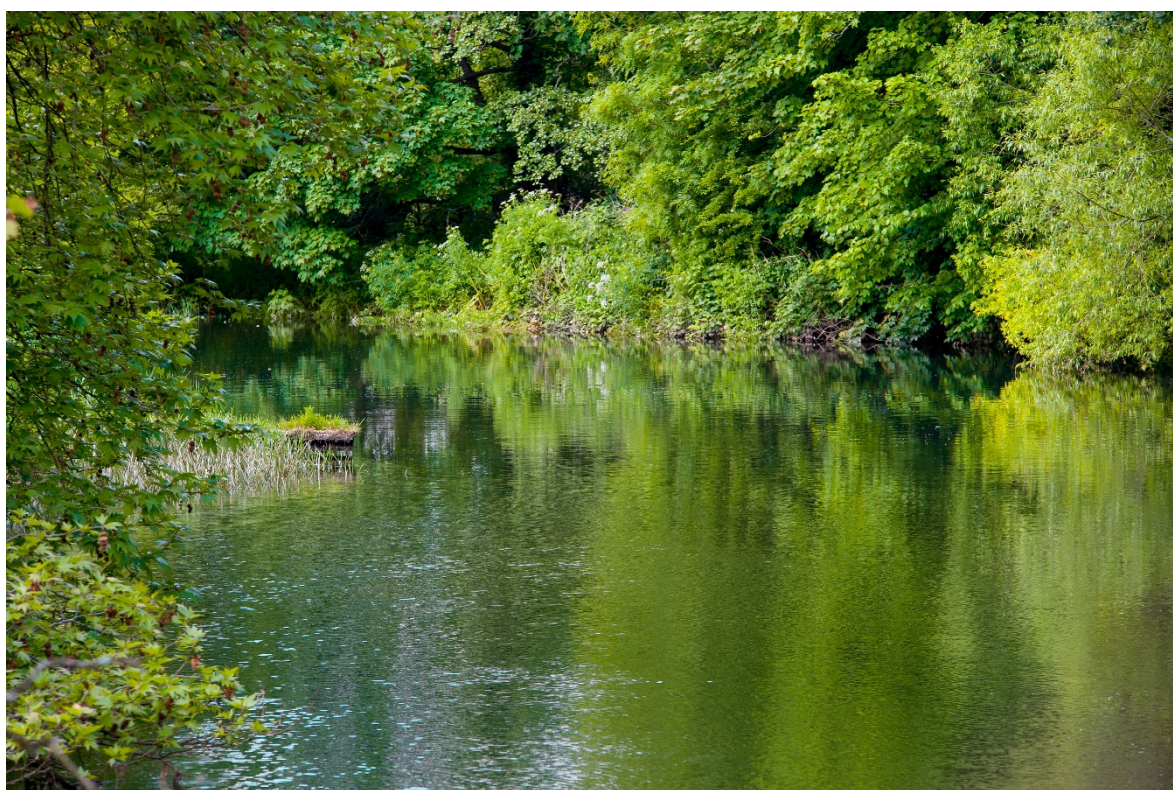


Strategic Regional Water Resource Solutions: Annex G Planning and Consent Strategy Report Standard Gate Two Submission for Thames to Southern Transfer (T2ST)

Date: November 2022



Thames to Southern Transfer Planning and Consent Strategy Report T2ST-G2-REP-08 (Annex G)

November 2022

Notice

Position Statement

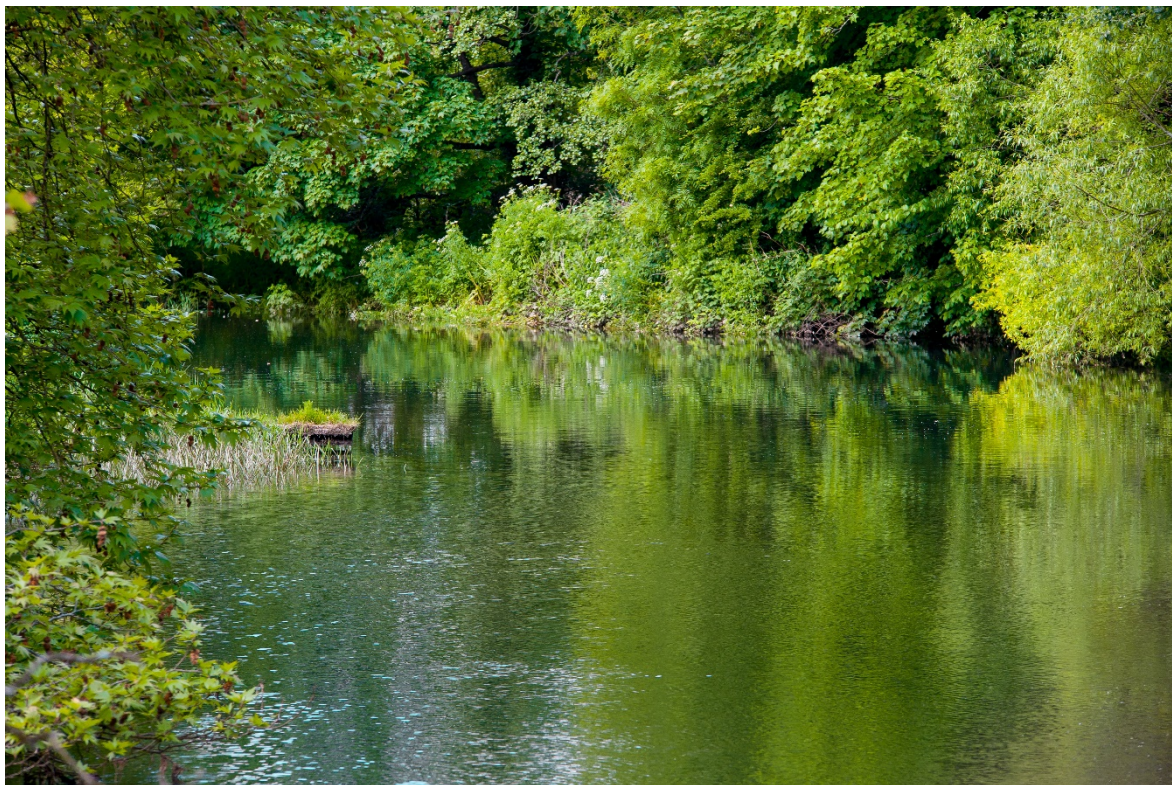
- *This document has been produced as the part of the process set out by RAPID for the development of the Strategic Resource Options (SROs). This is a regulatory gated process allowing there to be control and appropriate scrutiny on the activities that are undertaken by the water companies to investigate and develop efficient solutions on behalf of customers to meet future drought resilience challenges.*
- *This report forms part of suite of documents that make up the 'Gate 2 submission.' That submission details all the work undertaken by Thames Water and Southern Water in the ongoing development of the proposed SROs. The intention of this stage is to provide RAPID with an update on the concept design, feasibility, cost estimates and programme for the schemes, allowing decisions to be made on their progress and future funding requirements.*
- *Should a scheme be selected and confirmed in the Thames Water and Southern Water final Water Resources Management Plans, in most cases it would need to enter a separate process to gain permission to build and run the final solution. That could be through either the Town and Country Planning Act 1990 or the Planning Act 2008 development consent order process. Both options require the designs to be fully appraised, and in most cases an environmental statement to be produced. Where required that statement sets out the likely environmental impacts and what mitigation is required.*
- *Community and stakeholder engagement is crucial to the development of the SROs. Some 'high level' activity has been undertaken to date. Much more detailed community engagement and formal consultation is required on all the schemes at the appropriate point. Before applying for permission Thames Water and Southern Water will need to demonstrate that they have presented information about the proposals to the community, gathered feedback and considered the views of stakeholders. We will have regard to that feedback and, where possible, make changes to the designs as a result.*
- *The SROs are at a very early stage of development, despite some options having been considered for several years. The details set out in the Gate 2 documents are still at a formative stage and consideration should be given to that when reviewing the proposals. They are for the purposes of allocating further funding not seeking permission.*

Disclaimer

This document has been written in line with the requirements of the RAPID Gate 2 Guidance and to comply with the regulatory process pursuant to Thames Water's and Southern Water's statutory duties. The information presented relates to material or data which is still in the course of completion. Should the solution presented in this document be taken forward, Thames Water and Southern 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.

**Thames to Southern Transfer
Planning and Consent Strategy Report
T2ST-G2-REP-08 (Annex G)**

November 2022



THAMES TO SOUTHERN TRANSFER (T2ST)
Annex G Planning and Consent Strategy Report

Ref: T2ST-G2-REP-08 (Annex G)

November 2022

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Glossary

Acronym	Term to use / definition
AA	Appropriate Assessment - under the Habitats Regulations
AONB	Area of Outstanding Natural Beauty
BNG	Biodiversity net gain
CPO	Compulsory Purchase Order
DCO	Development Consent Order (under the Planning Act 2008)
Defra	Department for Environment, Food and Rural Affairs
DO	Deployable Output
DWI	Drinking Water Inspectorate
DYAA	Dry Year Annual Average
EA	Environment Agency
EIA	Environmental Impact Assessment
HRA	Habitat Regulations Assessment
INNS	Invasive Non-Native Species
MI/d	Mega litres per day
NAU	National Appraisal Unit (made up of the EA and NE)
NE	Natural England
NPS	National Policy Statement (under the Planning Act 2008)
NSIP	Nationally Significant Infrastructure Project (under Planning Act 2008)
PA2008	Planning Act 2008
RAPID	Regulatory Alliance for Progressing Infrastructure Development
SESRO	South East Strategic Reservoir Option
SOCC	Statement of Community Consultation
SRO	Strategic Resource Option
SPA	Special Protection Area
SPZ	Source Protection Zone
SSSI	Site of Special Scientific Interest
STT	Severn Thames Transfer
STW	Sewage Treatment Works
T2ST	Thames to Southern Transfer
WFD	Water Framework Directive
WRMP	Water Resource Management Plan
WRSE	Water Resources South East
WRZ	Water Resource Zone
WSR	Water Supply Reservoir
WTW	Water Treatment Works
WwTW	Wastewater Treatment Works

Executive Summary

0.1 This Report provides the planning and consent strategy for the Thames to Southern Transfer (T2ST) Strategic Resource Option for the purposes of the RAPID Gate 2 submission. The report can be summarised as follows.

Context - Gate 2 planning and consenting work

0.2 As part of the Gate 2 planning work package, further assessments of national and local planning policy have been undertaken, alongside the identification and planning assessment of potential T2ST pipeline corridors as part of multi-disciplinary work. An initial briefing on T2ST and Gate 2 planning work has been given to relevant local planning authorities and the relevant Area of Outstanding Natural Beauty unit. Publicly accessible sources of information relating to land have also been reviewed as part of Gate 2 work.

0.3 Planning leads for the teams working on SROs with a potential inter-relationship with T2ST have ensured that there has been discussion over the consent strategies for the different SROs, with a particular focus on the inter-relationships and infrastructure interfaces between them. This has included the SESRO, Severn Thames Transfer, and Hampshire Water Transfer and Water Recycling project SROs.

Summary of planning consent routes

0.4 The available planning consent routes for T2ST are either:

- An application for **Development Consent** under the Planning Act 2008 (PA2008), as a project of national significance, following a prior successful request for a Section 35 Direction from the Secretary of State; or
- Applications for **Planning Permission** under the Town and Country Planning Act 1990 (as amended).

0.5 Whilst a raw water transfer development between river basins or water undertaker's areas in England would be a Nationally Significant Infrastructure Project (NSIP), provided the scheme is above the DCO threshold of 80Ml/d Annual Average Deployable Output (DYAA DO) in a 1 in 200 year drought, the definition excludes potable water transfers.

0.6 Therefore, as the T2ST Gate 2 Preferred Options are potable water transfers, should Thames Water and Southern Water wish to seek Development Consent for the scheme, it would be necessary to request a Direction under S35 of the PA2008 from the Secretary of State, to direct that the scheme is of National Significance, and thus that an application for Development Consent is required. Alternatively, it can seek planning permission for the scheme from the relevant local planning authorities.

0.7 The principal differences between the Development Consent and Planning Permission routes are that a DCO enables a number of separate consents to be secured in a single application, including compulsory acquisition powers (CPO), whereas Planning Permission has a more limited focus, leaving a number of separate consents to be required including any subsequent CPO. A DCO also has greater confidence in the timescales for a decision on a submitted application for Development Consent than applications for planning permission. For T2ST, a single DCO application could be made, whereas separate planning applications and decisions would be required from five different local planning authorities.

