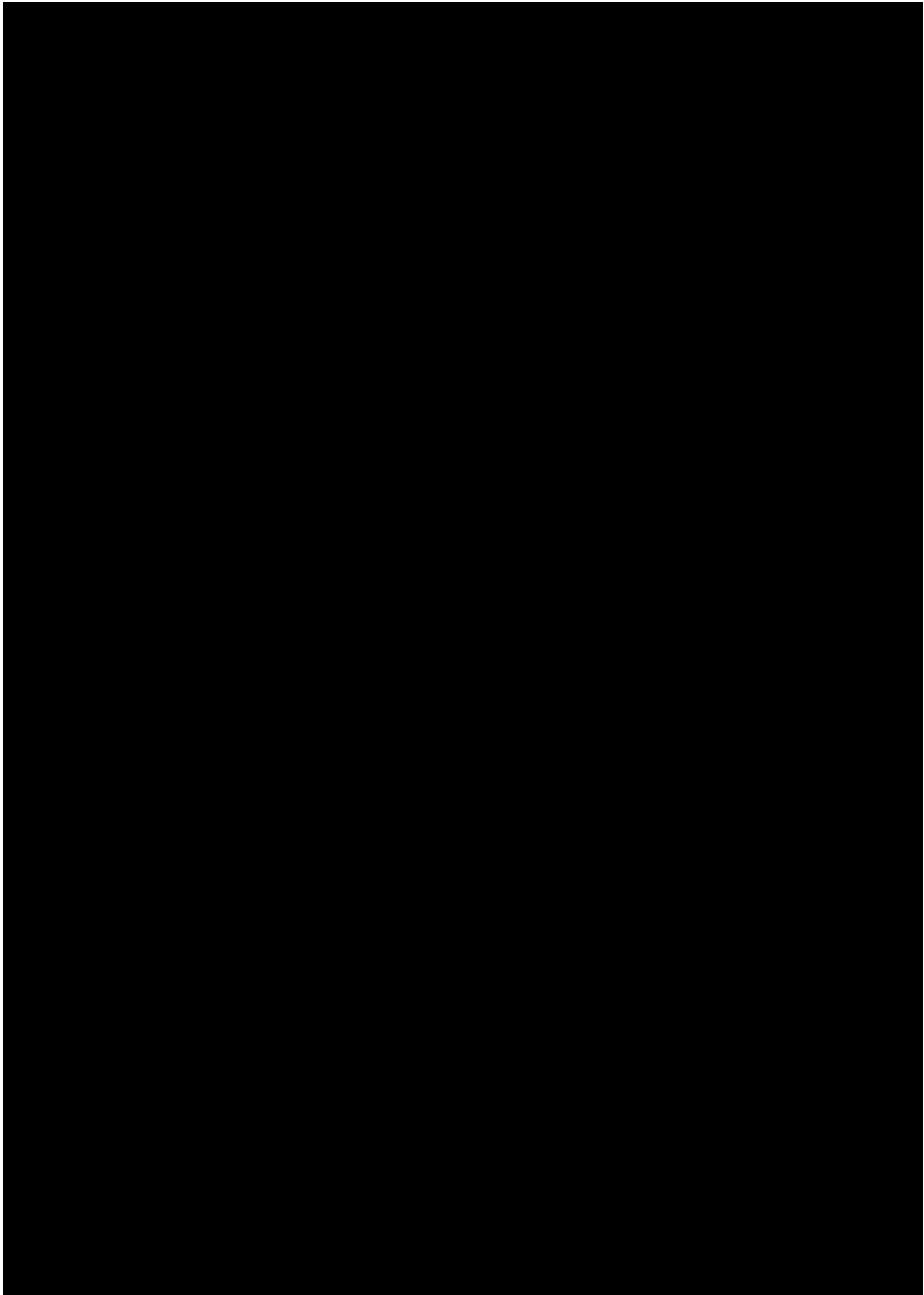


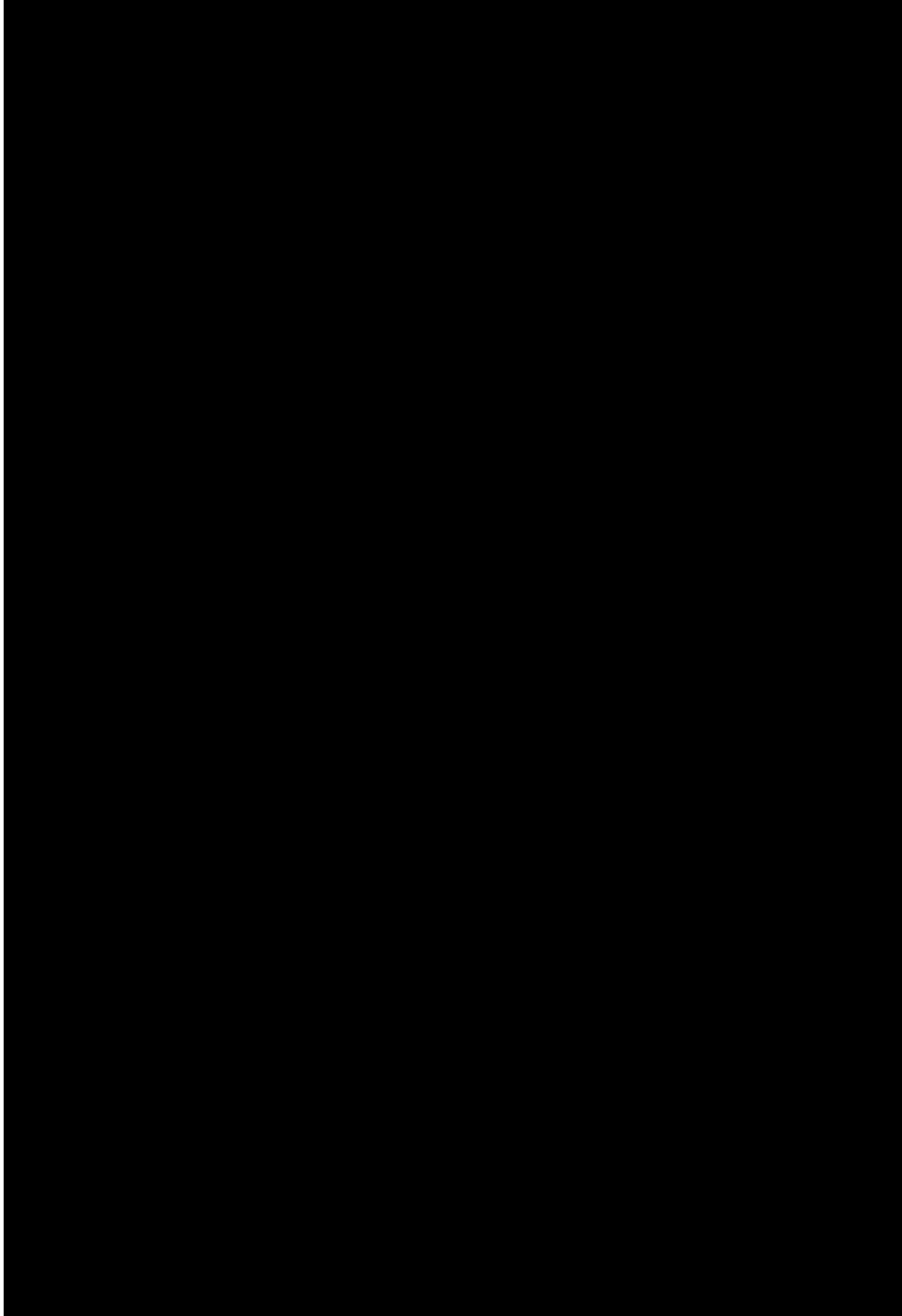


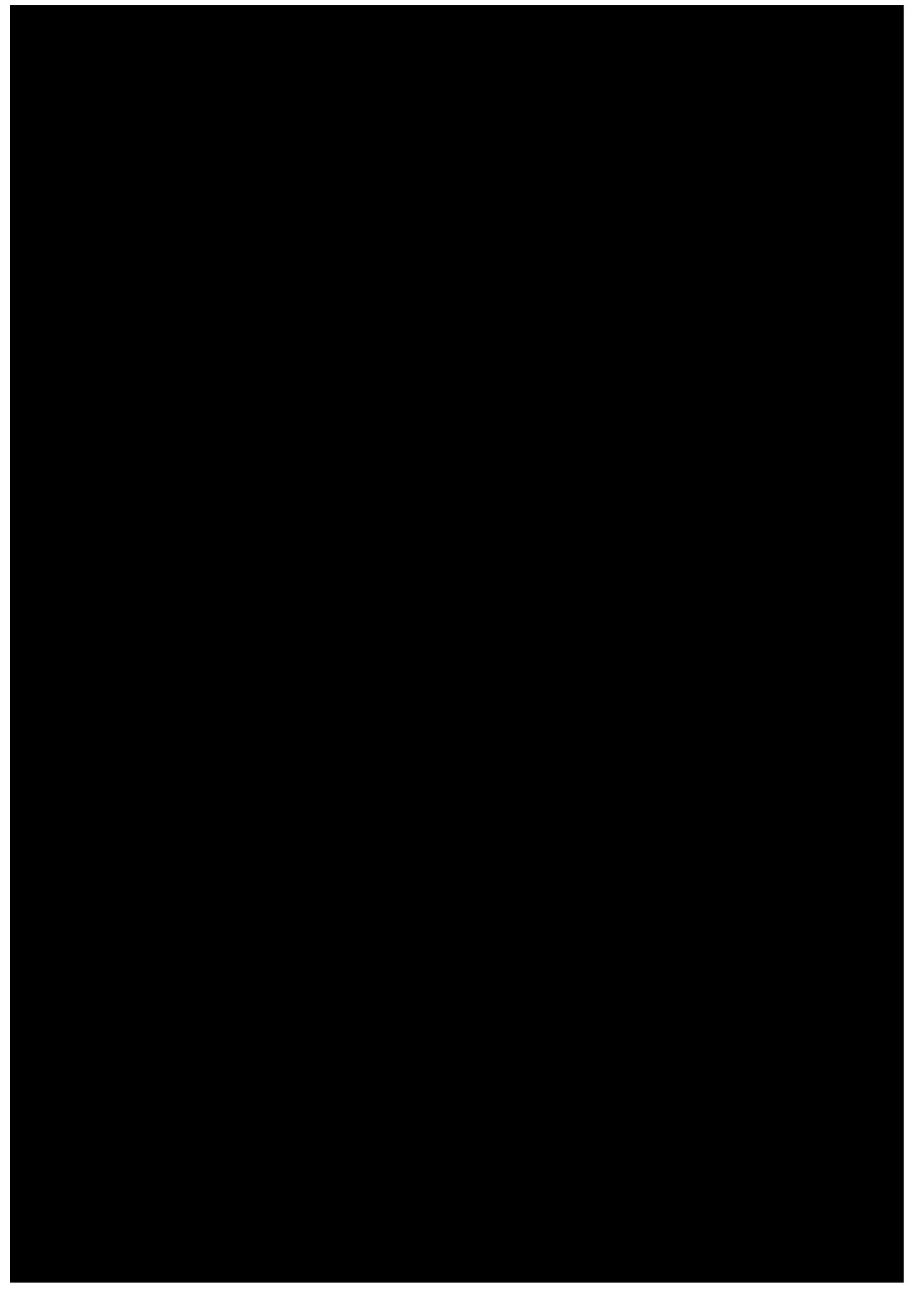


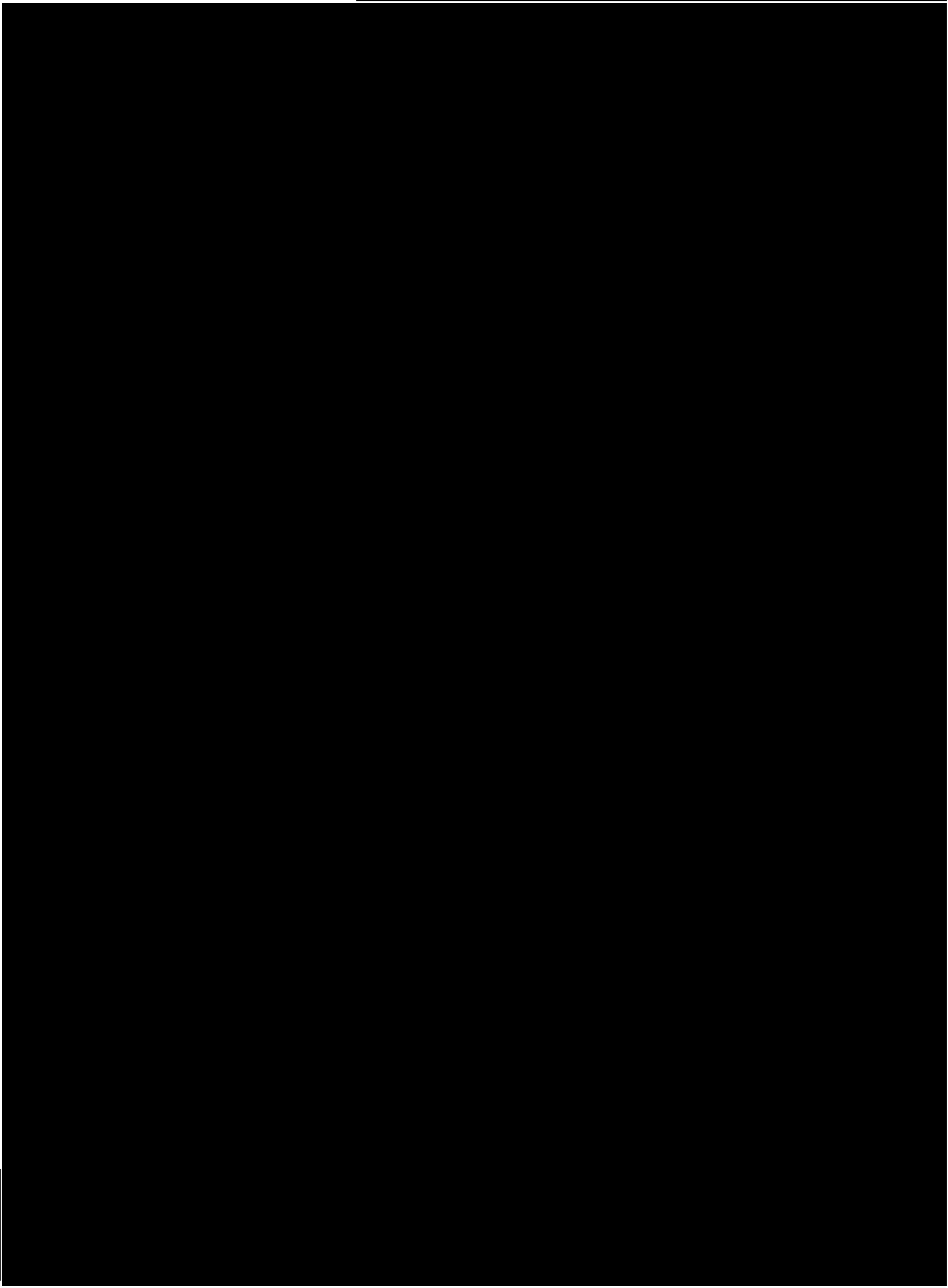
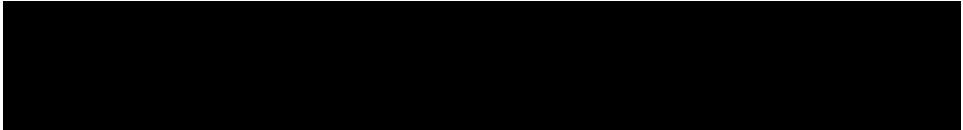