Preferred planning route

- 0.8 For the Gate 2 Preferred Options, it is considered that the preferred planning consent route would be an application for Development Consent, and not a planning application. This would enable a range of other consents to also be secured under the DCO application. As a pre-requisite of this, a request would need to be made to the Secretary of State for a direction under Section 35 of the Planning Act 2008 to make T2ST a project of national significance. An application for Development Consent is considered the most appropriate consenting strategy for T2ST. It is recognised that other SROs may seek consents through alternative consenting strategies.
- 0.9 However, should a direction not be secured from the Secretary of State, then an application for planning permission would instead be made. A planning application would need to be made to each of the 5 planning authorities in whose area the option was located, and each would need to approve their application. Given the scale and complexity of the planning applications required, this approach would present additional risks to the scheme in achieving consent and risks of delays to programme delivery. If planning applications are required instead of a DCO, then there are a range of other consents that would also need to be secured separately, which could otherwise be consented under a single DCO application.

Planning risks and mitigations

- 0.10 On the basis of this Gate 2 planning and consent strategy report, and given the early stage of development of the T2ST scheme, it is considered that there are no identified significant planning risks that are not capable of being mitigated through ongoing technical and environmental assessment work.
- 0.11 The currently identified planning risks are all comparable to the stage of evolution of the T2ST proposals, and with continued technical and environmental feasibility work, including necessary stakeholder engagement beyond Gate 2, a number of the risks will be capable of further mitigation.
- 0.12 The most significant planning constraint relating to the scheme is the North Wessex Downs Area of Outstanding Natural Beauty (AONB). A significant length of pipeline and some above ground infrastructure associated with the Gate 2 Preferred Options would be located within the AONB. For T2ST to secure consent it will be necessary to meet the public interest test, demonstrate exceptional circumstances (including the need for the scheme, the cost and scope for developing elsewhere or meeting the need in another way), and show the extent to which environmental effects (including landscape and recreational effects) can be moderated. It is considered that an exceptional case is capable of being put in support of the scheme, and that with further and more detailed work on pipeline routeing and infrastructure siting, together with mitigation, a policy compliant scheme can be devised. As a result, there is confidence at this stage that a T2ST scheme can be identified, assessed and promoted to successfully secure planning consent.
- 0.13 Identified planning risks and mitigation at this stage include:

Planning Risk	Mitigation
The risk of failing to secure a Section 35 Direction for T2ST from the Secretary of State	Appropriate pre-application engagement with Defra officials ahead of formal submission of S35 request.
Establishing the need for the scheme, both in terms of national interest test, and need in the context of planning and EIA.	Securing the identification of T2ST in Regional Plan and WRMP. Application for T2ST would be submitted after WRMP is adopted, enabling the application to base itself on the need for the scheme being established in the WRMP.
The need for a robust consideration of alternatives, particularly given the policy tests relating to major development in an AONB	WRSE regional plan and WRMP24 will consider strategic alternatives. The T2ST scheme development and engagement pre-application will consider scheme specific alternatives
Ensuring that the spatial extent of the scheme requiring consent is appropriately defined, including the physical and consenting relationship between T2ST and other SROs	Continued engagement and liaison with other SRO teams, with appropriate legal advice.
The lack of a final National Policy Statement for Water Resources Infrastructure, leading to policy wording changes when final version published.	The need for this to be finalised before application submission, and for an NPS accordace tracker to be prepared at that time.
Ensuring that all policy tests relevant to the eventual planning decision are appropriately and robustly considered in further planning and environmental assessments	Continuing review of existing and emerging planning policy and guidance to ensure planning constraints, designations and policy tests are appropriately mapped and adequately responded to.
Adopting an appropriate approach to the identification and assessment of land, and the engagement of landowners and other stakeholders at pre-application stage	Stakeholder engagement plan developed. Further engagement with stakeholders and targeted engagement with key landowners planned for post Gate 2.
Consideration of the risks associated with future development proposals affecting sites and routes.	Continuing review of emerging development plan proposals, and consideration of risks relating to 'pinch points' beyond Gate 2.

Planning beyond Gate 2

- 0.15 The current planning programme, for the DCO, is reflected in the Project Delivery Plan (Annex F).
- 0.16 The focus of planning work beyond Gate 2 is to support continued technical and environmental work to further evolve the route corridors and design of the scheme, including further engagement with planning stakeholders including the local planning authorities. A detailed planning route to consent report will also be prepared, outlining a detailed planning programme and the necessary building blocks for a successful application for planning consent, including the documents necessary as part of the application. Planning risks and mitigation will be reviewed and updated as part of this report.
- 0.17 Given the long-term nature of the scheme, the focus beyond Gate 2 is on the identified risks and uncertainties relating to T2ST, and the more detailed development of the scheme design, and mitigation through both route and design evolution, and through engagement with stakeholders. This will place T2ST in a strong position for a subsequent application for consent in line with the overall programme for scheme delivery.

- 0.18 The guidance in this report will be subject to testing and review as further technical, planning and environmental assessments are undertaken beyond Gate 2, taking account of changes to the planning system (e.g. Levelling Up and Regeneration Bill), or new or amended secondary legislation and guidance (e.g. detailed Biodiversity Net Gain requirements). Conclusions reached to date on planning and consenting will also be tested and subject to stakeholder and wider engagement as T2ST moves forward into non-statutory and statutory consultations ahead of applications for planning and other consents. Feedback secured through engagement and consultation will be taken into account as the planning and consenting strategy is further developed.

1. Introduction and purpose

1.1 Introduction

1.1.1 The Thames to Southern Transfer (T2ST) is one of a number of Strategic Resource Options (SRO) being investigated as part of the Regulators Alliance for the Progression of Infrastructure Development (RAPID), comprising Ofwat, the Environment Agency (EA) and the Drinking Water Inspectorate (DWI). T2ST is being jointly investigated by Thames Water and Southern Water, with submissions being made to RAPID through a gated process.

1.2 Purpose of the Report

1.1.2 This report has been prepared by Adams Hendry Consulting Ltd (AHCL) to provide T2ST Gate 2 planning and consenting advice to Thames Water and Southern Water. The report will be submitted as part of the Gate 2 submission to RAPID in November 2022, as a technical annex to the main Gate 2 Report.

1.3 Structure of this Report

1.1.3 The structure of the report is summarised below:

- **Section 2: Context** - Includes high level summary of Gate 1 planning strategy, summary of planning work completed for gate 2 and engagement with planning stakeholders
- **Section 3: Planning context for Gate 2 preferred options and timing requirements** - Includes planning description of preferred options, timing requirements, and key planning consent issues
- **Section 4: Potential planning consent routes** - Includes overview and comparison of DCO and planning permission consenting routes, relationship with EIA and other assessments, inter-relationships with other SROs, and key planning stakeholders
- **Section 5: Preferred T2ST planning consent route** – sets out the preferred consent route, programme, application deliverables, planning risks and mitigation
- **Section 6: Strategy for obtaining other regulatory consents** – provides an assessment of other consents required and how they will be secured
- **Section 7: Planning actions for completion beyond Gate 2** - Includes planning scope and planning stakeholder engagement strategy
- **Section 8: High level land strategy** - Includes land strategy consenting context, risks and mitigation, and strategy for actions beyond Gate 2

1.1.4 The RAPID Gate 2 guidance sets out the requirements that this report should cover. The table below sets out these requirements, and where they are covered in this report.

Table 1.1: Coverage of RAPID report requirements

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

2. Context

2.1 High level summary of Gate 1 Planning Strategy

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

“For the T2ST raw water transfer options at 80MI/d and 120MI/d, provided the DO equates to 80 MI/d DYAA in a 1 in 200 year drought, these options would automatically be an NSIP, and require an application for Development Consent. For the raw water transfer options at 50MI/d, and the potable water transfer options, it is considered that the preferred planning consent route would be that an application be made to the Secretary of State for a direction under Section 35 of the PA2008 to make T2ST an NSIP. This direction would mean that an application for Development Consent is made for T2ST, and not a planning application.

However, should a T2ST option ultimately be selected that falls below the NSIP thresholds, or for which a direction could not be secured from the Secretary of State, then an application for planning permission would instead be made. This would potentially affect the 50MI/d raw water transfer options and the potable water transfers. A planning application would need to be made to each of the 5 or 6 planning authorities in whose area the option was located, and each would need to approve their application. Given the scale and complexity of the planning applications required, this approach would present additional risks to the scheme in achieving consent and risks of delays to programme delivery.”

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

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

2.2.1 As part of the Gate 2 planning work package, further assessments of national and local planning policy, and existing and emerging development proposals relevant to the T2ST scheme have been undertaken. This has included reviews against the draft National Policy Statement for Water Resources Infrastructure (Water NPS), adopted and emerging Development Plans and evidence studies.

2.2.2 Planning and consenting input has been provided to the T2ST gate 2 Options Appraisal process, including the consideration of potential abstraction locations. As part of multi-disciplinary project work, desk based planning assessments have been undertaken of potential pipeline corridors and sites for T2ST, including the identification and assessment of potential pipeline corridors having regard to existing and emerging planning policies and designations. Publicly accessible sources of information relating to land have also been reviewed as part of this work.

2.2.3 Preferred planning routes to consent have been identified for T2ST Gate 2 Preferred Options, together with planning risks and mitigation and the recommended next planning steps, looking beyond Gate 2. This reflects good practice and lessons learned from DCO applications to date, and promotion of major water resource infrastructure applications through the planning system.

2.2.3 Planning leads for the teams working on SROs with a potential inter-relationship with T2ST have ensured that there has been discussion and collaboration over the consent strategies for the different SROs, with a particular focus on the inter-relationships and physical infrastructure interfaces between the SROs. This has included the SESRO, Severn Thames Transfer, and Hampshire Water Transfer and Water Recycling SRO teams.

2.3 Summary of Gate 2 engagement with Planning & Technical Stakeholders

2.3.1 As part of the planning Gate 2 work package, briefing sessions have been organised with planning stakeholders, including the relevant local planning authorities (LPAs) and county planning authorities, and the North Wessex Downs AONB Unit. These briefings have provided background context on the purpose of the scheme, the nature of work being undertaken for Gate 2, and the Preferred Options derived from the consideration of potential pipeline route corridors. Briefing sessions were held in late spring and early summer 2022 with officers from:

- Vale of White Horse District (LPA) and Oxfordshire County Councils
- West Berkshire Council (LPA)
- Basingstoke and Deane Borough Council (LPA)
- Test Valley Borough Council (LPA)
- Hampshire County Council
- North Wessex Downs AONB Unit

2.3.2 A meeting was offered to Winchester City Council (LPA) but due to pressure of Local Plan work officers were not available to attend a meeting.

2.3.3 The sessions were an opportunity to provide a briefing on T2ST. Formal comments and responses were not sought at this stage, nor were detailed reports or information provided to the authorities for their review.

2.3.4 A commitment was given to provide further briefings to the authorities around the Gate 2 submission documents, and to further engagement on T2ST beyond Gate 2 as the timescales for further more detailed technical and environmental assessment work and stakeholder and community engagement become clearer in the context of overall scheme delivery timescales. This was welcomed by the authorities.

3. Planning context for Gate 2 Preferred Options and timing requirements

3.1 Planning description of the preferred options

3.1.1 Full descriptions of the T2ST Gate 2 Preferred Options are provided in the Concept Design Report (Gate 2 Report Annex A3). A summary description is provided below, as context for the consideration of planning and consenting issues that follows.

3.1.2 T2ST Preferred Option B comprises:

- 92.7km of buried transfer pipeline (main and spur), from West of the A34 at Drayton (Oxfordshire) to Winchester, and with spur connections to service reservoirs serving Kingsclere and Andover Water Supply Zones
- Water treatment works and pumping station at the source, west of the A34 at Drayton
- Two intermediate pumping stations and two break pressure tanks along the pipeline route, together with a pumping station at Andover.

3.1.3 T2ST Option C is similar, with the difference being a slightly shorter route, at 92.2km, and one fewer intermediate break pressure tank.

3.1.4 The transfer capacity of the Preferred Options is to be determined through the WRSE regional plan and the individual company Water Resources Management Plans. Options for transfers at 50MI/d, 80MI/d and 120MI/d are available for selection in those plans. Water to be made available for treatment and transfer through T2ST would be derived from either the SESRO or Severn Thames Transfer SROs. Without one or both of those schemes, there would be no water available for transfer through T2ST.

3.2 Timing requirements

3.2.1 In the January 2022 WRSE Emerging Regional Plan, prepared on a cost-efficient basis, T2ST was selected for development and first utilisation in 2049 in the upper and middle branches in response to the more challenging future water resources scenarios that the south east region may face. The scheme was not selected under the least challenging scenario, where the scale of supply demand deficit being addressed was lower.

3.2.2 T2ST was selected for development as part of the November 2022 WRSE Draft Regional Plan, prepared on a best value basis. The draft WRSE regional plan sets out the overall need for T2ST and this feeds into the relevant WRMPs from both Thames Water and Southern Water. The draft WRSE regional plan has determined a need for a T2ST scheme of up to 120MI/d by 2040-2053 depending on the scenario in the adaptive plan. Therefore, at this stage, it is envisaged the project will not be operational until at least 2040 (see Concept Design Report – Gate 2 Report Annex A3 for further information). Both the WRSE draft regional plan and draft WRMPs are to be published for consultation starting in November 2022.

3.2.3 The Concept Design Report (Gate 2 Report Annex A3) identifies a construction period of approximately 5 years, including commissioning. On this basis, as set out in more detail in the Project Delivery Plan (Gate 2 Report Annex F), applications for consent would not be likely to be required to be submitted until 2031, allowing for land acquisition and DPC/Contractor procurement ahead of construction. Further commentary on the planning consent programme is set out in Section 5.2 of this report.

3.3 Land and land access requirements

- 3.3.1 There will be a need for temporary possession and permanent land and rights acquisition as part of T2ST, whether secured through negotiation and agreement, or through the use of compulsory acquisition powers under a DCO or other existing legislation.
- 3.3.2 Water undertakers have statutory powers under s159 of the Water Industry Act 1991 to lay and repair pipelines through private land, and similar powers under s158 to lay pipelines in/under highways, including powers to enter land for the purposes of surveys and investigations under s168. Powers of compulsory acquisition of land are also afforded to water undertakers under s155 of the Act. Temporary and permanent acquisition powers can also be secured under a DCO.
- 3.3.3 There will also be a need to ensure that temporary and permanent land and land access can be secured for the construction and subsequent operation of the scheme, including land for necessary above ground infrastructure such as the water treatment works, pumping stations etc. as well as permanent access to assets such as pumping stations, water treatment works and pumping stations. There will also be air valves and wash out valves located along the buried pipeline. There will also be a need for on and off-site environmental mitigation and/or compensation associated with the construction of the scheme, including for biodiversity net gain, landscaping, discharging to a watercourse and for specific protected species and habitats.

3.4 Key planning consent issues

- 3.4.1 As part of preparing this Gate 2 Planning Report, a review of the current draft (Nov 2018) National Policy statement for Water Resources Infrastructure (Water NPS) has been undertaken. Enclosed at Appendix 1 to this report is a summary of policy guidance in the draft Water NPS relevant to T2ST, both in terms of generic guidance for water resources infrastructure, and specific guidance relating to water transfer pipelines.
- 3.4.2 In addition to the above, a review of relevant LPAs existing and emerging Development Plans has been undertaken, to identify relevant planning policies and to identify and summarise key planning designations relevant to the T2ST Preferred Options. Appendix 2 to this report summarises the relevant designations and provides commentary relevant to T2ST.
- 3.4.3 The most significant planning constraint relating to the scheme is the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The wording of the Draft Water Resources National Policy Statement is currently (paras 4.9.10 and 4.9.11):

“4.9.10 The Secretary of State should refuse development consent in these areas except in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- *The need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;*
- *The cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and*
- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. “*

4.9.11 Where consent is given in these areas, the Secretary of State should be satisfied that the applicant has ensured that the development will be carried out to high environmental standards and, where possible, includes measures to enhance other aspects of the environment. Where necessary, the Secretary of State should consider the imposition of appropriate requirements to ensure these standards are delivered.”

- 3.4.4 A significant length of pipeline and some associated above ground infrastructure associated with the Gate 2 Preferred Options would be located within the AONB. For T2ST to secure consent it will be necessary to meet the public interest test, demonstrate exceptional circumstances (including the need for the scheme, the cost and scope for developing elsewhere or meeting the need in another way), and the extent to which environmental effects (including landscape and recreational effects) can be moderated.
- 3.4.5 At this stage, it is considered that an exceptional case is capable of being made in support of the scheme, and that with further and more detailed work on pipeline routing and infrastructure siting, together with mitigation, an AONB policy compliant scheme can be devised. This case would be reliant in part on the need for the scheme being established in the Regional Plan and WRMPs, with consideration of strategic alternatives completed as part of the water resources planning process. A further element of the exceptional circumstances case would be the principally buried pipeline nature of the scheme, with consequential lower permanent AONB impacts than from a principally above ground scheme.
- 3.4.6 The Gate 2 Environmental Assessment Report (Gate 2 Report Annex B1), together with the associated Habitats Regulations Assessment Report (Gate 2 Report Annex B2), Water Framework Directive Report (Gate 2 Report Annex B3) and Strategic Environmental Assessment Report (Gate 2 Report Annex B4) together provide more detailed environmental assessments of the T2ST Preferred Options. These identify a range of assessed potential adverse environmental effects associated with the T2ST proposals, as well as potential benefits. These assessments reflect the relatively early stage of maturity of the T2ST scheme, and the plans for further more detailed technical and environmental assessments that would be undertaken ahead of the preparation of applications for consent, and non-statutory and statutory stakeholder engagement on the proposals.
- 3.4.7 The assessments completed for the purposes of the Gate 2 submission identify that, although there are potential environmental effects which indicate the need for further more detailed assessment, and the consideration of route corridor and site selection following the completion of that work, there are no identified 'show stoppers' at this stage of the process.
- 3.4.8 As a result, from a planning and consenting perspective, there is confidence at this stage that a T2ST scheme can be identified, assessed and promoted to successfully secure planning and other consents. From the work undertaken to date, for the purposes of the Gate 2 submission, no insurmountable planning risks to the prospect of securing planning consent for T2ST have been identified. The risks and potential mitigation are proportionate to what would be expected of a scheme at this stage of its evolution.

4. Potential planning consent routes

4.1 Overview of potential planning consent routes

4.1.1 The available planning consent routes for T2ST are either:

- An application for **Development Consent** under the Planning Act 2008 (PA2008), as a project of national significance, following a prior successful application for a Section 35 Direction from the Secretary of State; or
- Applications for **Planning Permission** under the Town and Country Planning Act 1990 (as amended) (TCPA1990).

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

4.2 Development Consent Order

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

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

4.2.2 Importantly, the Infrastructure Planning (Water Resources) (England) Order 2019 specifically inserted a definition to confirm that the calculation of the Deployable Output of a scheme under the PA 2008 is “the annual average volume of water that can be produced per day from that facility under drought conditions” (defined as 1 in 200 year drought event).

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

4.2.4 However, a potable water transfer development (such as T2ST), or a raw water transfer below 80 MI/d, will not automatically qualify as an NSIP. Instead, should a water undertaker wish to seek Development Consent for the scheme, it would be necessary to apply to the Secretary of State for a Direction under S35 of the PA2008, to direct that the scheme is a project of national significance, and thus that an application for Development Consent is required. Therefore, as the T2ST Gate 2 Preferred Options are potable water transfers, a request for a S35 Direction would be needed before an application for Development Consent could be made.

- 4.2.5 An application for Development Consent involves a single application to the Planning Inspectorate, which receives, examines and makes a recommendation on the application before the Secretary of State makes the final decision. This application follows an extensive pre-application process, including required engagement and consultation with landowners and other specified stakeholders on key details of the scheme, including potential environmental impacts and mitigation. If granted, a Development Consent Order (DCO) is a powerful legal instrument which in addition to granting permission of the development can also include compulsory acquisition powers, associated consents under other legislation, and the disapplication of existing legislation, where justified.
- 4.2.6 DCOs are issued with 'Requirements' to be met before and during the construction of the development, and relating to its operation and even decommissioning. Requirements can involve further applications for approval of details. There is also the potential for s106 legal agreements to be associated with DCOs, requiring certain actions to be undertaken or environmental and other mitigation payments to be made. For long distance pipelines such as T2ST it is possible to secure permission for development within 'parameters', which define the maximum extent of any development but provide some flexibility to allow for detailed design and changes arising during construction.
- 4.2.7 Applications for Development Consent are 'front-loaded' with significant information gathering and engagement requirements to be met before applications can be submitted. There is a binding timetable for the examination and determination of applications (18 months from acceptance to decision), although the Secretary of State can extend the period for their decision, as has been the case with a number of DCO decisions over the last couple of years. Once a DCO decision is issued there is a short (6 week) period in which the decision may be challenged through an application for Judicial Review to the High Court. If an application to challenge is accepted to be heard by the High Court, this is a process that will take many months to resolve.

4.3 Planning Permission

- 4.3.1 For schemes below the NSIP thresholds (and for which no direction is sought and obtained from the Secretary of State), an application for planning permission under the Town and Country Planning Act 1990 (as amended) (TCPA1990) is the route to consent.
- 4.3.2 A planning application must be submitted to each local planning authority (LPA) in whose area the proposed development is located. Each individual LPA has to reach its own decision on the application before it and each would have to give their approval, unless the Secretary of State 'calls-in' the application(s) for their own determination following a hearing or inquiry. If one or more LPAs were to refuse permission then an appeal can be submitted to the Secretary of State, and a hearing or inquiry would be held before an independent Inspector before a decision is issued.
- 4.3.3 Applications for planning permission are similarly 'front loaded', although the engagement requirements before applications are submitted to the LPAs are significantly less onerous than for NSIPs. There are statutory timescales for the determination of planning applications, although applications involving more than one LPA and for complex schemes invariably take longer to determine.
- 4.3.4 There are different types of planning permission that can be applied for and granted, depending on the nature of the development proposed and the level of details to be fixed at that time, or to be left for subsequent approval. Outline planning permissions establish the 'parameters' for a proposed development, leaving details to be submitted as Reserved Matters at a later stage, whereas Full planning permissions agree all details at once. There is also the ability to submit a 'Hybrid' application, with some of the development in Outline, and some in Full.
- 4.3.5 Planning conditions are normally applied to planning permissions, to be met before and during the construction of the development, and relating to its operation and even decommissioning. There is also the potential for s106 legal agreements to be associated with a planning permission, requiring certain actions to be undertaken or environmental and other mitigation payments to be made.

- 4.3.6 Planning permission solely grants planning consent for the development. It does not grant any other consents that must be secured or secure powers for the compulsory acquisition of rights over land. Water undertakers have statutory powers under S159 of the Water Industry Act 1991 to lay and repair pipelines through private land, and similar powers under S158 to lay pipelines in/under highways, including powers to enter land for the purposes of surveys and investigations. Powers of compulsory acquisition of land are also afforded to water undertakers under S155 of the Act, although these rights would need to be acquired additionally to the planning permission (and not as part of a single application for Development Consent under a DCO).
- 4.3.7 As a consequence of T2ST being very likely to be EIA Development (see Section 4.5 below), it is a working assumption that planning permission would need to be sought for all temporary and permanent development proposed as part of the scheme. There will be no permitted development rights available, as they are automatically removed for EIA Developments.
- 4.3.8 Like DCO decisions, once a planning permission decision notice is issued, there is a short (6 week) period in which the decision may be challenged through an application for Judicial Review to the High Court. If an application to challenge is accepted to be heard by the High Court, this is a process that will take many months to resolve.

4.4 Selecting consent route

- 4.4.1 There is only a limited choice available to a water undertaker or scheme promoter as to the consent regime it wishes to follow. For potable transfers and raw water transfers below the NSIP threshold there is an element of choice, as the water undertaker can request that the Secretary of State makes a direction under s35 of the Planning Act 2008, that the scheme is a project of national significance (despite not fully complying with the descriptions stated under s28), or it can seek planning permission for the scheme from the relevant local planning authorities.
- 4.4.2 Requesting a direction under s35 of the PA2008 does not automatically equate to securing the direction and the final outcome may be that the SoS rejects that request leaving only the TCPA route to consent. A further critical factor is that sufficient time is required to submit a request under s35 and to allow for it to be considered and concluded, which would need to be built into any project programme.
- 4.4.3 The choice of consent route, to the extent it exists, will be influenced by factors including the significance, geographic and physical scale of the scheme, the need for temporary and permanent acquisition of rights over land, the number and type of other consents required to be secured, risks to programme delivery associated with any specific consenting route, and the degree of consistency of the proposals with national and local planning policy and guidance.