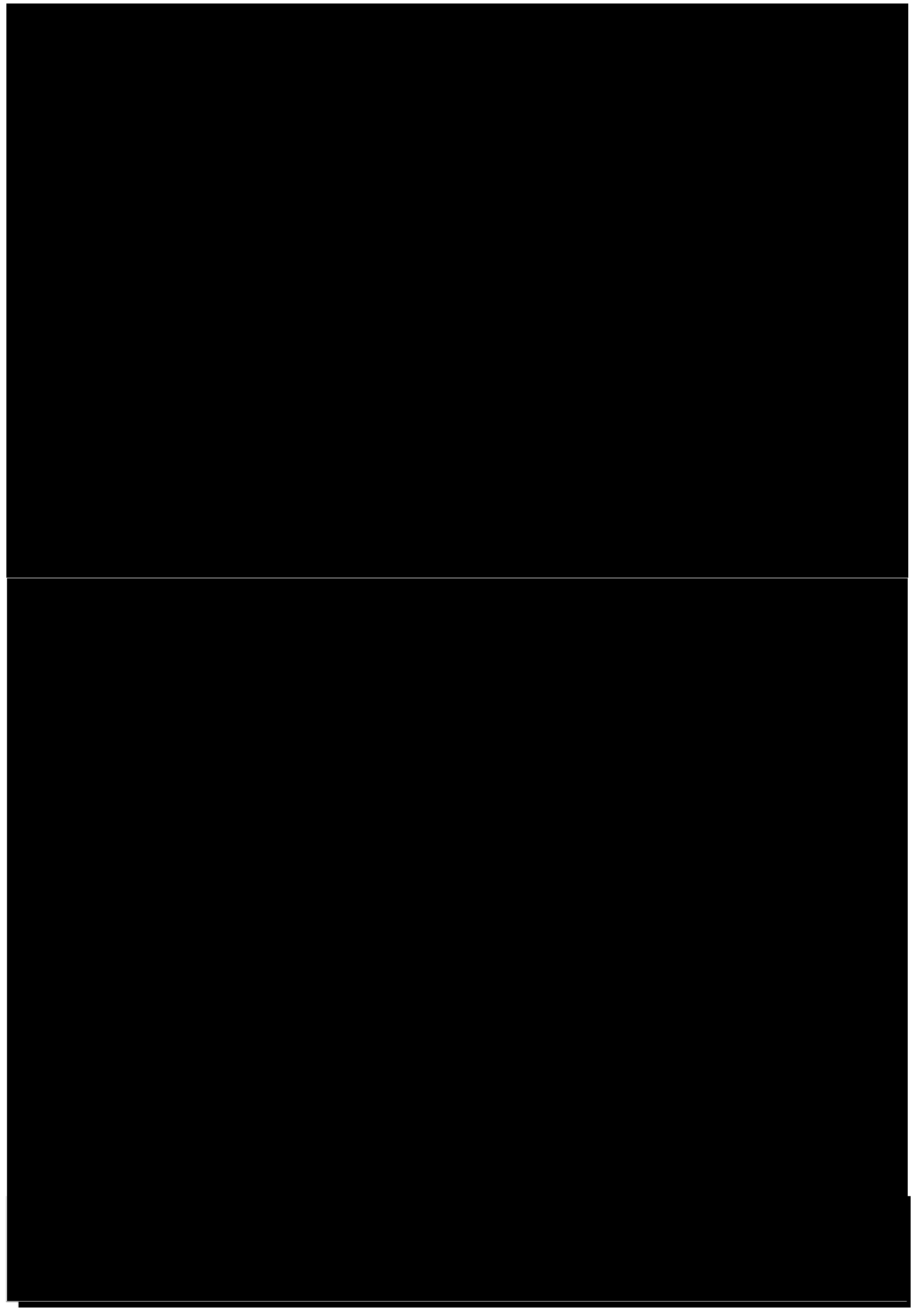










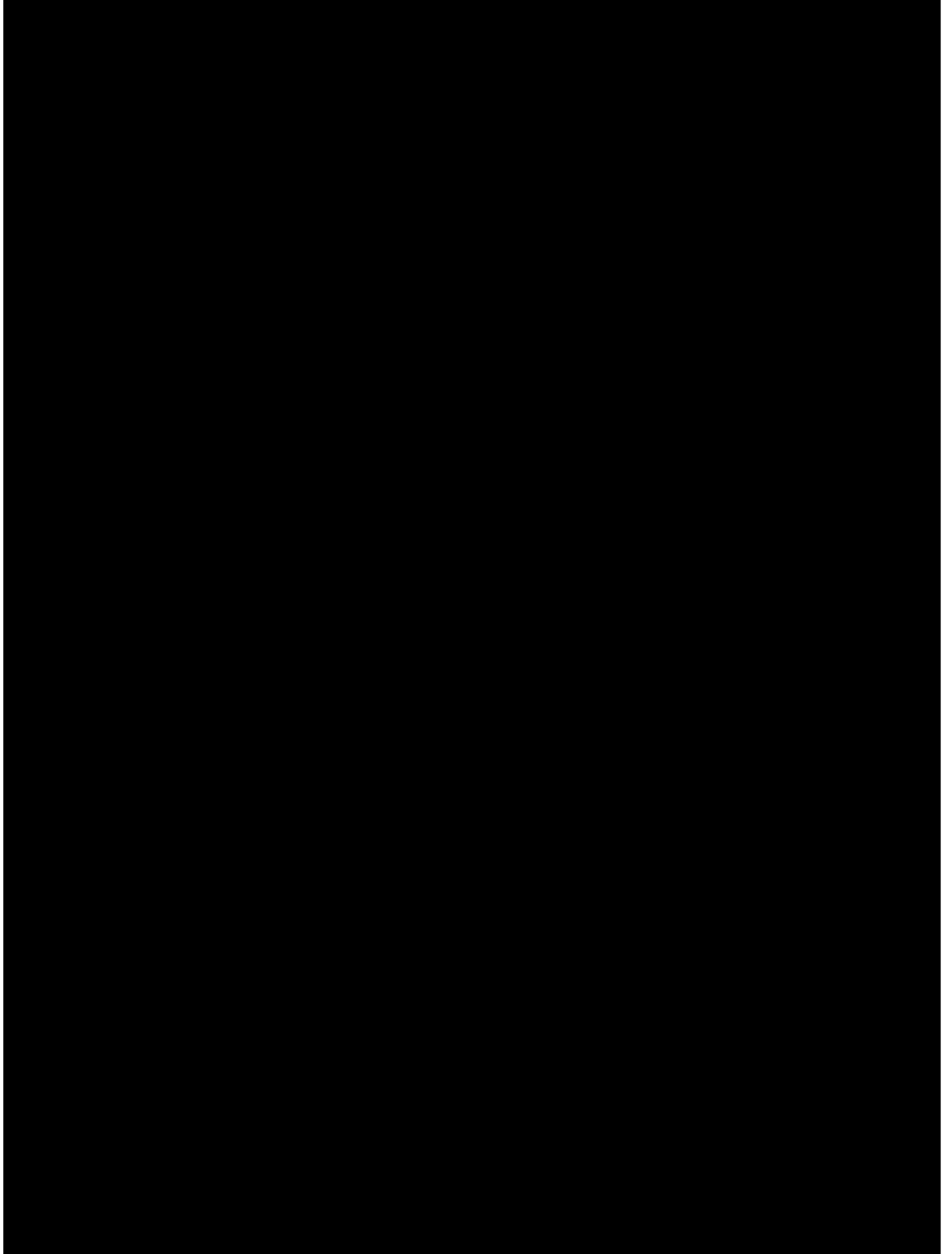


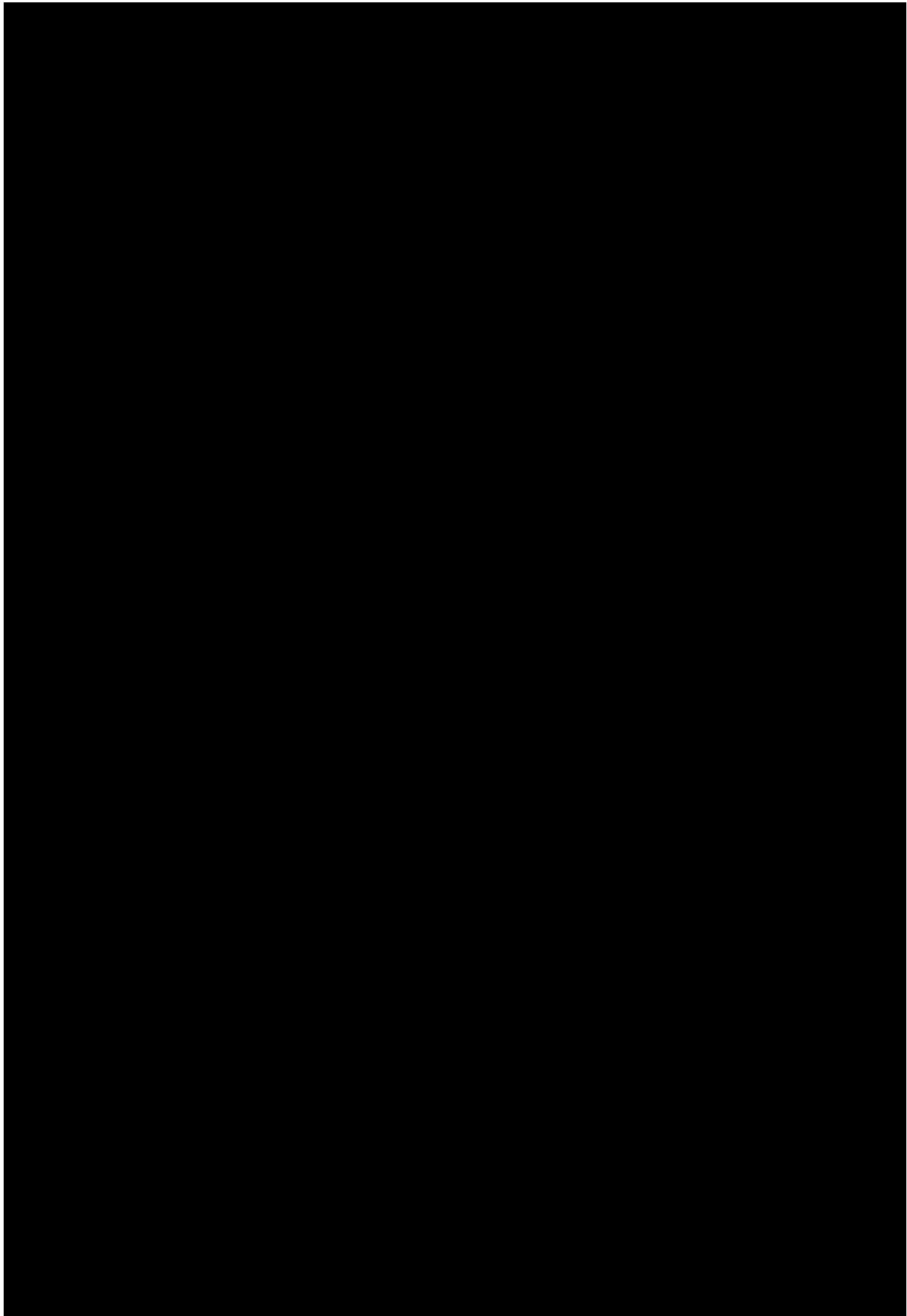


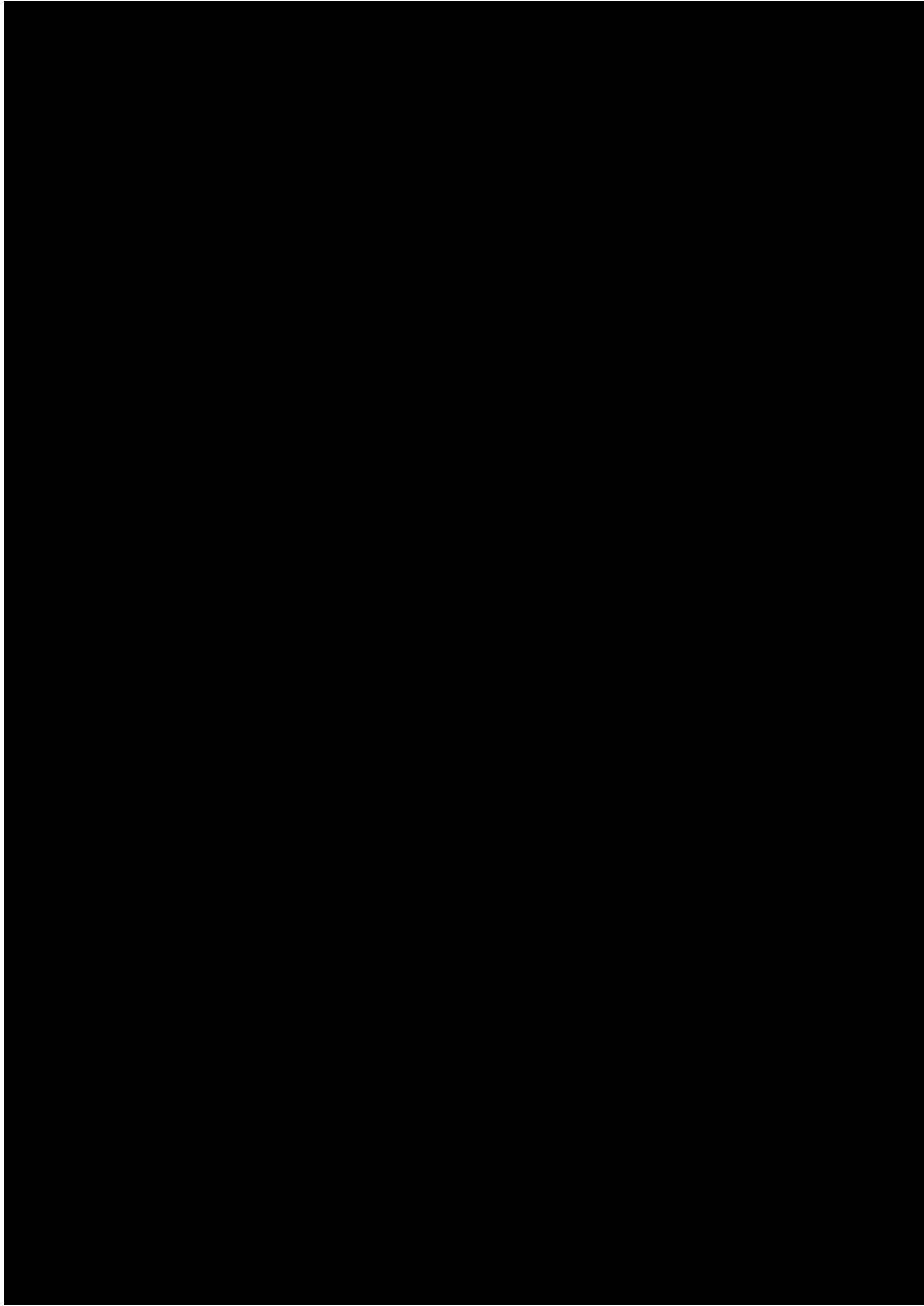
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