4.5 Relationship to EIA, HRA and WFD considerations

- 4.5.1 Whether a water transfer development is promoted through an application for Development Consent or Planning Permission, the need to ensure that the proposed development accords with the requirements of the Environmental Impact Assessment, Habitats and Water Framework Directive Regulations still applies. The requirements for document preparation and publicity differ between the Development Consent and Planning Permission regimes, but the legal requirements for detailed and robust EIA, HRA and WFD assessments are the same.
- 4.5.2 Given the scale and location of the T2ST Gate 2 Preferred Options (a 92km pipeline with significant lengths within an AONB) they are considered likely to be EIA development, subject to the requirements of the EIA Regulations. An Environmental Statement will need to be prepared and submitted with the application for Development Consent or Planning Permission.

4.5.3 Given the length of pipeline route and physical infrastructure involved, and the sensitivity of the environment within which it is located, it is considered very likely (if not certain) that a T2ST option would be EIA Development. However, any T2ST option could be subject to EIA Screening as part of the progression of the option. This conclusion is reached on the basis of the water transfer infrastructure being Schedule 2 Development under the EIA Regulations, requiring it to be the subject of an EIA Screening Opinion.

4.5.4 As a consequence of T2ST being very likely to be EIA Development, it is a working assumption that there will be no permitted development rights available. Development Consent or planning permission would need to be sought for all temporary and permanent development proposed as part of the scheme.

4.6 Inter-relationships with other SROs and projects.

4.6.1 There are a number of individual SROs currently being investigated and assessed, and for which applications for development consent (through a DCO or planning permission) will be necessary. The potential for combining SROs into joint or a single application for consent has been considered, however this approach is not considered to represent the most appropriate consenting strategy for most SROs. Preparing and submitting a joint consent application for more than one SRO has the potential to increase programme and consenting risk, and consequently could risk delaying SRO consenting and implementation. It is recognised however that a company may choose to submit a single consent application for more than one SRO, or parts of more than one SRO, where this represents the most appropriate consenting solution. This could, for example, include where there is more than one SRO proposing construction works within the same site or location, and consenting and implementing the works at the same time could lead to environmental or cost benefits.

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

4.7 Comparison of consent routes

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

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

Topic	Development Consent	Planning Permission
Application Process		
Determining Authority	Secretary of State	Individual LPAs - decisions on major applications tend to be made by elected Councillors in Committee. Note that the SoS can “call-in” an application and make the decision themselves, using powers in S77 of the T&CPA 1990.
Application Timetable	<p>Approximately 34-40 months, depending how long pre-application stage lasts), comprising:</p> <p>Pre-application stage (18-24 months)</p> <p>Acceptance of submitted application (1 month)</p> <p>Pre-examination (approx. 3 months)</p> <p>Examination (max 6 months)</p> <p>Examining Authority report (max 3 months)</p> <p>Secretary of State decision (max 3 months)*</p> <p>* <i>Can be extended</i></p> <p>If consent is refused, there is no right of appeal. A decision can only be challenged in the High Court.</p>	<p>Approximately 21-30 months if no appeal or inquiry, but up to 42 months if an appeal/inquiry or call-in is necessary (and depending how long pre-application stage lasts), comprising:</p> <p>Pre-application stage (12-18 months)</p> <p>Determination of application (16 weeks – but can be extended by months. For a major scheme involving more than one LPA it would be reasonable to assume 9-12 months).</p> <p>If permission refused, applicant could appeal to Secretary of State (SoS) within 6 months of decision (approx. 12 month appeal process for complex schemes).</p> <p>The SoS can ‘call in’ an application being considered by an LPA and make the decision themselves, including holding an Inquiry first. This would extend programme by approx. 12 months.</p>
Pre-application engagement	Statutory legal requirements to be met at pre-application stage, including specific lists of organisations and people who must be consulted, including landowners and consultees.	Not a statutory requirement however pre-application engagement on major applications will need to include numerous individual LPAs and stakeholders along T2ST route.
Engagement in determination of application	Anyone can submit a request to become an Interested Party in the Examination and to submit written and oral representations. LPAs and affected landowners are given additional rights, including appearance at Examination. Examination often involves legal representation for main parties. The Examination of the application is led and co-ordinated by the Planning Inspectorate, which then makes a recommendation to the Secretary of State – the decision taker.	LPA will consult with residents and consultees and take their representations into account in making a decision. Many LPAs allow public participation at Committees. Legal representation unlikely at Committee. Elected Councillors make a decision on the application, having taking advice of officers into account.
Ability to challenge decision	Application for Judicial Review to High Court (within 6 weeks of decision)	Application for Judicial Review to High Court (within 6 weeks of decision)
Discharging details	Requirements set in DCO, which can require applications for subsequent approvals (normally within a 42 – 56 days approval period) by determining authority (normally individual LPAs). There is also the potential for a s106 legal agreement to require actions or payments to be made.	Applications to discharge planning conditions (8 weeks target for decisions) must be made to each individual LPA. There is also the potential for a s106 legal agreement to require actions or payments to be made.

Subsequent changes	Flexibility within ‘parameters’ set by DCO, provided environmental effects not new or materially different from those assessed. More significant changes may require amendment to DCO.	Flexibility within any parameters established by planning permission. Applications for non-material or minor material amendments can be made to vary the original permission. More significant changes would require a new planning application. All determined by relevant LPA.
Scope of consents secured		
CPO	Can secure compulsory acquisition powers for temporary or permanent rights over land, if voluntary acquisition cannot be achieved. NB special provisions exist to protect Crown or special category land (further parliamentary approvals can be required).	Planning permission does not confer compulsory acquisition powers, if voluntary acquisition cannot be achieved. Separate applications for compulsory acquisition of rights (including access rights) would need to be made under Water Industry Act powers, with additional programme time required to secure them. Applications can be made concurrent with planning applications, although securing planning permission for the works is necessary before a CPO would be authorised (to demonstrate the scheme is deliverable).
Other consents	A wide range of other consents can be secured through a DCO, including authorising works otherwise requiring a separate application, and/or establishing scheme specific consenting processes.	Only limited other consents are authorised through planning permission, e.g. works to protected trees and hedgerows, listed buildings, within conservation areas, and affecting public rights of way.
Certainty and flexibility		
Certainty	To date, well over 90% of Development Consent applications accepted for determination by the Planning Inspectorate have been approved by the Secretary of State. No Water Resources Infrastructure NSIPs have yet been the subject of an application	The approval rate for planning applications vary by LPA, and by type of application, and significant complex applications take longer than the statutory timescales to secure a decision. Generally speaking, locally controversial applications tend to have a lower rate of approval, and may require an appeal to the Secretary of State (and potential inquiry) to secure permission. At Inquiry, approval is not guaranteed and approximately 50% of inquiries currently lead to an approval of planning permission.
Basis for decision	The decision must be made in accordance with the relevant NPS unless this would breach international obligations, legal duties, be unlawful, or, if the adverse impact of the proposed development would outweigh its benefit. In reaching the decision, the Secretary of State must have regard to LPA’s Local Impact Reports, any matters prescribed, and any other matters thought to be both important and relevant to the decision. Note that currently there is only a Draft NPS, not an approved final version.	The determination must be made in accordance with the Development Plan in force for the area unless material considerations indicate otherwise. Whilst the National Planning Policy Framework (NPPF) is a material consideration, the courts have held that the NPPF does not displace the primacy of the Development Plan. For applications covering more than one LPA, each LPA’s decision should be made in accordance with the Development Plan for its area, unless material considerations indicate otherwise.

Need for the Scheme	<p>On the current draft Water NPS wording, if the NSIP is identified in an approved WRMP then the “need” for the scheme does not need to be revisited during the DCO Examination.</p> <p>Having said that, some policy constraints (e.g. AONB, SSSI etc) do still require “need” to be assessed in order to determine whether the need for the scheme, and lack of alternatives, outweighs any impact.</p>	<p>The need for the scheme forms a central part of the assessment of the application, with the decision maker having to satisfy itself that the need for the scheme (and benefits arising from it) outweigh any impacts.</p>
Flexibility	<p>Able to apply for Development Consent based on parameters, e.g. the lateral and horizontal limits of deviation within which a pipeline must be installed, or the maximum heights or depths of a proposed pumping station. Subsequent discharge of Requirements can then be used to secure approval for detailed designs and finishes, within the terms of what has been assessed in the EIA.</p> <p>Scheme design changes within the parameters of the DCO may not require subsequent authorisation, however changes beyond the limits of the DCO approval require separate authorisation from the Secretary of State.</p>	<p>Planning permission can be secured for full details of a scheme, for an outline, or for a hybrid application. Details can be reserved, to be determined by subsequent applications to discharge conditions.</p> <p>Should changes to the planning permission be required, applications for non-material, minor material or more significant changes can be made to the individual LPA concerned.</p>
Key Planning and Consenting Stakeholders		
Determining Authority	Secretary of State (Defra)	<p>Individual LPAs – decisions on major applications tend to be made by elected Councillors in Committee.</p> <p>Note that the SoS can “call-in” an application and make the decision themselves, using powers in S77 of the T&CPA 1990.</p>
Local Authorities	<p>Specific requirements and roles for ‘host authorities’ – those within whose authority the scheme is located, including in relation to pre-application engagement with them, their consideration of the adequacy of consultation on PINS receipt of the application, and preparation of the Local Impact Report. Statements of Common Ground prepared between applicant and authorities.</p>	<p>The individual planning authorities determining the application may consult with adjoining planning authorities where the proposals are significant or involve cross boundary issues.</p>
Statutory Consultees	<p>Defined list of consultees who must be consulted and engaged with on the application, before submission and then during examination. Statements of Common Ground prepared between applicant and statutory consultees.</p>	<p>Defined list of consultees that each individual planning authority would consult on any application submitted to it for approval. The planning authority should take their comments into account in determining the application.</p>
Landowners	<p>Specific requirements to formally notify and engage with landowners pre-submission and during the examination. Landowners and those with an interested in land are given additional rights, including appearance at Examination session into any temporary or permanent acquisition of rights over land.</p>	<p>Requirement for the landowner to be notified prior to the submission of the planning application. No further rights afforded to landowners during determination of the application. However, landowners can comment on an application and any landowner objection could give rise to concerns over deliverability of the scheme in the mind of the LPA, or require CPO to resolve.</p>

<p>Affected communities and individuals</p>	<p>Requirement to consult and engage prior to the submission of the application and on submission. Individuals are able to request to be Interested Parties with right to submit additional material and appear at examination.</p>	<p>Requirement to consult and engage prior to the submission of the application and on submission. Individual can submit representations on planning application and most authorities allow public speaking at Planning Committee determining applications.</p>
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5. Preferred T2ST planning consent route

5.1 T2ST consent route and justification

- 5.1.1 This section of the report takes the potential Development Consent and Planning Permission consent routes identified in the preceding section and applies them to T2ST. The preferred planning consent route for T2ST is identified, and justified as the basis for the Gate 2 submission. This will be subject to testing and review as further technical, planning and environmental assessments are undertaken beyond Gate 2. This review will also pick up any implications arising from changes to the planning system (e.g. Levelling Up and Regeneration Bill), or new or amended secondary legislation and guidance (e.g. detailed Biodiversity Net Gain requirements).
- 5.1.2 **For the Gate 2 Preferred Options, it is considered that the preferred planning consent route is an application for Development Consent, and not a planning application. As a prerequisite of this, a request would need to be made to the Secretary of State for a direction under Section 35 of the Planning Act 2008 to make T2ST a project of national significance.**
- 5.1.3 A request for a direction from the Secretary of State will require pre-application engagement with DEFRA, and the submission of a clear justification for the request, including an appropriate level of engineering, environmental, land and planning information to support the request. The Secretary of State has 28 days to make a decision or to request additional information. Previous experience is that with appropriate pre-application engagement a decision should be received 1 to 2 months from the original request being made.
- 5.1.4 The timing for the submission of the request for the S35 Direction is influenced by the final delivery programme and required transfer capacity and spur connections for T2ST that will be defined in the finalised WRMP24s and WRSE Regional plan, expected to be approved in late 2023.
- 5.1.5 With scheme delivery ready for utilisation in 2040 (see Project Delivery Plan – Gate 2 Report Annex F), although it could be submitted earlier, a request for the Section 35 Direction would not need to be submitted before the final approval of WRMP24. This would still leave sufficient time for the consenting route to be confirmed. The critical aspect of the Section 35 Direction is that it would need to be secured early enough to enable pre-application discussions to take place with the Planning Inspectorate (PINS), and critically to enable PINS to receive and consult on the application for EIA Scoping. PINS is unable to do this until a project is confirmed as a project of national significance.
- 5.1.6 **Should a Section 35 direction not be secured from the Secretary of State, then an application for planning permission would instead need to be made.** Under this approach, based on the Gate 2 Preferred Options, a planning application would need to be made to each of the 5 local planning authorities in whose area the option was located, and each would need to approve their application (albeit that the applicant could potentially ask the SoS to call-in the applications and make a decision following a joint inquiry). Voluntary agreements for land acquisition would be sought by negotiation, but there is a risk that acquisition would need to be pursued utilising the powers in the Water Industry Act 1991 – e.g. a Compulsory Works Order under section 167 of that Act, for which additional time could need to be allowed in the programme.
- 5.1.7 An application for Development Consent is considered the most appropriate consenting strategy for T2ST. It is recognised that other SROs may seek consents through alternative consenting strategies. The justification for requesting a Section 35 Direction, and then pursuing an application for a DCO for T2ST is summarised below.

- 5.1.8 It is considered that T2ST is a water transfer scheme of national significance. The scheme is required to transfer water to Southern Water in response to significant deficits in supply within its Hampshire Water Resource Zones, and for which a lack of available alternative options places public water supplies at significant threat in a severe drought. Southern Water has a statutory duty to maintain supplies to customers under the Water Industry Act 1991, and in the absence of T2ST, supplies to customers could not be maintained, with the resultant risks of emergency drought measures being required at significant economic and social cost to the local and regional economy, to household and non-household customers, and to the local environment. The need for secure water supplies also underpins significant housebuilding proposed within Southern Water's supply areas in Hampshire.
- 5.1.9 T2ST involves the proposed development of over 90km of new transfer pipeline with associated above ground infrastructure including pumping stations, treatment works, and break pressure tanks. The pipeline infrastructure is located across 5 Local Planning Authority areas, and the above ground infrastructure would be located within at least 4 of those authority areas. The scheme would also involve 3 separate highway authorities, as well as many interfaces with statutory undertakers land and assets, including motorway and trunk road, railway, and oil and gas pipeline crossings.
- 5.1.10 Whilst the Planning Act 2008 (as amended) make a distinction between raw water and potable water transfers, the engineering, environmental, land and planning complexities are similar for raw and potable water options. Whilst further and more detailed feasibility and engineering design work will be undertaken beyond the Gate 2 submission, there are international and national planning and environmental designations that will need to be addressed and overcome as part of the application for consents. As well as planning consents, there are a wide range of other consents which would or could need to be secured ahead of the implementation of the scheme, as explained in more detail in Section 6 of this planning and consent strategy report.
- 5.1.11 There is a need for temporary and permanent land acquisition during construction and operation of the scheme, with numerous interfaces with third party infrastructure and statutory undertaker assets. Whilst Thames Water and Southern Water as statutory water undertakers have access to compulsory acquisition rights, and the ability to enter land to lay and maintain pipes, both under the Water Industry Act 1991, the ability to secure compulsory acquisition powers through the DCO, available to be implemented as a last resort following negotiations for voluntary agreements, could prove critical to acquiring the key sites for above ground infrastructure necessary for the successful delivery of the scheme.
- 5.1.12 In all of the above circumstances, a DCO is considered to represent the most appropriate consenting route for T2ST, following a request for a direction from the Secretary of State under Section 35 of the Planning Act 2008. This position will be kept under close review as the feasibility and design work progresses beyond Gate 2, and a detailed case in support of a request for a Section 35 Direction will be drafted at the appropriate time.

5.2 T2ST planning consent programme

- 5.2.1 As set out in detail in the Project Delivery Plan (Gate 2 Report Annex F), the overall programme for T2ST envisages that an application for planning consent would not be made until after the approval of the WRMPs and Regional Plan. This approach secures the need for the scheme and consideration of strategic alternatives through the regional plan and WRMP processes, whilst still allowing sufficient time for necessary technical and environmental assessments to be undertaken and pre-application engagement held before applications for consent need to be submitted. The Project Delivery plan incorporates the planning programme for securing a DCO.

- 5.2.2 Importantly, given this link to WRMP preparation and the Gated process, the programme enables T2ST to be progressed as an application for Development Consent in the knowledge that it forms part of the WRSE Regional Plan and the Company’s WRMP24 preferred plans, establishing the “need” for the scheme.
- 5.2.3 To achieve the overall programme submission date for the application for Development Consent, an initial high level planning programme has been developed, based on an assumed application for Development Consent for T2ST, following a prior application for a direction from the Secretary of State under Section 35 of the PA2008. This consent route will be kept under review through the gated process.
- 5.2.4 The high-level planning programme is incorporated within the Project Delivery Plan (Gate 2 Report Annex F).
- 5.2.5 The specific planning elements of the Project Delivery Plan for a DCO application include
- Post Gate 2, towards Gate 3 Checkpoint 1 – see also Section 7 of this report.
 - Review need and timing of scheme in light of WRSE Regional Plan and WRMP24, and resulting delivery programme
 - Further preliminary engagement with local planning authorities and other planning stakeholders, focusing on key planning constraints and emerging local development plans
 - Focused environmental, engineering, planning and land work packages on pinch points and sites affecting potential pipeline corridors, including key crossings and preliminary lands engagement with key landowners
 - Pre Gate 3 Checkpoint 2
 - Stakeholder briefings and engagement (non-statutory)
 - Updating route corridor and sites options appraisal, including initial land referencing, as basis for DCO application
 - Section 35 Direction request to Secretary of State
 - Preparation for DCO Non–Statutory Consultation
 - Pre Gate 3
 - Stakeholder briefings and engagement (non-statutory)
 - Commence preparation of DCO application documentation
 - Detailed land referencing and commence EIA and PEIR
 - Pre Gate 4
 - DCO Statutory Consultation
 - Application for a Safeguarding Direction from Secretary of State
 - Complete EIA
 - Finalise DCO application
 - Submission of DCO application
 - DCO decision
 - Discharge DCO Requirements and secure land access
- 5.2.6 The high level programme will be kept under review in the context of the delivery programme for T2ST.

5.3 Required T2ST consent application deliverables

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

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

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

5.3.3 Given the timescales for delivery of T2ST, there is sufficient time to scope the required work in detail, and to secure funding and procure the necessary technical specialists to undertake the detailed work necessary to complete the DCO application preparation.

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

5.4 T2ST relationship with consents for other SROs and projects

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

5.4.2 The recommended approach to SRO consenting is that companies and promoters should ensure that consent applications are clear on the physical extent of the infrastructure for which consent is sought, and where physical linkages to other unconsented infrastructure exist, clearly describe what those linkages are and how (and when) any separate consents will be secured (whether in a separate DCO or planning permission). They must also ensure that EIA and other assessments assess not only the infrastructure for which consent is to be applied for now, but also potential cumulative effects with the infrastructure to be consented in the future, ensuring that there is no 'salami-slicing' of a project to avoid assessing its full impacts.

- 5.4.3 Where there is a requirement for ‘interface infrastructure’ between SROs (or an SRO and non-SRO project) one or other of the consent applications must secure consent for this ‘interface infrastructure’, ensuring that the environmental impacts associated with it are assessed. In this way, the ability for a separate future SRO or non-SRO project to connect to the SRO being consented can be safeguarded, without prejudging or prejudicing the separate later applications for consent for the other SRO.
- 5.4.4 Separate from the physical infrastructure, each individual application must set out its own need case, describing the individual elements of the need for the scheme and building upon the draft Water Resources NPS, WRMP19, the WRSE Regional Plan, WRMP24s and other factors as appropriate. Where there is an inter-relationship in the need case between more than one SRO, or an SRO and non-SRO infrastructure, this must be clearly explained. A robust justification should be given for any ‘need’ which is reliant upon other SRO or non-SRO schemes, particularly if these are not yet identified in final WRMPs.

5.5 T2ST planning consent risks and mitigation

- 5.5.1 From the preceding sections, a number of planning risks have been identified, as would be expected for any major infrastructure project at this stage of its evolution.
- 5.5.2 This section of the report summarises the current planning risks and identifies appropriate mitigation. A number of these areas of risk and mitigation carry forward into section 7 of this planning and consent strategy report which sets out planning work beyond Gate 2, and section 8 in relation to land strategy. Through continued work beyond Gate 2 a number of the risks will be matured and mitigation identified and incorporated within the project. The planning risks link with the wider assessment of risks for the T2ST options (see costed risk register in Gate 2 Report Annex A4).
- 5.5.3 It will be important for risks relating to both DCO and planning permission routes to be kept under close review through the gated process at least until a Section 35 Direction is given by the Secretary of State confirming that an application for Development Consent is required, or the planning application consent route is confirmed.

Likelihood of securing Section 35 Direction from Secretary of State

- 5.5.4 From the work undertaken to date, and given the significance of T2ST for the WRSE regional plan and Southern Water’s WRMP, it is considered that it is likely that an appropriately robust case can be advanced for a Section 35 Direction to be granted, confirming that T2ST is a scheme of national significance. This is the approach undertaken by Southern Water during 2022 for its Water Recycling and Transfer SRO in South Hampshire. Whilst there is a risk that a Section 35 request might fail to be successful, this risk can be mitigated to an extent through appropriate pre-application engagement with officials in Defra ahead of the formal submission of the request.

Likelihood of securing consent

- 5.5.5 From the work undertaken for the purposes of the Gate 2 submission, and given the early stage of development of the T2ST scheme, it is considered that there are no identified significant planning risks that are not capable of being mitigated through ongoing technical and environmental assessment work. Work undertaken on potential pipeline corridors leading up to Gate 2 has demonstrated that there is confidence that there are viable pipeline routes that can be identified through subsequent more detailed technical and environmental work, and stakeholder engagement.

- 5.5.6 The currently identified planning risks are all comparable to the stage of evolution of the T2ST proposals, and with continued technical and environmental feasibility work a number of the risks will be mitigated. Mitigation of certain environmental risks will need to be prioritised as part of work beyond Gate 2, particularly through continued technical work, and further engagement with EA, Natural England and other key stakeholders.
- 5.5.7 Subject to the outcome of that work, there is confidence at this stage that a T2ST scheme can be identified, assessed and promoted to successfully secure planning consent.

Identification of T2ST in WRMP to establish the ‘need’

- 5.5.8 At the current stage, T2ST does not form part of an adopted WRMP, and so the draft Water NPS provision promoting the need for such WRMP developments does not yet apply. However, by the time that applications for consent for T2ST are made, it is anticipated that T2ST will be identified within adopted WRMPs.
- 5.5.9 In the January 2022 WRSE Emerging Regional Plan, prepared on a cost-efficient basis, T2ST was selected for development and first utilisation in 2049 in the upper and middle branches, in response to the more challenging future water resources scenarios that the south east region may face. The scheme was not selected under the least challenging scenario.
- 5.5.10 T2ST was selected for development as part of the November 2022 WRSE Draft Regional Plan, prepared on a best value basis. The draft WRSE regional plan sets out the overall need for T2ST and this feeds into the relevant WRMPs from both Thames Water and Southern Water. The draft WRSE regional plan has determined a need for a T2ST scheme of up to 120MI/d by 2040-2053 depending on the scenario in the adaptive plan. Therefore, at this stage, it is envisaged the project will not be operational until at least 2040 (see Concept Design Report – Gate 2 Report Annex A3 for further information). Both the WRSE draft regional plan and draft WRMPs are to be published for consultation starting in November 2022.
- 5.5.11 Notwithstanding this position, until the WRSE regional plan and individual WRMPs are finalised, there remains a risk that T2ST might not be identified for development or its timing be different from that currently anticipated. However, given the scale of deficits needed to be met within Southern Water’s Western Area, it is considered that developments of a scale comparable to T2ST will need to be identified, planned and delivered to secure future customer supplies and deliver environmental protection to the Rivers Test and Itchen through planned licence reductions.
- 5.5.12 It is considered at this stage that no additional planning mitigation is required, other than reviewing the T2ST delivery programme beyond Gate 2 once the proposals in the final WRSE regional plan and WRMPs are confirmed. In the event that T2ST does not form part of approved WRMPs, it is not considered likely that the scheme would be progressed to the stage of an application for planning consent.

Consideration of Alternatives

- 5.5.13 The requirements associated with the policy tests for major development in the North Wessex Downs AONB, as well as under the HRA and EIA Regulations, and in relation to the compulsory acquisition of rights over land, require the consideration of reasonable alternatives to the proposed development as part of the eventual application(s) for planning consent. A sufficiently broad range of potential alternatives will need to be considered to meet the relevant legislative and policy tests.