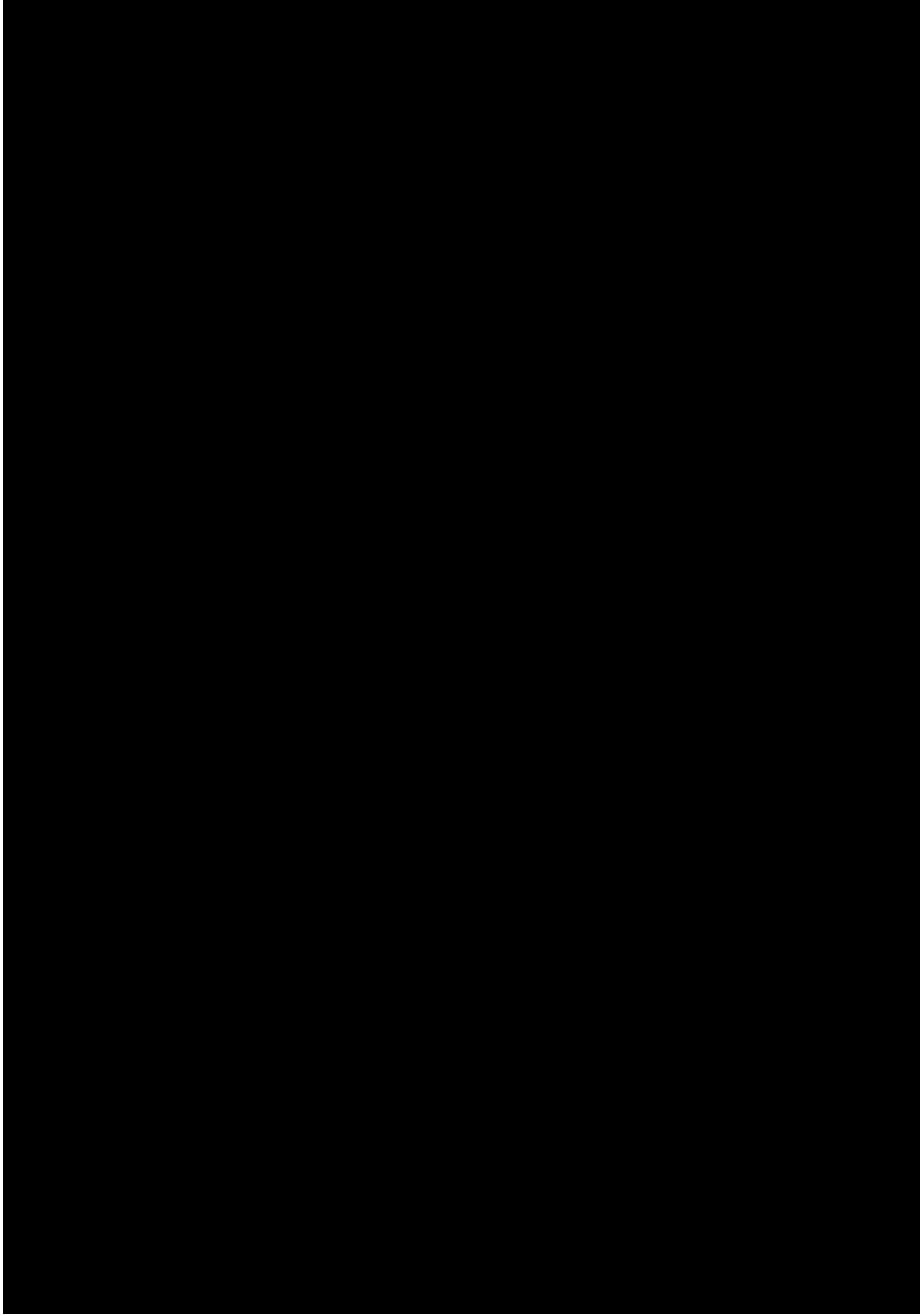
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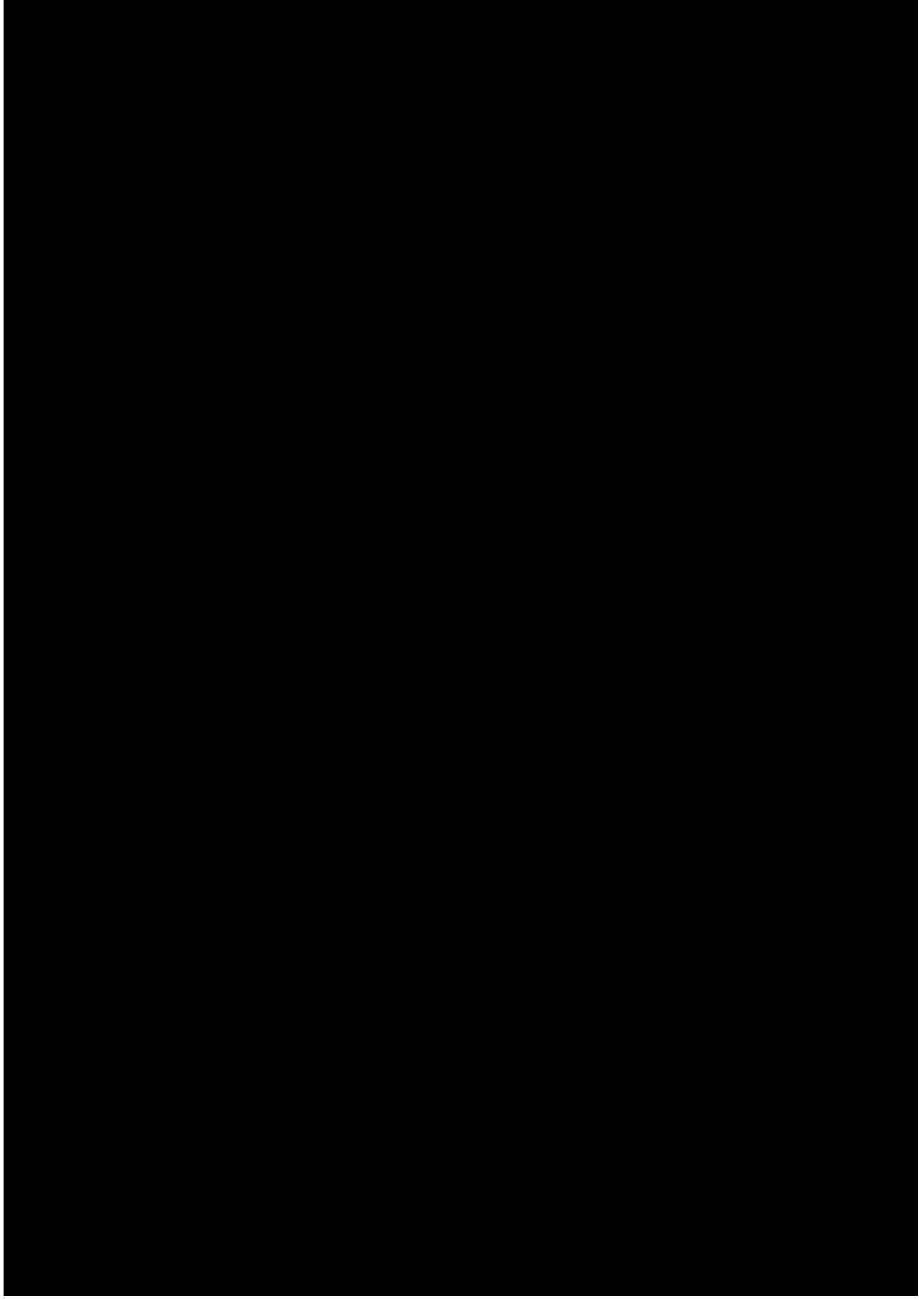
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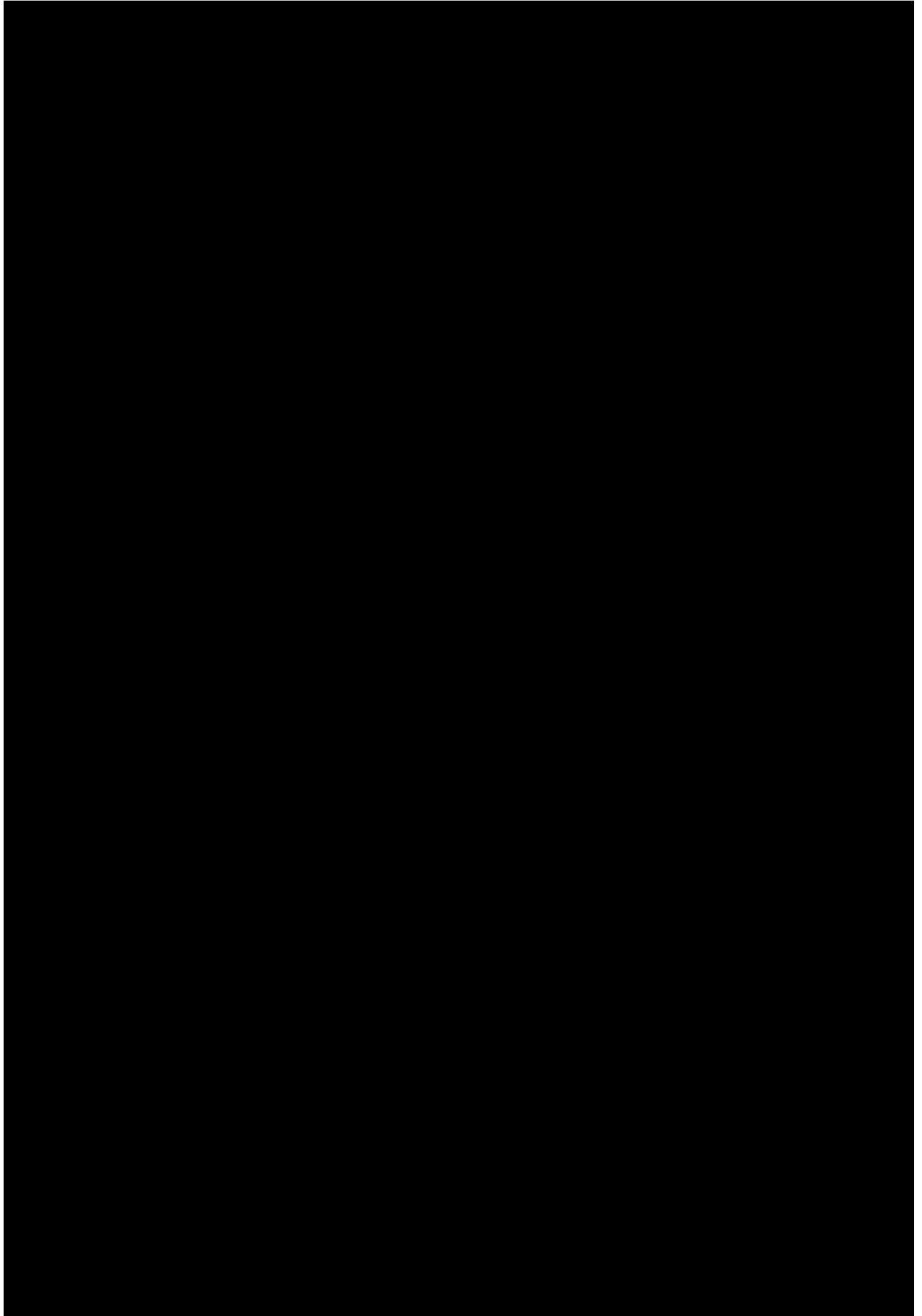


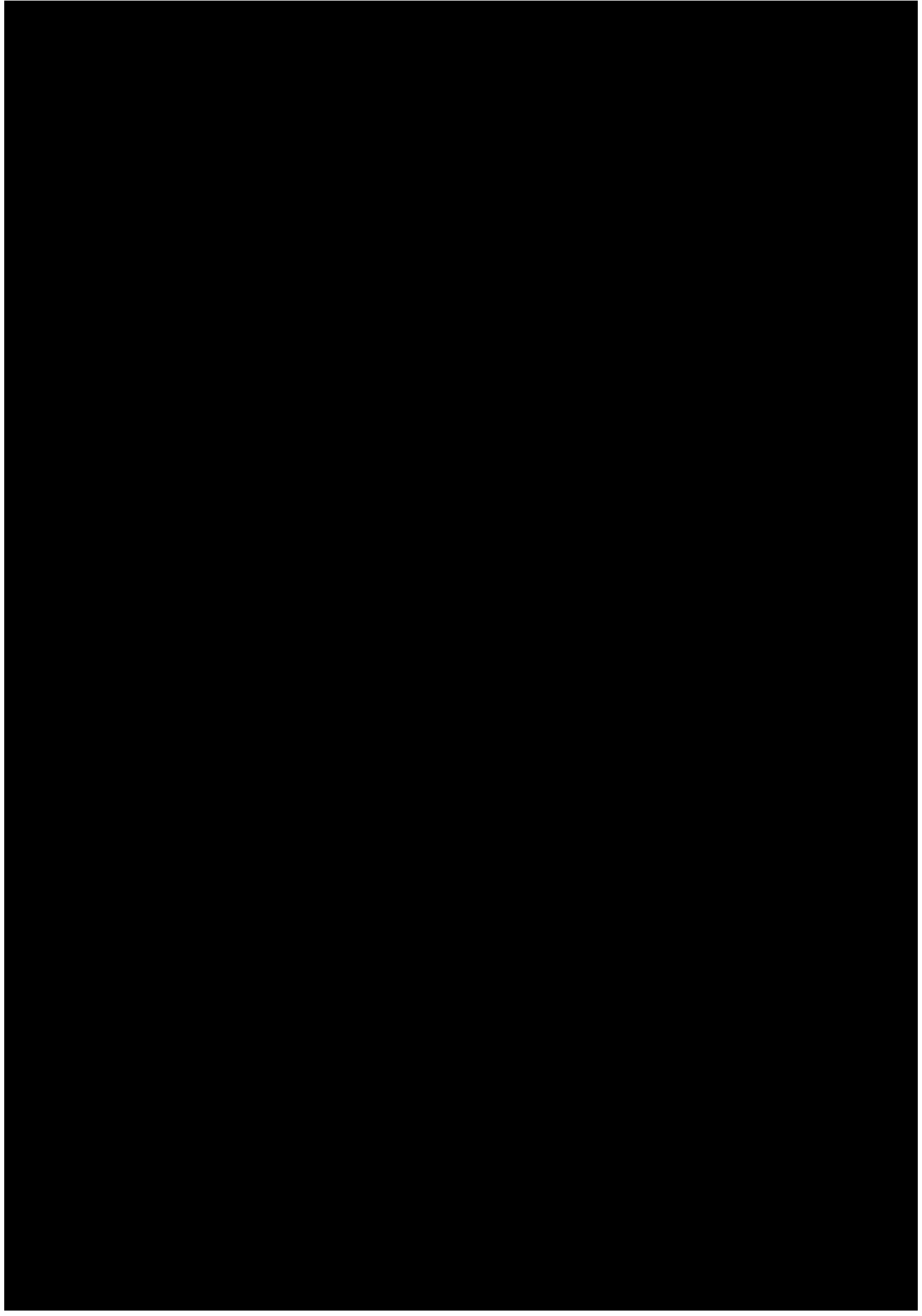










































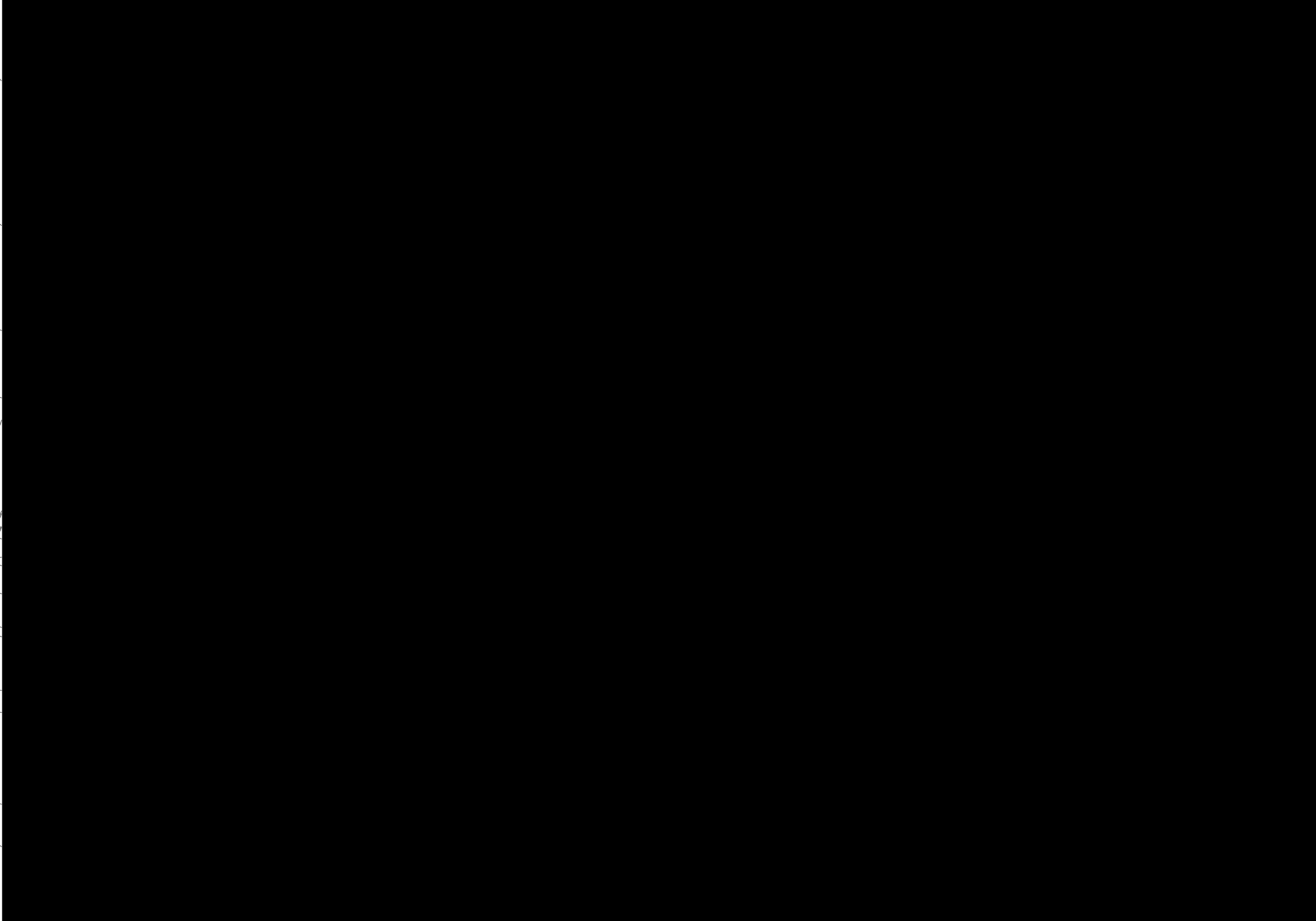










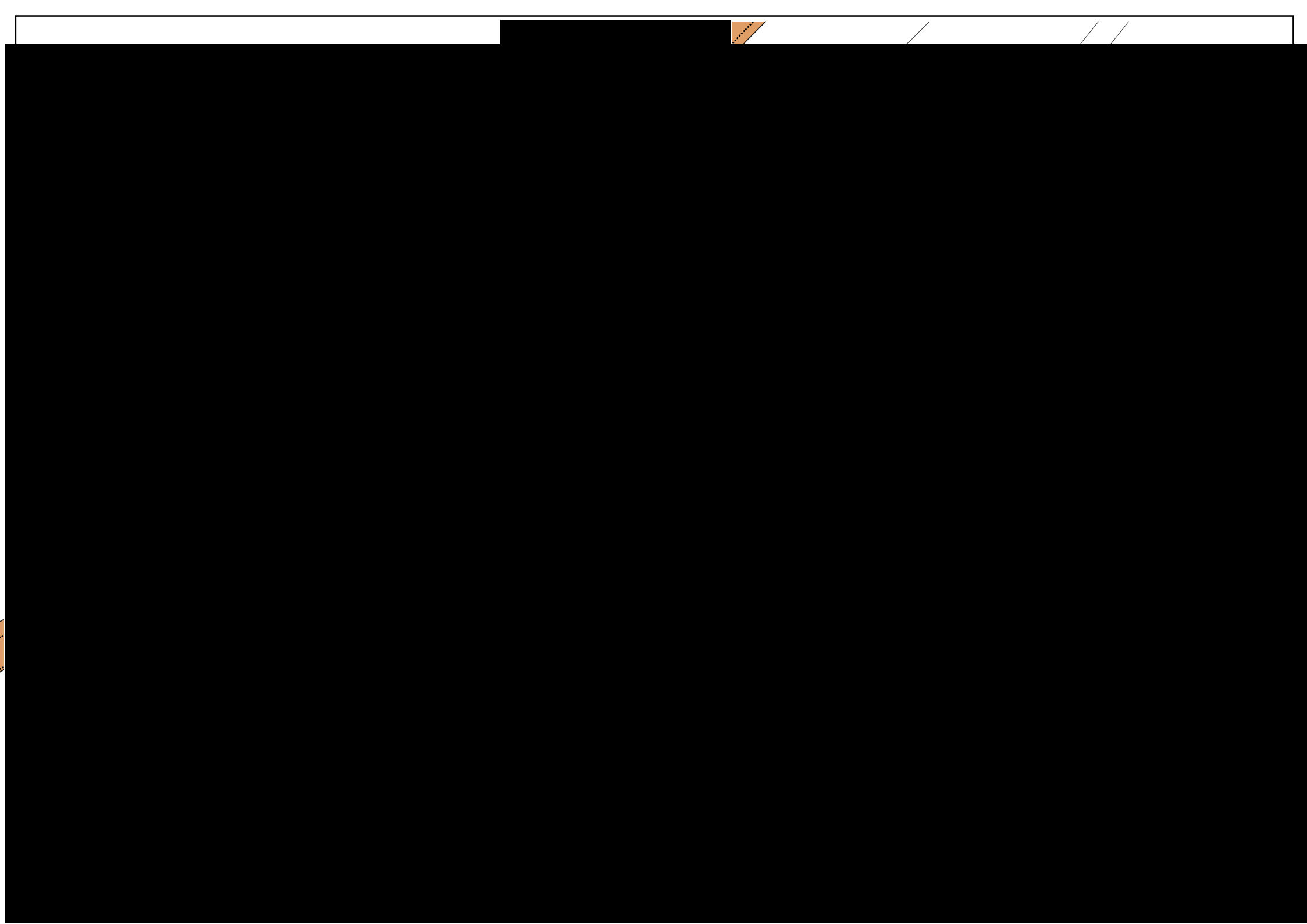