5.5.14 The WRSE regional plan and company WRMPs are considering a wide range of potential alternatives to T2ST as part of their preparation. This work will provide a large body of information and evidence that will support the consideration of T2ST alternatives, ahead of applications for consent. In relation to T2ST itself, the route corridor and site assessment work undertaken as part of Gate 2 has commenced the process of considering potential alternative pipeline routes, resulting in two Preferred Options for the purposes of the Gate 2 submission. Further work on these will be undertaken beyond Gate 2, including the reconsideration of Preferred Options and those held back at this stage. The identification and assessment of potential pipeline routes will also be the focus of non-statutory consultation and engagement ahead of the DCO application. At this stage it is considered that no additional planning mitigation is required on the issue of alternatives.

Defining the extent of the T2ST scheme, including relationships with other SROs

5.5.15 It is essential that the spatial extent of the T2ST scheme requiring consent is appropriately defined, including the physical and consenting relationship between T2ST and other SROs. Inter-relationships and inter-dependencies between T2ST and other SROs must be clearly defined, to ensure that the promotion and consenting of one scheme does not adversely affect, or potentially prejudice, the consenting of other SRO options. This has been a focus of collaboration between SRO planning teams ahead of Gate 2, and work will continue in more detail beyond Gate 2.

5.5.16 It is likely that there could be a number of SROs with a planning and consent strategy based on seeking a Section 35 Direction from the Secretary of State. In the event that there are, then it may be appropriate for the Companies to engage with Defra to determine whether the Secretary of State might be willing to undertake a further review of the water transfer NSIP thresholds and definitions, using the powers available under Section 14 of the Act. Equally, if Government were to consult on further changes to the Water NPS then this process could lead to revisions to thresholds. If Defra were to be minded to pursue this approach, it could avoid the need for a number of Companies to pursue Section 35 applications for individual SROs, and provide a consistent and robust consenting position across the SROs.

5.5.17 In relation to T2ST itself, work beyond Gate 2 will further refine the spatial extent of the scheme as a whole, ensuring that all of the necessary development, both temporary and permanent, is accurately identified, so that it can then be assessed as part of the EIA and other assessments. Development “associated” with an NSIP can be included within an application for Development Consent, or planning permission can be sought for it. There are advantages and potential risks depending on the nature of development proposed, and its relationship to the NSIP itself. These will be reviewed in more detail beyond Gate 2.

The draft Water NPS

5.5.18 The Draft National Policy Statement (NPS) for Water Resources Infrastructure was published for consultation in November 2018. At the time of drafting this report the final NPS has not been published, and there is no published programme that confirms when it is expected.

5.5.19 The lack of a final NPS represents a continuing risk to the progression of the SROs (including T2ST) as the final wording of the NPS could give rise to new or materially different policy tests needing to be met by an application for Development Consent. In addition, the express policy support for the need for a water NSIP being established by its inclusion within an adopted WRMP will not come into effect until the Water NPS is finalised.

5.5.20 For the progression of T2ST through the Gated process, given the current early stage of work, the lack of a final Water NPS is not yet a significant risk to the likely success of the scheme. However, as mitigation, water companies should continue to lobby Government to secure the finalisation of the Water NPS at the earliest opportunity so that the national policy position provides a settled basis for the progression of schemes through consenting processes.

- 5.5.21 Appendix 1 to this Report has summarised relevant policy guidance in the NPS as currently drafted. This will need to be reviewed as the Water NPS is finalised and published, to ensure that there is a robust basis for future applications for Development Consent for T2ST. This is an area of work that can be undertaken beyond Gate 2.

Meeting policy tests relevant to the decision

- 5.5.22 A review of relevant Water NPS and Development Plan designations has been undertaken for the purposes of this Gate 2 submission. This has identified a number of potentially relevant policy tests that the eventual decision maker will need to apply, in coming to their decision.
- 5.5.23 Failure to meet and overcome these policy tests places any subsequent application for planning consent at risk of failing to gain approval. It is important, as more detailed technical and environmental assessment work is undertaken beyond Gate 2, that these policy tests are appropriately incorporated into ongoing work. As examples, very specific policy protection is afforded to Ancient Woodland, veteran trees and important hedgerows, requiring their protection including the adoption of no dig construction techniques where appropriate. Each of these constraints requires investigation and assessment on the ground to identify where the policy constraint does and does not apply. The appropriate timing of such surveys, before routes and construction techniques are finalised – and thus whilst pipeline alignment or construction changes can still be incorporated, provides effective mitigation for this risk. The relevant policy tests identified in the appendices to this report should appropriately be kept under close review beyond Gate 2, and updated as technical work on T2ST progresses.

Land

- 5.5.24 As currently defined, T2ST will require the acquisition of temporary and permanent rights over land not in Thames Water or Southern Water's ownership. The identification and engagement of landowners potentially affected by NSIP proposals forms a critical part of the progression of the scheme, with specific legal requirements to be met at pre-application stage as set out in the Planning Act 2008.
- 5.5.25 These requirements need to be balanced however, with the potentially significant number of landowners and lessees who could be affected by broad pipeline corridors such as those defined as Preferred Options for the Gate 2 submission. An appropriate balance needs to be identified and struck to ensure that relevant landownership constraints are identified sufficiently early in the process to be taken into account, without engaging with significant landowners abortively.
- 5.5.26 At this early stage of work, the potential risks relating to land could be mitigated through focusing land identification work on specific potential sites for above ground infrastructure, coupled with identifying and reviewing land within or affecting potential pipeline corridors for which specific provision is made in the Planning Act 2008. This would include identifying Crown land, Common Land, National Trust property, and other Special Category Land (including allotments, open space etc), for which there is a need for additional assessment, and should any land be proposed to be lost as part of the development alternative provision could be required to be made (e.g., replacement allotments or sports pitches). Mapping and review of these categories of land relevant to T2ST could appropriately be undertaken beyond Gate 2 (see section 8 of this planning and consent strategy report for further information).

Risks relating to future development proposals

- 5.5.27 As T2ST is a relatively long-term proposal, there is the risk that potential pipeline routes and sites identified at this stage of the process could be affected by development proposals over time, such that they are then not suitable or available for use as part of T2ST.

- 5.5.28 Given the largely cross-country nature of T2ST pipeline and infrastructure, this may be less of a risk than for pipelines being promoted through or close to the edge of existing urban areas, however from the potential route corridor work undertaken for Gate 2 there are a number of specific areas where there is a risk of future development proposals before T2ST could be included within future Local Plans, consented and implemented, for example near to Andover and Winchester.
- 5.5.29 It is possible, much later in the progression of a scheme, to seek a Safeguarding Direction from the Secretary of State, which has the effect of requiring the relevant LPAs to specifically consult with the scheme promoter and to take their comments into account in determining planning applications. The recent Southampton to London Pipeline DCO secured such a direction as part of its pre-application stage, with the safeguarding direction application made after Statutory Consultation when there is a firm red line boundary for the development capable of being safeguarded.
- 5.5.30 For T2ST, seeking a safeguarding direction earlier than this is considered unlikely to be acceptable given that safeguarding affects individual's interests and rights relating to the use and development of their land, and there needs to be sufficient certainty on the timing of the scheme and extent of land likely to be affected to secure the safeguarding direction. Safeguarding can also be sought through Local Plans, but similar to Safeguarding directions, there is a need for definite proposals before safeguarding could be sought. Once T2ST is identified in an adopted WRMP, further discussions can take place with the Secretary of State and relevant LPAs over the timing and need for safeguarding.
- 5.5.31 In advance of this, the risk can be mitigated by continuing the work commenced as part of the Gate 1 and Gate 2 planning work package, and monitoring the progression of emerging Local Plans for proposals that could affect and influence route and site selection. At an appropriate stage, a Safeguarding Direction could be sought, however it is unlikely that such a direction would be given in the period ahead of Gate 3 for a proposal that would not come forward for development for an extended period of time, as there is a risk of the direction 'blighting' areas of land and adversely affecting landowners, with consequential potential for negative publicity.

Stakeholder engagement

- 5.5.32 It is important that a full stakeholder engagement strategy, building on the Engagement Report submitted as part of this Gate 2 submission (Gate 2 Report Annex D), is developed and implemented for the project. This will identify those organisations and individuals potentially affected and to ensure that they have opportunities to engage with and influence the proposals before any firm and final decisions are taken.
- 5.5.33 The strategy will also ensure that customers are engaged with and involved in the evolution and development of the scheme. Early engagement will enable the T2ST technical and environmental assessment work to be planned and delivered having regard to issues of importance to consultees and local communities along the pipeline route.
- 5.5.34 As with all major development proposals, there is the risk of objections from consultees, local organisations and residents in areas potentially affected by the construction or operation of the scheme. T2ST is no exception to this. The areas within which the pipeline and above ground infrastructure will be likely to be located include environmentally sensitive areas, and locally valued areas of currently undeveloped land, some in relatively close proximity to nearby settlements.

- 5.5.35 The statutory and non-statutory consultees expressly identified within The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 will be required to be consulted with as part of the preparation and submission of the eventual application for Development Consent. As part of the preparation of the stakeholder engagement strategy a full review of the requirements will be undertaken to identify all relevant categories of stakeholder to be engaged with. Alongside this, a review of Statements of Community Consultation (SoCC) could appropriately be undertaken for other linear DCO projects, (e.g. the Southampton to London Pipeline) for lessons learned and good practice in relation to stakeholder engagement.
- 5.5.36 Should applications for planning permission be pursued instead of an application for Development Consent, the Stakeholder Engagement Strategy will need to reflect the content of the LPAs Statements of Community Involvement. The engagement proposals would be expected to be shared and discussed with the LPAs as part of the pre-application process.

6. Strategy for obtaining other regulatory consents

6.1 Context

6.1.1 As well as securing planning consent for T2ST there will be a significant number of other consents, licences and authorisations that will need to be secured in advance of or during the implementation of the project.

6.1.2 One of the advantages of securing approval through a DCO is the ability to secure authorisation for a range of other consents alongside the planning approval, including land acquisition, legislative licences and approvals under numerous items of environmental and transport legislation, and in relation to statutory undertakers. This enables the DCO to act, as far as possible, as a single overarching consent.

6.2 Consents addressed within DCO or TCPA Application (as appropriate)

6.2.1 Although at this early stage of scheme delivery the details of the other regulatory consents has not been finalised, preliminary work has been undertaken for the purposes of this Gate 2 submission. The list, which is not exhaustive at this stage of design development, presents the licences and consents that may be required as part of the solution design, scheme construction and operational phases of the project. The preliminary list is in the table included at Appendix 3 to this planning and consent strategy report.

6.2.2 The table in Appendix 3 identifies that under a DCO consenting route, some secondary consents will be automatically disapplied by the Planning Act 2008, some will only be included (or 'deemed') with the agreement of the consenting body, and the need for others can be overridden by powers in the DCO itself.

6.2.3 On a comparative basis, the table in Appendix 3 provides equivalent information on how consents could be secured should applications for planning permission be required, instead of a DCO.

6.2.4 Under both consenting routes there will be a need for separate applications for consent to be made. In many cases consents cannot be secured at the same time as Development Consent or planning permission and would need to be secured subsequently.

6.2.5 The information in Appendix 3 will be reviewed and revised as part of work beyond Gate 2, taking account of scheme design evolution and further stakeholder engagement and technical and environmental assessment work.

7. Planning actions for completion beyond Gate 2

7.1 Planning scope beyond Gate 2, towards Gate 3 Checkpoints 1 and 2

- 7.1.1 In order to focus further on planning risks and identify appropriate mitigation, there are a range of tasks that could appropriately be undertaken beyond Gate 2. This work will also provide a firm basis for the further progression of T2ST at the appropriate stage, in light of the final WRMP24 timing for the delivery of the scheme. The tasks are summarised below.
- 7.1.2 **Planning input to defining the spatial scope of the scheme** (temporary and permanent development required) and the planning and consenting issues related to them will continue, working closely with the technical and environmental teams. This will take forward the work undertaken on potential pipeline corridors and sites as part of the Gate 2 work, including focused environmental, engineering, planning and land work on pinch points and sites, including key crossings and preliminary lands engagement with key landowners. **Further engagement with the SESRO and Severn Thames Transfer SRO** promoters and legal advisors will take place to continue to define the relationship and interdependencies between T2ST and other SROs. This will include defining interface and connection infrastructure between the SRO schemes, and their consenting processes under T2ST and the other SRO consent applications.
- 7.1.3 The overall **planning and consent strategy will continue to be reviewed**, particularly the need for and timing of T2ST delivery, and the consent programme actions and programme necessary as a result, in light of draft WRSE Regional Plan and WRMP24, and revisions made to those plans ahead of their finalisation. This could also take account of changes to the planning system (e.g. Levelling Up and Regeneration Bill), or new or amended secondary legislation and guidance (e.g. detailed Biodiversity Net Gain requirements).
- 7.1.4 A detailed **'Route to Consent' report and planning programme** will be identified, including scoping the necessary stages of work, and the documentation that will need to be prepared as part of applications for consent, for both the assumed Development Consent route, and alternative planning permission route to consent. This will build on the Scheme Delivery Plan (Gate 2 Report Annex F). The report will take forward the advice in this Gate 2 planning and consent strategy report, and develop in more detail the necessary steps towards submission of an application for planning consent. The report will set out the key building blocks that will be required for a successful application to be prepared, alongside more detailed assessment of the risks and mitigation measures relating to planning consent for T2ST. The extent to which applying for a Section 35 Direction and subsequent DCO remains the most appropriate consenting strategy will be reviewed as part of this work, with preparatory work for the request for the Section 35 Direction taking place.
- 7.1.5 The Route to Consent report will also review the intended position under DPC (Direct Procurement for Customers) as may be appropriately applied to T2ST. There is the need for careful consideration of planning implications of DPC, as powers afforded under the Planning Act 2008 are afforded to Water Undertakers, as defined under the Water Industry Act. The extent to which any DPC will be able to rely on Planning Act 2008 powers, including proceeding under a request for a direction under S35 of the Act will be carefully reviewed.
- 7.1.6 There will be **further preliminary engagement** with local planning authorities and other planning stakeholders. Further information on planned engagement is set out in section 7.2 below.

7.2 Planning Stakeholder Engagement Strategy beyond Gate 2

- 7.2.1 Prior to Gate 2, briefing sessions on T2ST were held with relevant planning authorities and the North Wessex Downs AONB Unit, enabling a preliminary briefing to be given on the scheme and the planning issues relating to the work undertaken for Gate 2. No formal comments or technical inputs have yet been sought from those authorities or the AONB Unit.
- 7.2.2 A detailed engagement report is submitted as part of the T2ST Gate submission (Gate 2 Report Annex D). This section summarised planned activities beyond Gate 2 in relation to planning stakeholders.
- 7.2.3 Further preliminary engagement is planned to take place with local planning authorities and other planning stakeholders around the timing of Gate 2 submission, integrated with and building on the wider engagement being undertaken by Thames Water and Southern Water in relation to the WRSE draft regional plan and the draft WRMPs. Further briefings at that time were highlighted as being important by the planning authorities in the briefing sessions undertaken to date, enabling them to understand more details of the Gate 2 proposals, and the regional and company context for T2ST.
- 7.2.4 As further technical work is undertaken on the details of the T2ST proposals, there will be engagement with local authority planning officers and technical specialists on the planning, environmental and engineering issues relating to the construction and operation of the scheme. This will enable initial discussion of issues including the methods to be utilised as part of environmental and other assessments, potential construction techniques and mitigation of impacts arising. Wider project issues including biodiversity net gain and plans for subsequent community and other engagement will also be discussed, as will the relationship of the T2ST proposals with other planned and emerging development proposals.
- 7.2.5 Ensuring that there are clear and meaningful opportunities for stakeholder, community and customer engagement as the technical work on T2ST progresses will be crucial, and an essential part of subsequent applications for planning and other consents. The timing and details of this engagement (see Gate 2 Report Annex D) relevant to planning stakeholders will be discussed with the LPAs. There is a need to ensure that the engagement is held sufficiently early in the project programme to enable comments to be made and taken into consideration before key decisions on routeing and the design of the scheme are made. Equally, however, there is a need for care to ensure that engagement is not undertaken too early or repetitively, particularly in the case of long-term schemes such as T2ST, and that the risks of consultation fatigue are avoided. The details and timing of this will be explored in the ongoing work beyond Gate 2.
- 7.2.6 Conclusions reached to date on planning and consenting will be tested and subject to stakeholder and wider engagement as T2ST moves forward into non-statutory and statutory consultations ahead of applications for planning and other consents. Feedback secured through engagement and consultation will be taken into account as the planning and consent strategy is further developed.

8. High level land strategy

8.1 Context

8.1.1 Reflecting the long term delivery programme for the scheme, no specific land work package was procured for the purposes of the T2ST Gate 2 submission. Instead, initial consideration of potential land issues was incorporated within the planning work package, particularly in relation to the work undertaken to identify and assess potential pipeline corridors and sites.

8.1.2 For the purposes of the Gate 2 work on T2ST, existing free publicly available sources of information were accessed as part of the work undertaken on potential pipeline corridors and sites. The focus of this was to explore the potential high-level landownership constraints relevant to the areas being assessed. These online sources included:

MAGIC – to identify areas of common land

Who Owns England – open source information on crown land and other major landholdings

National Trust – to identify areas of inalienable National Trust land

Development Plans – to identify designations falling within special category land definitions

8.1.3 The information secured was fed into the work undertaken to identify and assess potential pipeline corridors and sites, and was sufficient for the purposes of the work undertaken ahead of Gate 2.

8.2 Land strategy, including risks and mitigation

8.2.1 There will be a need for temporary and permanent land acquisition as part of T2ST, whether secured through negotiation and agreement, or through the use of compulsory acquisition powers under a DCO or other existing legislation.

8.2.2 Water undertakers have statutory powers under S159 of the Water Industry Act 1991 to lay and repair pipelines through private land, and similar powers under S158 to lay pipelines in/under highways, including powers to enter land for the purposes of surveys and investigations. Powers of compulsory acquisition of land are also afforded to water undertakers under S155 of the Act, and such powers may also be applied for within a DCO application. It is for the scheme promoter to determine the most appropriate approach for its own project.

8.2.3 At the source for the T2ST pipeline, west of the A34 at Drayton in Oxfordshire, there is a requirement for buried pipeline connection infrastructure to the pipeline infrastructure associated with either or both of SESRO and the Severn Thames Transfer. There is the requirement for a water treatment works and pumping station at the source site. Along the T2ST pipeline there will be a requirement for intermediate pumping stations and break pressure tanks. The connection points for the T2ST pipeline within Hampshire are at existing Southern Water infrastructure sites. With the exception of the existing Southern Water sites, there is a need for freehold or long lease acquisition of land at these above ground infrastructure locations.

- 8.2.4 Separate from the infrastructure requirements, there will also be a need to ensure that temporary and permanent land access can be secured for the construction and subsequent operation of the scheme. This would include access to assets such as pumping stations, water treatment works and pumping stations, together with air valves and wash out valves located along the buried pipeline. The majority would be expected to fall within rights that can be secured through WIA powers, however there may be some for which compulsory acquisition would need to be sought. There will also be a need for on and off-site environmental mitigation and/or compensation associated with the construction of the scheme, including for biodiversity net gain, landscaping and for specific protected species and habitats.
- 8.2.5 Land referencing is an essential pre-requisite for the identification and assessment of the requirements for temporary or permanent land acquisition, establishing the legal interests in land, as the basis for engagement and negotiation. However, for the length of pipeline involved in T2ST, land referencing is a significant body of work, and it is important to ensure that the detailed work is undertaken at a time sufficiently early to enable information gained as a result to be taken into account in the further design evolution and assessment of the scheme, whilst not so early that the information gained becomes effectively redundant before applications for DCO and other consents are required.
- 8.2.6 With the need for T2ST to be available for use in 2040 identified in the draft regional plan and draft WRMP, it is considered that at this stage it remains too early to undertake full land referencing for the scheme. However, there are land strategy actions that it is considered could appropriately be undertaken beyond Gate 2, as summarised below.

8.3 Land Strategy actions for completion beyond Gate 2

- 8.3.1 As part of the continuation of the current stage of technical work on T2ST it is considered that the following tasks could appropriately be undertaken as part of the development of the land strategy beyond Gate 2:
- **Identification of some site specific landholdings relating to the Gate 2 Preferred Options** – undertaking land registry checks to identify the interests in land for specific identified parts of the corridor sections or sites which are identified as requiring further assessment, e.g. to enable environmental, engineering or planning risks to be further reviewed and moderated through site surveys or investigations
 - **Identification of special category land interests for the Gate 2 Preferred Options** – to enable the scale and location of special category land to be better understood and to inform whether potential amendments are required as part of design evolution as a result
 - **Preparation of land strategy and programme** – to provide a detailed land strategy reflecting the timing of the need for T2ST implementation, and to scope and cost out a land work package of works for procurement at the appropriate time in the project’s progression.
 - **Review of temporary and permanent land acquisition costings** – to provide updated land acquisition costings to inform T2ST scheme costing.
- 8.3.2 This work would be undertaken iteratively with the ongoing planning, engineering, environmental and social, and stakeholder engagement work beyond Gate 2 with a focus on reducing risks through scheme design and incorporation of appropriate mitigation. The completion of the above tasks beyond Gate 2 will reduce land strategy risks relating to the project and enable the more detailed land strategy work package to be procured in a timely manner at the most appropriate point in the overall project programme.

Appendix 1 – Relevant draft NPS guidance

Relevant Guidance for Water Transfer NSIPs in Draft National Policy Statement for Water Resources Infrastructure (Nov 2018)

The Draft National Policy Statement (NPS) was published for consultation in November 2018. At the time of drafting this report the final NPS has not been published. The lack of a final NPS represents a continuing risk to the progression of the Strategic Resource Options as the final wording of the NPS could give rise to new or materially different policy tests needing to be met by an applications for Development Consent.

At the current time, the relevant policy guidance in the NPS is summarised as follows. This will be reviewed as the Water NPS is finalised and published, to ensure that there is a robust basis for future applications for Development Consent for T2ST.

A. Relevant guidance for T2ST set out in Draft NPS Chapters 1 (Introduction), 2 (Government Policy and the need for Water Resources Infrastructure) and 3 (Assessment Principles).

Draft NPS Para	Topic and policy wording	Relevance
1.4.5	Need for the NSIP - If an NSIP is included in a published final WRMP, the need for that scheme will have been demonstrated in line with government policy, and the applicable statutory requirements, and does not need to be revisited as part of the application for development consent. The Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by this NPS on that basis.	Securing the identification of T2ST within a final WRMP will establish the “need” for the scheme for the purposes of DCO Examination.
2	Need for additional resources – The NPS sets out the factors driving the need for demand management and new water resources developments, highlighting the significant scale of future challenges and the role of new infrastructure provision in meeting the need.	T2ST is specifically planned in response to the need for significant new water resources developments to overcome the challenges in the south east of England.
2.6.8 – 2.6.10	Role of water transfers – The NPS specifically recognises the key role of water transfers in meeting future water resources needs, encouraging water companies to work together in planning and delivering new transfer schemes.	T2ST is a water transfer scheme planned as a collaboration between Thames Water and Southern Water, working closely with WRSE.
3.1.6	Options Appraisal – The NPS recognises that NSIPs included within WRMPs will have undergone full options appraisal in accordance with WRMP requirements. The Examining Authority and the decision maker need not reconsider the details of this options appraisal process when considering applications for development consent.	T2ST is being considered as part of the WRSE regional plan and through Thames Water and Southern Water’s WRMPs, and so will be subject to Options Appraisal through those processes.

3.2 & 3.3	EIA and HRA – The NPS provides guidance on the EIA and HRA requirements associated with an NSIP and applications for Development Consent.	Any future application for T2ST will be subject to EIA and HRA.
3.4	Environmental Net Gain – The NPS identifies the requirement for applications for Development Consent to be accompanied by a Statement demonstrating how opportunities for environmental enhancement have been incorporated into the detailed design (including any relevant operational aspects) of the project. The NPS states that the Statement should, in particular, summarise how environmental enhancement has been assessed and quantified.	The consideration of Environmental Net Gain will form part of the preparation of the WRSE regional plan and WRMP 24s. Any future application for Development Consent for T2ST will need to include an Environmental Net Gain Statement as part of its submission.
3.5	Alternatives – Notwithstanding the comments above in relation to Options Appraisal not being revisited, the NPS notes that consideration of alternatives forms an important part of the EIA and HRA processes, and also are a specific policy requirement as part of policy relating to flood risk, national parks and other protected landscapes (e.g. AONB).	The consideration of strategic alternatives to T2ST will be addressed through the regional plan and WRMP processes. A robust assessment and consideration of alternatives will be required to be submitted as part of any application for Development consent for T2ST. As well as the overall consideration of alternatives through EIA and HRA, parts of the T2ST transfer route lie within the North Wessex Downs AONB, and flood risk affects potential sites. Further development and consideration of alternatives will be undertaken through the Gated process, and as part of the preparation of applications for planning consent, with appropriate stakeholder engagement.
3.6	Good Design – The importance of good design for water infrastructure NSIPs is recognised in the NPS, and sufficient information on design choices must be included as part of applications for Development Consent. The NPS does recognise that operational, safety and security standards may affect design decisions.	Design matters will be considered through the Gated process, and as preparation of applications for consent for T2ST are prepared. The location and design of above ground infrastructure will be carefully considered, particularly in relation to designated landscapes such as the North Wessex Downs AONB, and within or close to planning designations such as conservation areas, strategic and local gaps, open space and green wedges.
3.7	Climate Change Adaptation – The NPS identifies that as new water resources infrastructure will typically be a long-term investment which will need to remain operational over many decades, there is a need to consider the impacts of climate change at design, build and operational stages.	Climate change resilience and carbon forms an important part of WRSE and WRMP plan preparation and decision making. The more detailed feasibility and design of T2ST will fully take climate change adaptation into account as further technical and environmental assessments are undertaken.
3.8	Environmental Regulation – The NPS recognises the potential need for other consents under Environmental Permitting legislation and advises early engagement with the Environment Agency and other regulatory bodies to ensure that such consents are likely to be forthcoming.	Although work on T2ST is at an early stage, Thames Water and Southern Water are already engaging with the Environment Agency, Natural England and DWI, and will continue this engagement as part of the Gated process and preparation of applications for necessary consents.
3.9	Nuisance - The NPS identifies that the Planning Act gives a potential statutory defence from action against nuisance for any works or operations authorised under the DCO. The importance of identifying and scrutinising potential nuisance as part of the Examination is highlighted.	At this stage no potential areas of nuisance have been identified in relation to T2ST, and this will be kept under review as technical and environmental work continues through the Gated process and on towards applications for consent.