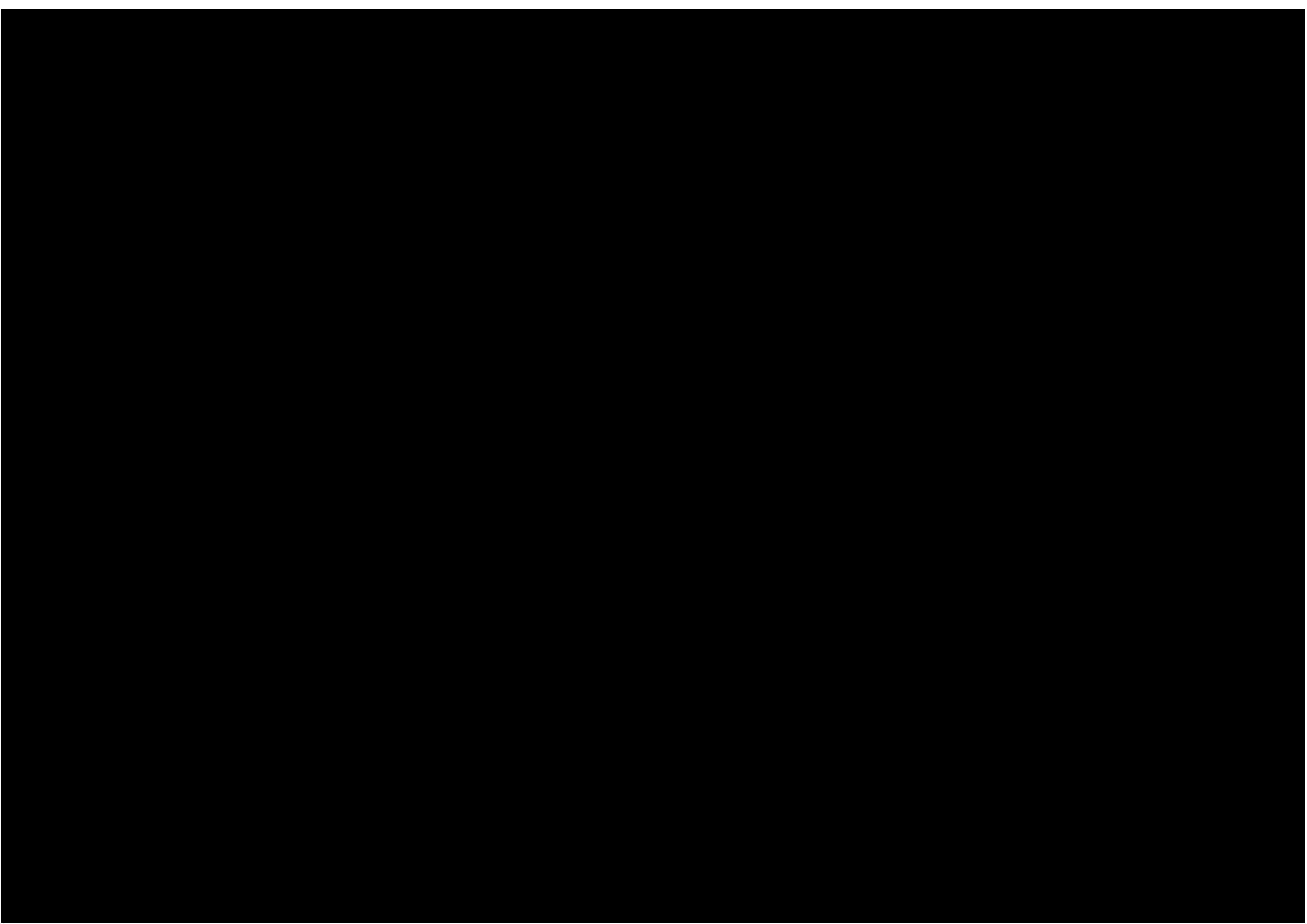




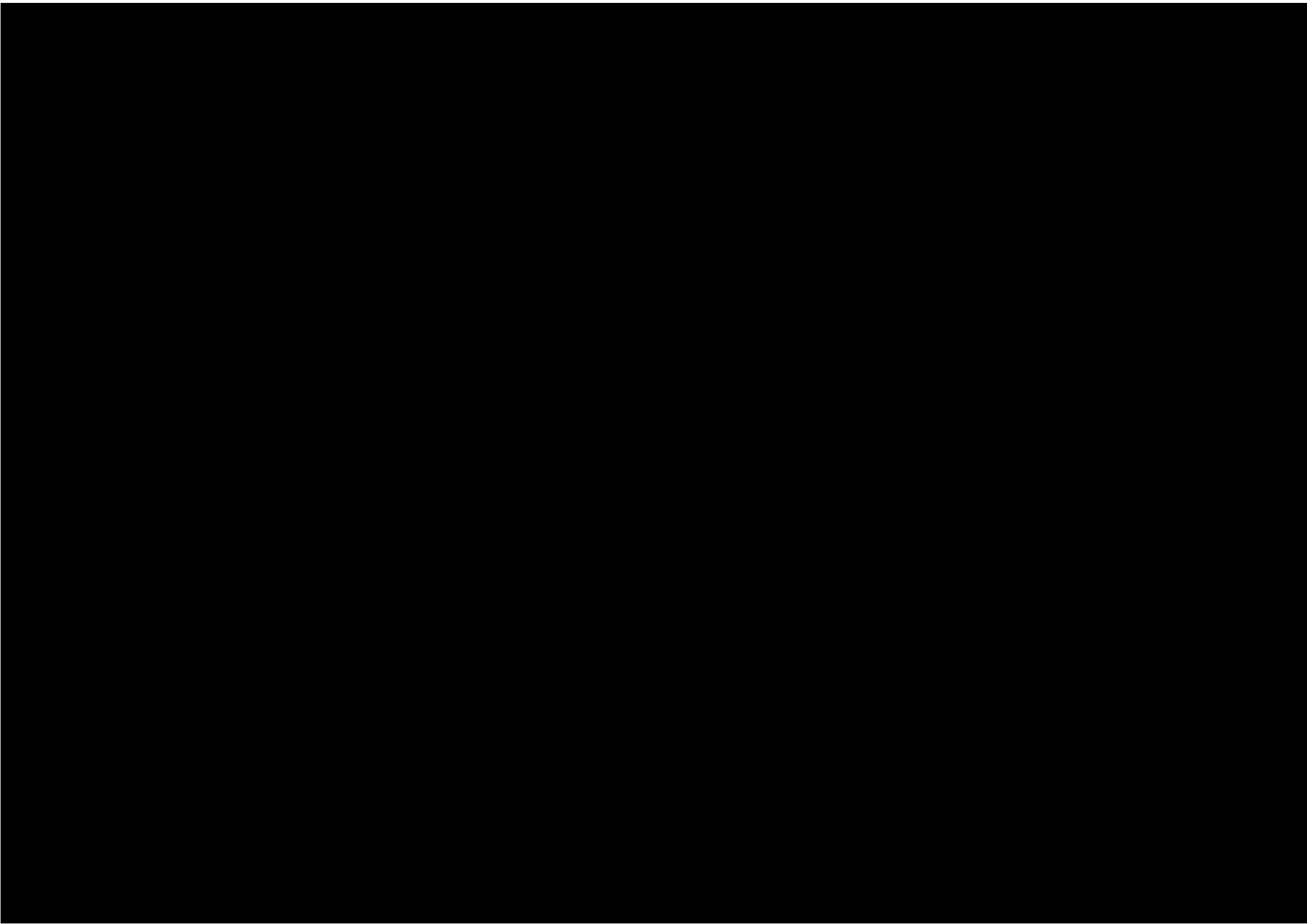


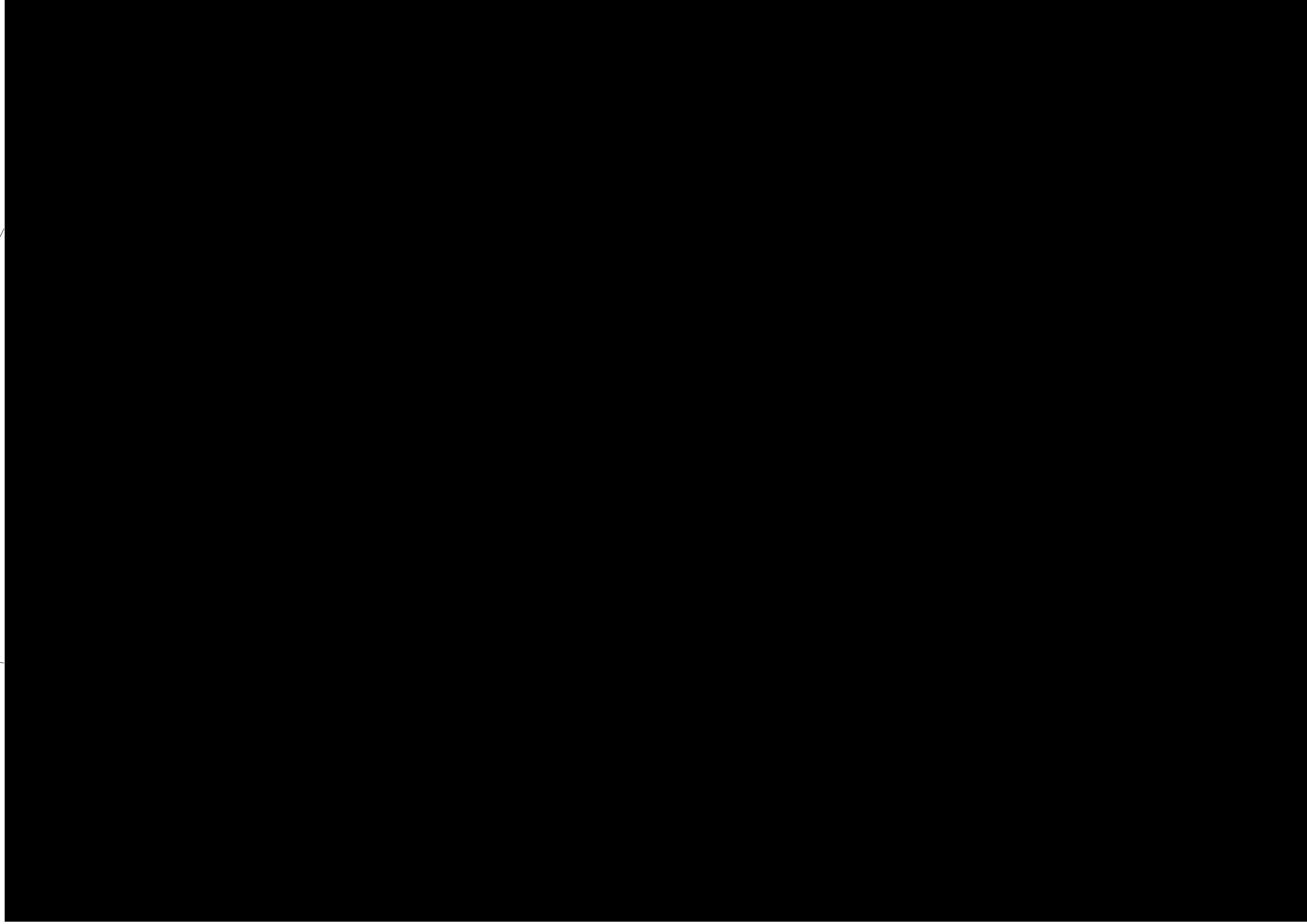






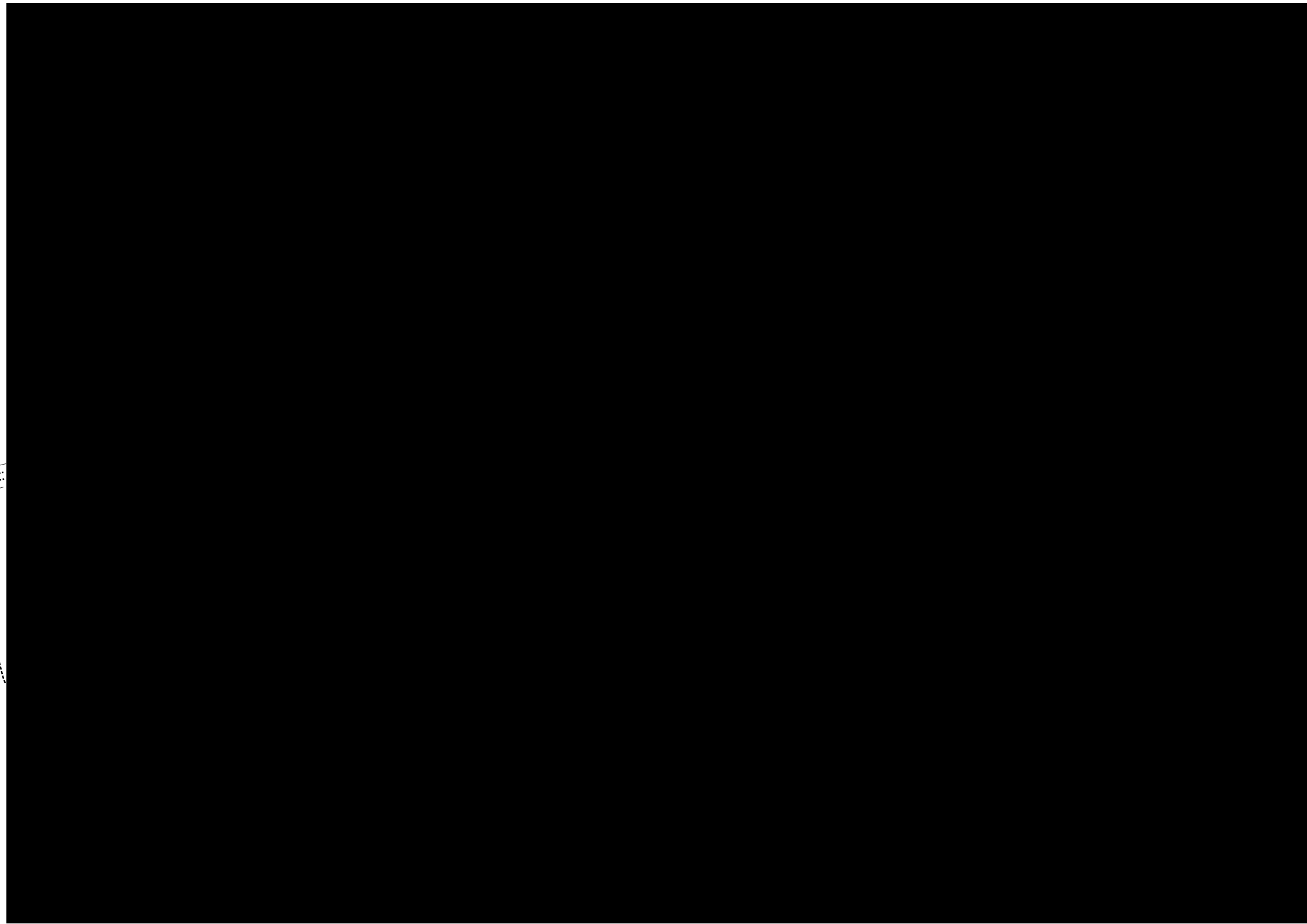




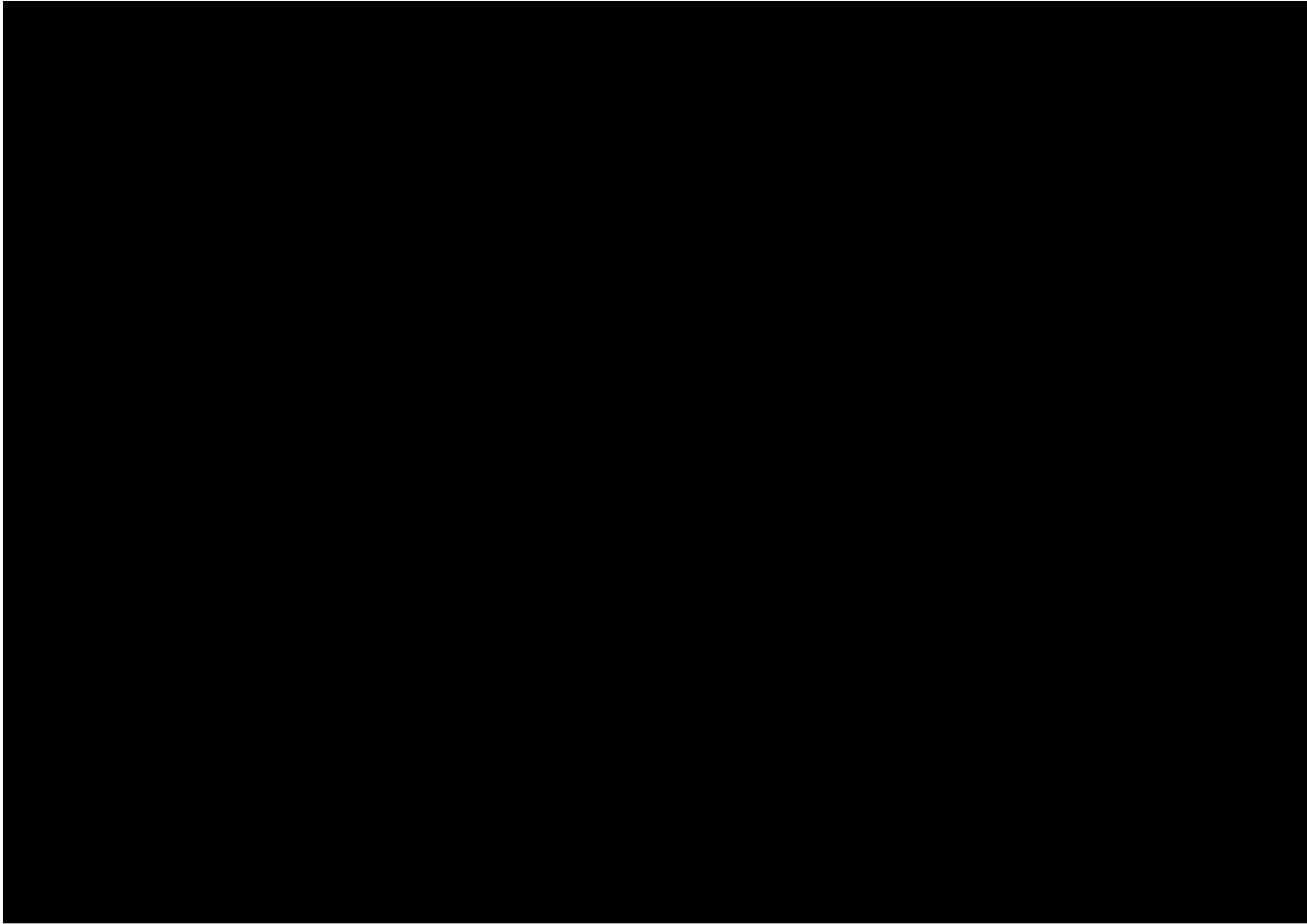


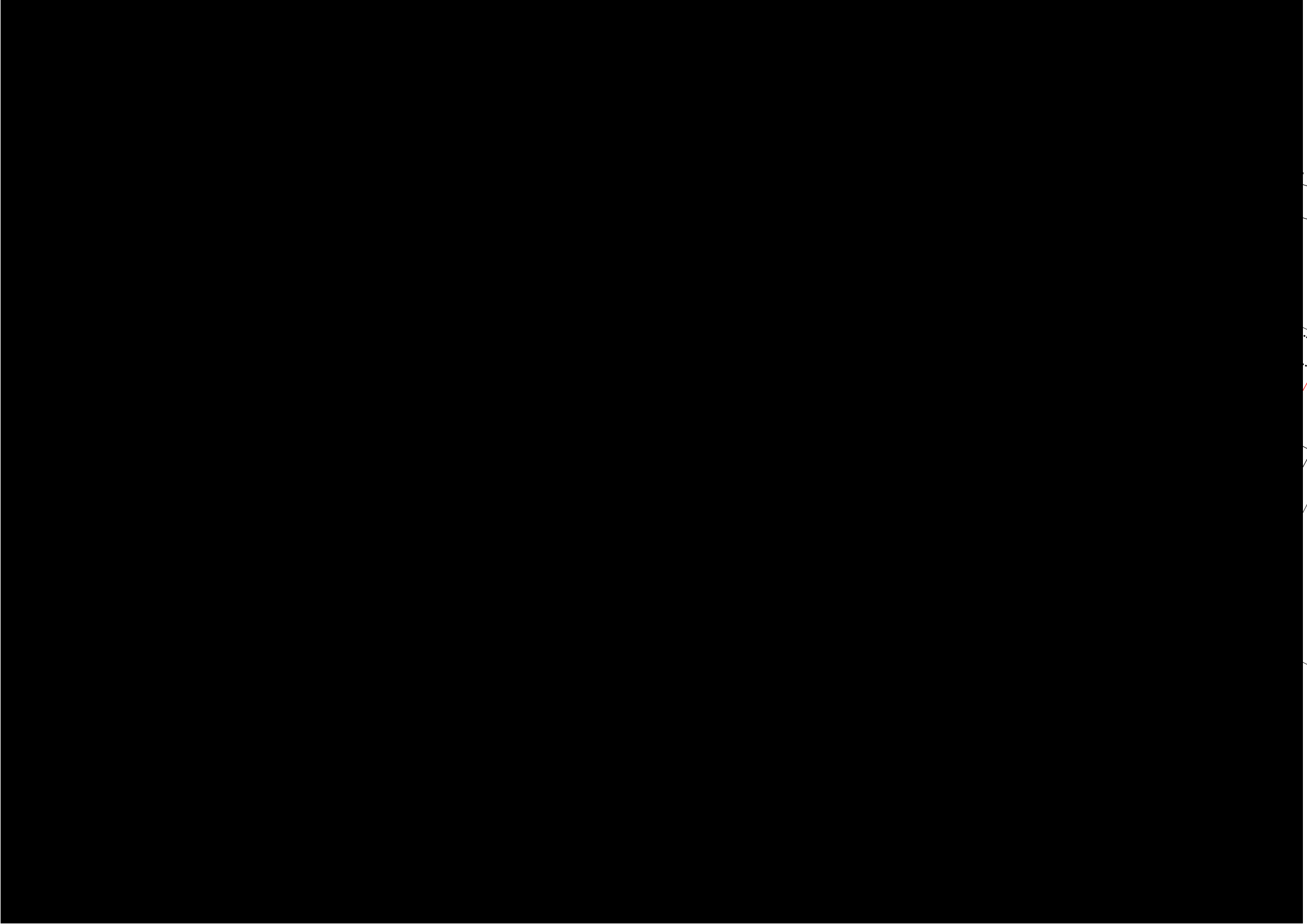




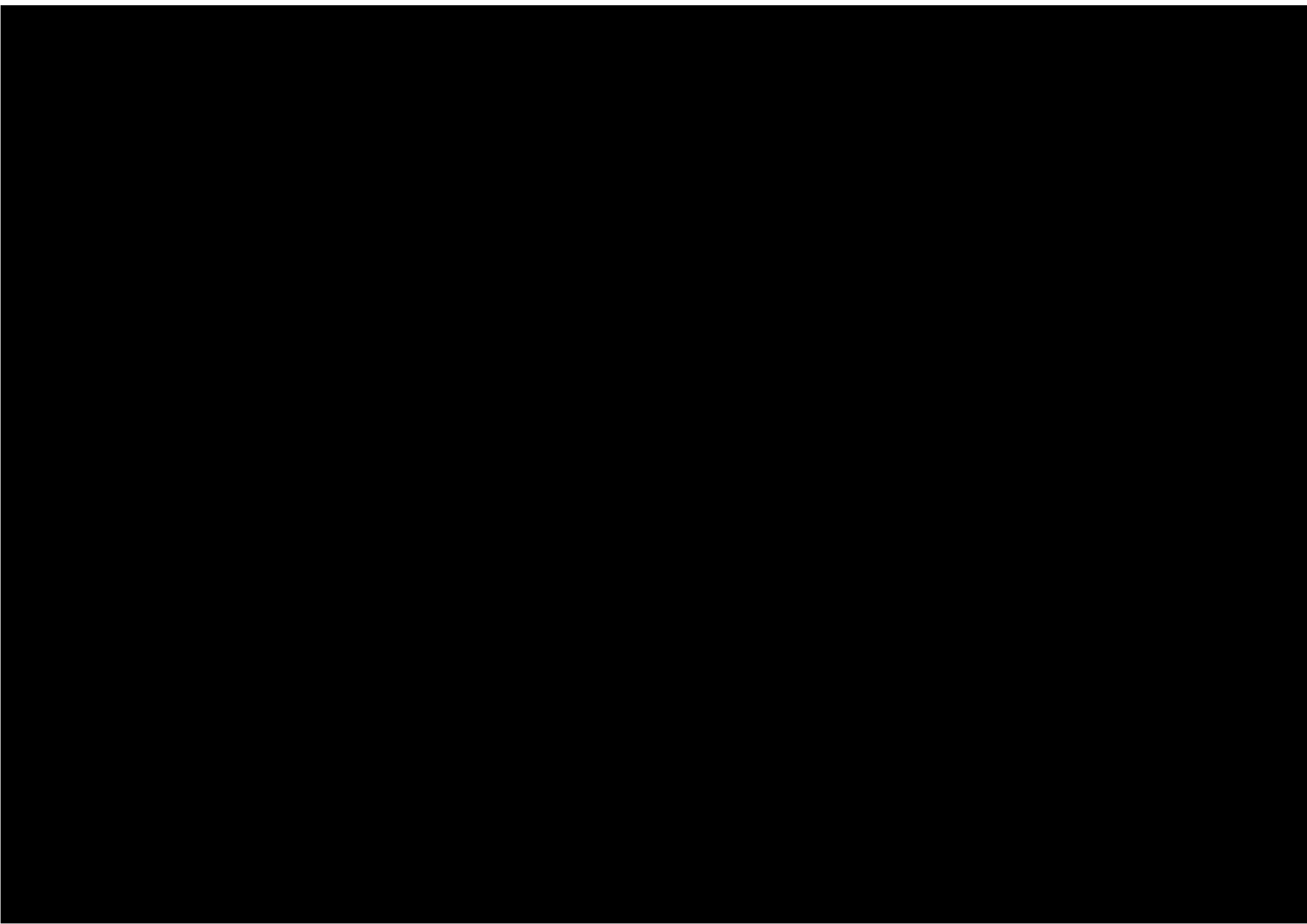








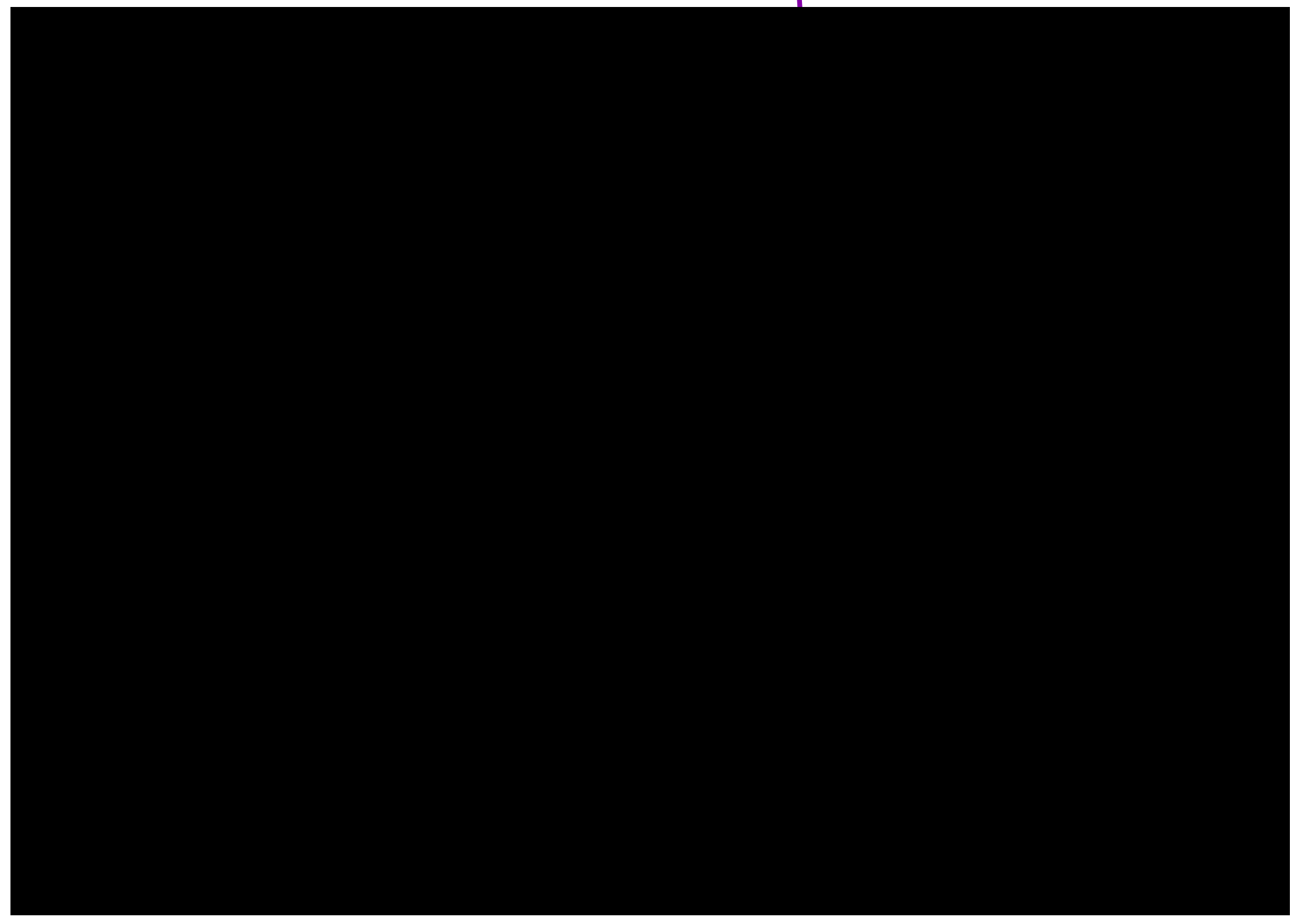






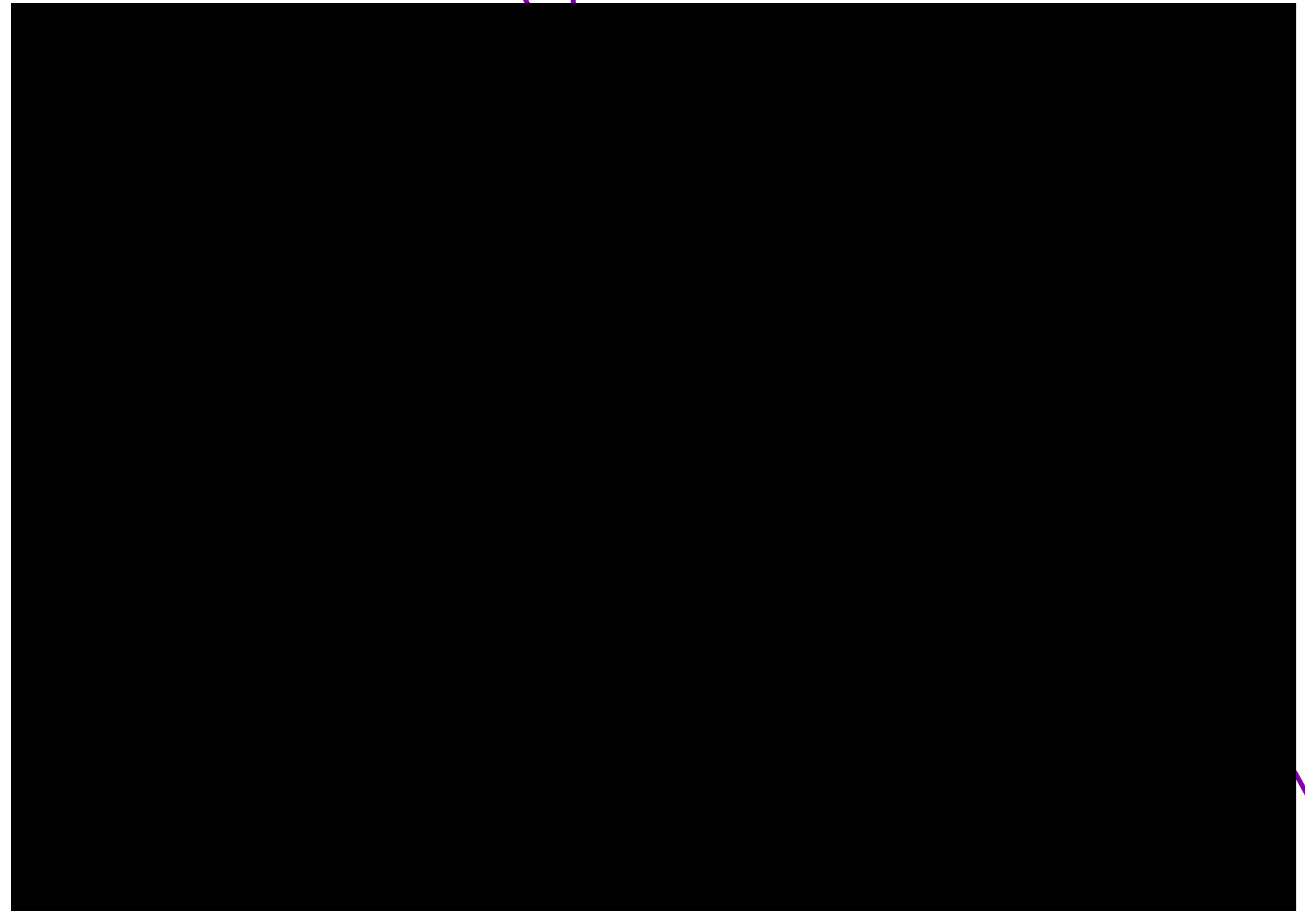














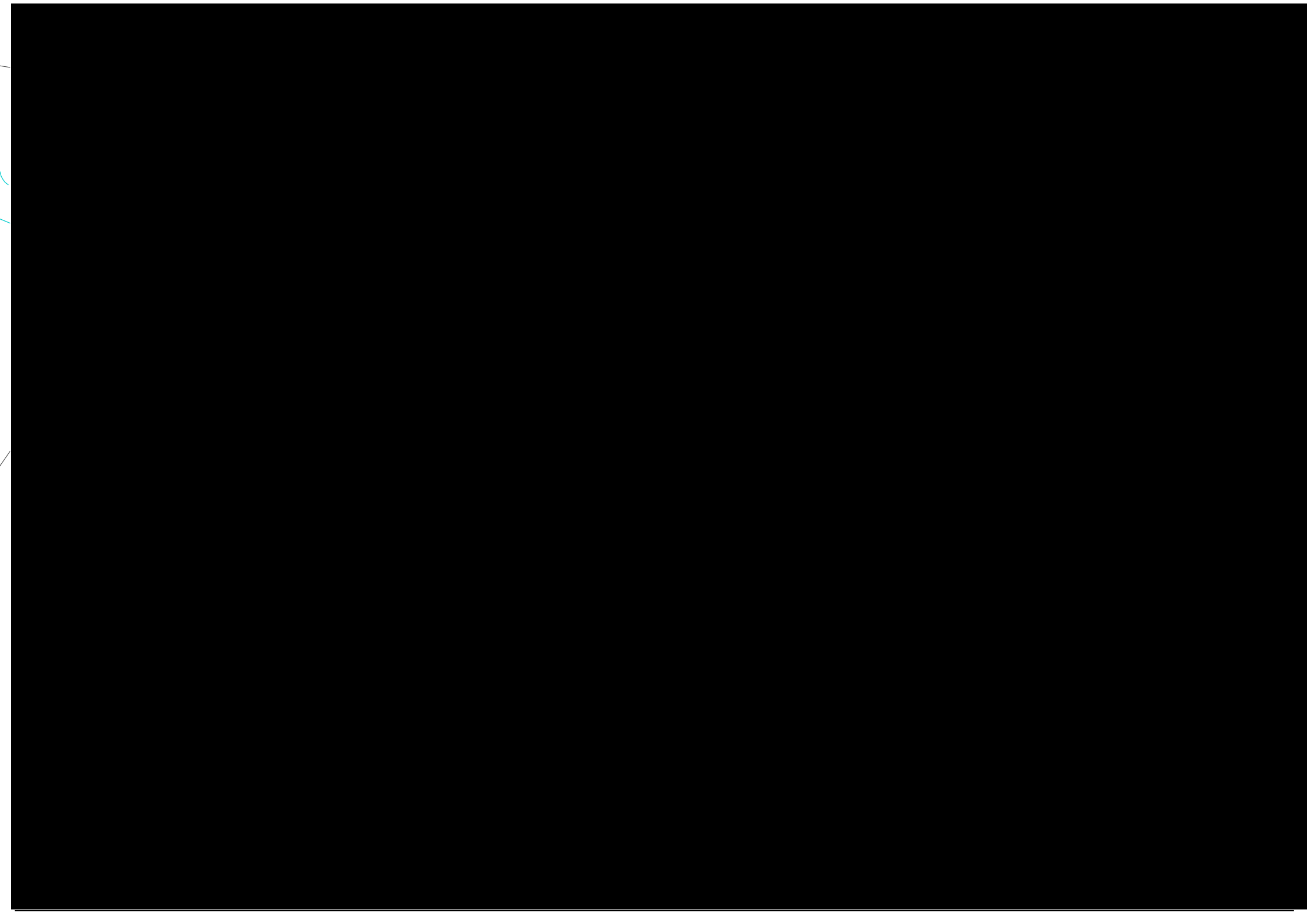


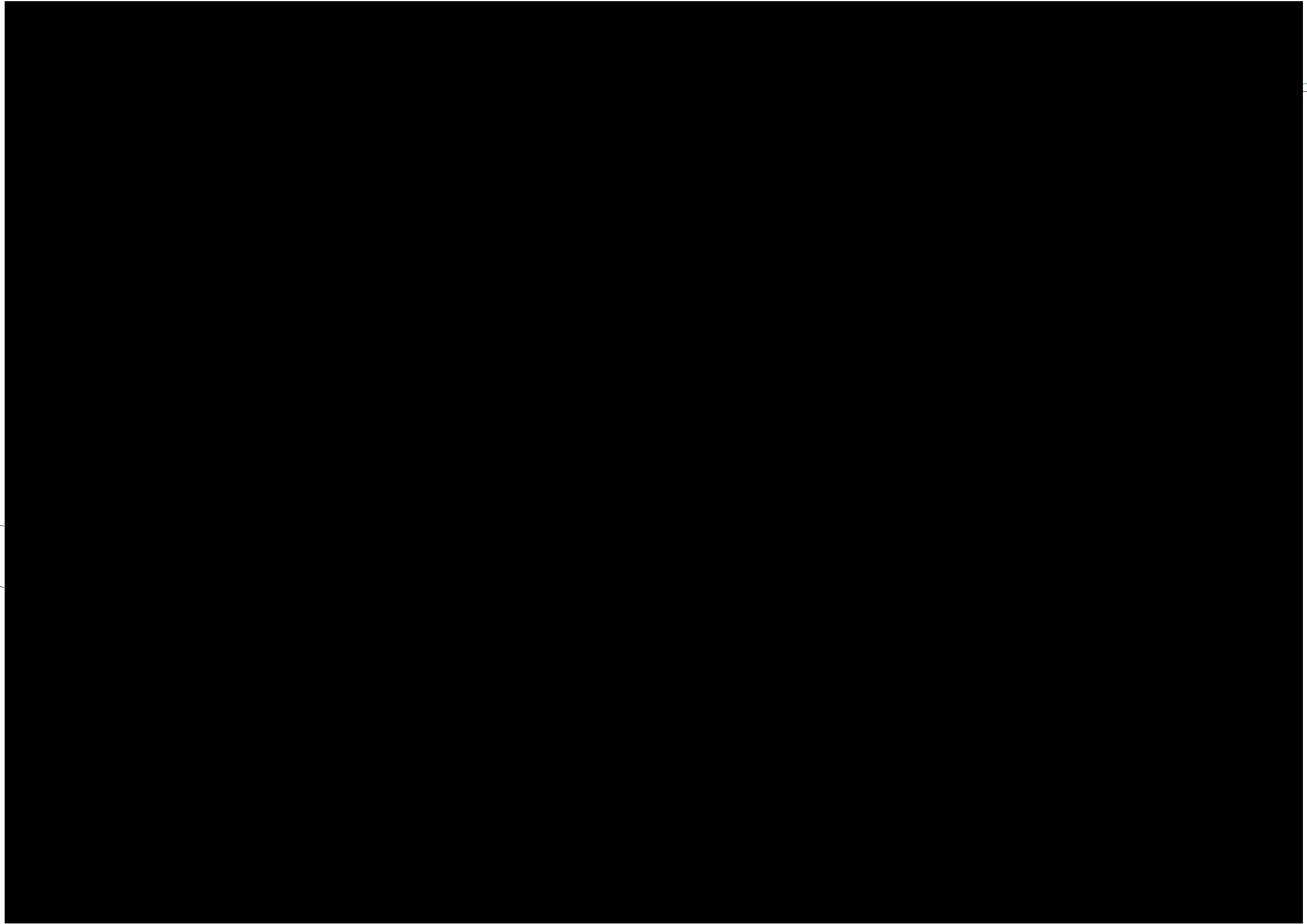




















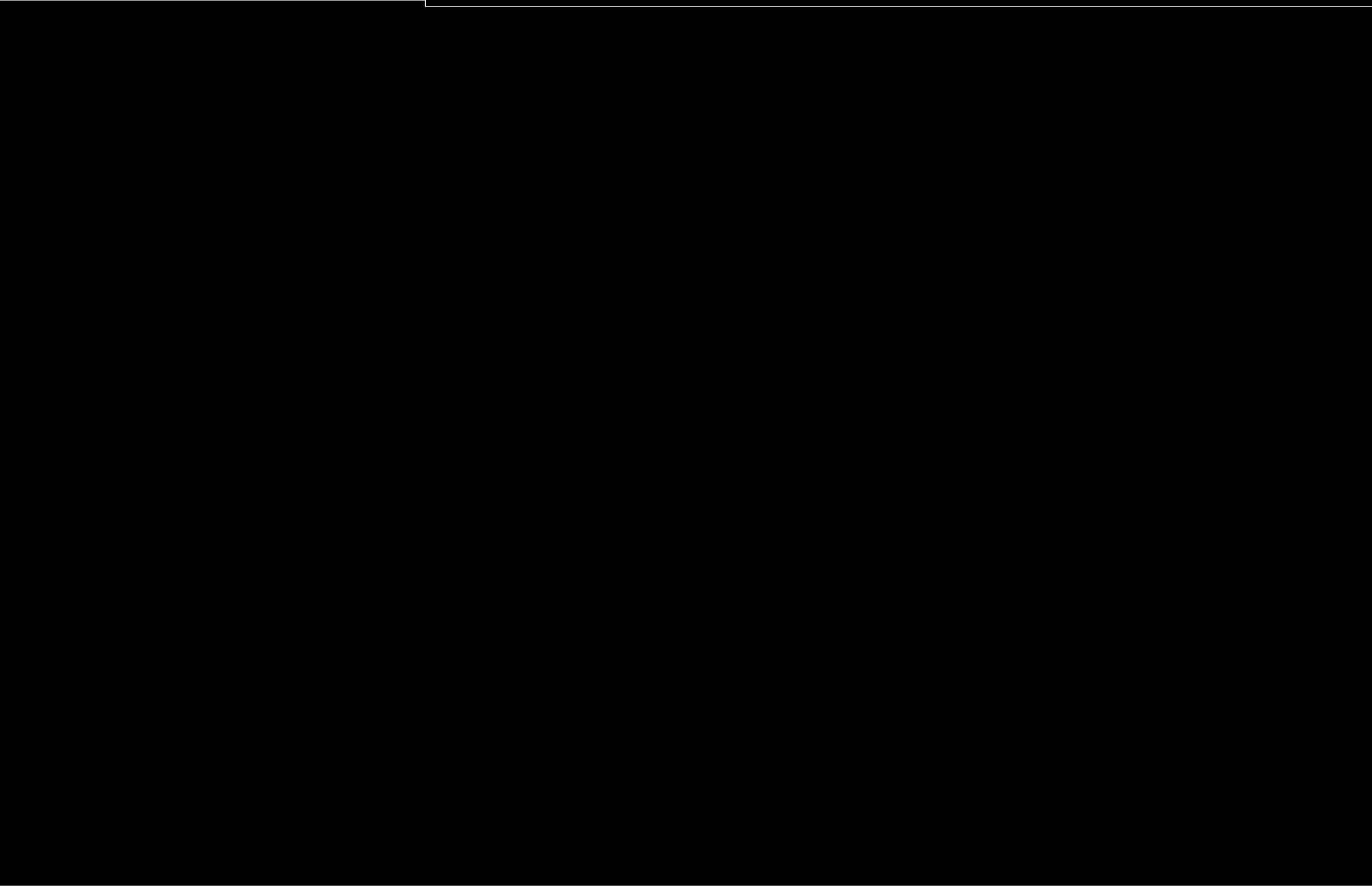














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