3.10	Safety – The NPS highlights the need to engage with the HSE and local authority bodies on safety matters, noting that the implications of major accidents and disasters need to be considered as part of the EIA.	The NPS guidance relates at least in part to reservoirs and safety aspects under the Reservoir Act, however safety matters will be appropriately considered as part of the detailed technical and environmental assessments for T2ST at later Gated stages and through the application for consent, including EIA.
3.11	Security – The NPS notes that water resources infrastructure may have national security implications and that the design and detail of proposed NSIPs need to reflect DEFRA’s guidance for the water industry.	All water companies are required to plan, provide and maintain their infrastructure in accordance with DEFRA security requirements, and T2ST would be no exception to this.
3.12	Health – As well as direct effects on people’s health, well-being and quality of life, the NPS recognises that indirect and cumulative effects on health are possible. These need to be identified and assessed as part of application for Development Consent.	Any future EIA for T2ST would consider the direct, indirect and cumulative health impacts of the proposed development.

B. Relevant guidance for T2ST set out in Draft NPS Chapter 4 (Generic Impacts), specifically associated with applications for water transfer NSIPs.

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

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

Construction Impacts	Operational impacts	Potential mitigation or Enhancement
Historic Environment		
<p>Adverse impacts on the significance of heritage assets could occur directly (through the loss of, or harm to, assets) or indirectly (through effects on setting). Construction activities (such as associated vehicle movements, dust and noise generation) may also have impacts on heritage assets.</p>	<p>Although most pipelines would be subsurface, associated development such as water treatment works could continue to affect the settings of heritage assets.</p> <p>Any operational changes in river flows could affect heritage assets such as mills and bridges or water dependent archaeological assets.</p>	<p>Site layout and visual screening options could be considered to reduce impacts on any heritage assets.</p> <p>Construction methods could adopt practices which seek to reduce potential adverse impacts to heritage assets.</p> <p>Archaeological watching briefs could be put in place during construction to identify, record and protect heritage assets.</p> <p>Careful consideration should be given to the operational impacts of infrastructure on heritage assets associated with changes in water flows.</p>
Flood Risk		
<p>Construction works may be liable to flooding, and/or cause or exacerbate flooding elsewhere, particularly where development sites are located in Flood Zones 2 or 3 or cross watercourses.</p>	<p>An increase in impermeable areas as a result of any associated development may also cause increased flood risk elsewhere due to surface water runoff.</p>	<p>A flood risk sequential approach could be taken towards the siting of infrastructure within the development area.</p> <p>Sustainable drainage approaches and other measures such as planting could be adopted to ensure no net change in fluvial, estuarine or surface water flood risk, arising from site run-off.</p> <p>Where required flood storage measures could be included in the design of development.</p>
Landscape and Visual Impacts		
<p>Construction activity associated with long distance pipelines could have detrimental impacts on the visual amenity of nearby receptors and landscape quality, particularly where development affects designated landscapes, as well as townscapes.</p>	<p>The impacts of subsurface pipelines are likely to be negligible. However, any aboveground infrastructure such as pumping stations and water treatment works may continue to have adverse impacts on landscape character and visual amenity.</p>	<p>Construction activity could be screened where possible to avoid or minimise adverse landscape and visual impacts.</p> <p>Site layout and infrastructure design could minimise landscape and visual impacts including utilising existing, and providing new, landscape features.</p> <p>Opportunities could be sought to enhance landscape character through, for example, green infrastructure provision.</p> <p>Opportunities could be sought to improve public access to the countryside.</p>

Construction Impacts	Operational impacts	Potential mitigation or Enhancement
Land Use, including open space, green infrastructure and green belt		
Possible temporary or permanent loss or damage to existing land uses. Construction activity could lead to soil contamination as a result of accidental spillage, disturb existing contaminated land, or cause soil compaction as a result of the use of heavy machinery.	Expected to be negligible.	<p>Site layout design could seek to avoid development on the best and most versatile agricultural land and geologically sensitive sites.</p> <p>Where possible, land could be reinstated following construction.</p> <p>Development should seek to remediate contaminated land.</p> <p>Undertake all construction activities in accordance with relevant best practice pollution prevention guidance.</p>
Resource and waste management		
Construction materials use and waste arisings (although any soil displaced during pipeline works could be reinstated).	Any associated development or processes (such as water treatment) could generate waste and involve resource use (such as chemicals).	<p>Efficient use of existing on site materials and infrastructure assets could be utilised.</p> <p>Where possible, reused or recycled materials could be used during construction. Construction and operational waste could be reused or recycled where possible.</p> <p>Infrastructure could be designed to incorporate the use of resource efficient processes, materials and building techniques.</p>
Socio Economic Impacts		
<p>Could have a significant positive impact on the local economy associated with employment opportunities, supply chain benefits, together with local spend. However, potential direct adverse impacts by loss of existing land uses and indirect effects on existing nearby businesses and the tourism sector due to, for example, loss of amenity.</p> <p>An influx of construction workers to host communities could potentially increase pressure on existing services and facilities (albeit temporarily).</p>	Minor opportunity for job creation for day-to-day operation and maintenance of infrastructure.	<p>Where possible, work could be carried out by local firms and contractors that could help contribute to the local economy and meet any employment needs.</p> <p>Potential opportunities for public education could be identified as part of proposals.</p> <p>Opportunities for proposals to provide recreation/tourism opportunities could be considered.</p>

Construction Impacts	Operational impacts	Potential mitigation or Enhancement
Traffic and Transport		
<p>Vehicle movements associated with the movement of materials, waste and workers to/from sites. There may also be a requirement for pipeline works within or across roads. This could result in congestion and driver delay as well as road safety impacts. Vehicle movements could also cause nuisance to the host community and impacts on wildlife and habitats. Potential requirement for the temporary (and possibly permanent) closure of public rights of way.</p>	<p>Minor impacts expected.</p>	<p>HGV movements and construction vehicles could be routed and timed to avoid peak traffic periods and sensitive receptors.</p> <p>Consideration could be given to the utilisation of waterborne and rail transport to deliver large quantities of construction materials.</p> <p>Where new transport infrastructure is required (for example, roads) consideration should be given to how this can be delivered to maximise public benefit.</p> <p>A detailed transport assessment including a Construction Traffic Management Plan could be undertaken and implemented.</p> <p>Siting and construction activities could be undertaken so as to minimise any short term adverse effects on public rights of way.</p>
Water Quality and Resources		
<p>Potential for contamination to affect groundwater, surface water and water courses from construction activities. Where pipelines cross watercourses, there may be changes to the hydrological regime, continuity, or morphological conditions.</p>	<p>Transfer schemes can adversely affect various parameters of water quality. The effects are dependent on the baseline conditions of the two water bodies that the water transfer is taking place between. The rate of transfer and seasonal timing can also have a significant effect on factors such as iron concentration and the growth of cyanobacteria. These effects in turn could lead to a failure to meet 'good ecological status' or 'good ecological potential' under WFD Regulations.</p> <p>Potential to spread invasive non-native species.</p>	<p>Care should be taken during construction regarding the potential for contaminants such as silt, concrete or fuel oil to pollute water courses or groundwater. Construction activities should be undertaken in accordance with relevant best practice pollution prevention guidance.</p> <p>Realignment of or compensation for directly affected watercourses subject to Water Framework Directive requirements.</p> <p>Appropriate and efficient water treatment processes could be used subject to approval with the relevant authorities and consenting / licensing requirements.</p>

Appendix 2 – Relevant Development Plan Designations

A review of adopted Local Plans and emerging local plans and evidence studies has been undertaken to identify potentially relevant planning designations to the T2ST options. The focus of the review is not to identify every potential planning designation, but to focus on those with the potential to influence or affect the routeing and design of the options, or the ultimate decisions on planning consents. Given that applications for planning consent for T2ST will not be made until a future AMP, there is the potential for planning designations to change before applications for consents are made.

At the current time, the following planning designations or emerging proposals are considered potentially relevant to T2ST.

Planning Designation / Proposal	Local Planning Authority / Location	Relevance to T2ST
North Wessex Downs AONB	Vale of White Horse, West Berkshire Basingstoke & Deane	National landscape designation. Policy tests in NPS, NPPF and Local Plans require applications for major development (such as T2ST) to be refused, except in exceptional circumstances. Applications must demonstrate need, the cost and scope for developing outside the AONB or meeting the need in some other way, and detrimental effects on the environment, landscape and recreation and how that can be moderated. Given the AONB designation, the next phase of the route and site selection will need to consider options to route around or develop outside the AONB, or minimise impacts within it, alongside potential routes and sites within. The fact that T2ST would principally be below ground can be part of case for exceptional circumstances.
SSSIs	West Berkshire, Basingstoke & Deane, Test Valley	There are a number of SSSI which have the potential to be affected by pipeline routes, depending on detailed route and site selection work, including SSSI rivers which will require pipeline crossings, or SSSI sites where there is the potential for indirect impacts arising from construction. Given the potential for detailed assessment of these sites through further environmental assessment, and route and site selection, coupled with the ability to adopt mitigating measures including trenchless construction techniques, it is considered that with appropriate routeing and mitigation, these constraints can be met and overcome.
Local ecological designations	Vale of White Horse, West Berkshire Basingstoke & Deane, Winchester, Test Valley	As with the SSSI designations above, it is considered that with appropriate routeing and mitigation, these constraints can be met and overcome.

Planning Designation / Proposal	Local Planning Authority / Location	Relevance to T2ST
Ancient woodland, veteran trees and important hedgerows	Vale of White Horse, West Berkshire Basingstoke & Deane, Winchester, Test Valley	Most of the LPAs map Ancient woodland above 1ha site size, although it is known that smaller areas below 1ha exist and are subject to the same level of protection as the larger sites. Veteran trees are not universally identified, nor are important hedgerows. Site based surveys would be undertaken as part of the detailed environmental assessment work, enabling these features to be identified and taken into account in route and site selection work, and in the selection of appropriate construction methodologies. As a result, it is considered that with appropriate routeing and mitigation, these constraints can be met and overcome.
Historic environment	Vale of White Horse, West Berkshire Basingstoke & Deane, Winchester, Test Valley	Given the length of pipeline route it is perhaps not surprising that there are many historic environment designations that could potentially be affected, subject to detailed route and site selection and identification of construction techniques. However, given the scope for appropriate route and site selection to take account of known historic environment designations, it is not considered that these would prevent the identification of acceptable routes and sites, and the subsequent consenting of T2ST.
Flood risk	Vale of White Horse, West Berkshire Basingstoke & Deane, Winchester, Test Valley	Each of the LPAs Development Plans identify areas at risk of flooding, utilising the Environment Agency flood mapping, and Flood Risk Assessments undertaken as part of the preparation of Development Plans. Flood Risk is a constraint needing to be properly taken into account within route and site selection, however with appropriate routeing, design, construction techniques and mitigation, it is unlikely that flood risk would risk consenting of T2ST.
Existing Local Plan Development Allocations	Vale of White Horse, West Berkshire Basingstoke & Deane, Winchester, Test Valley	The review to date has not identified any proposed development allocations in existing adopted local plans with the potential to prejudice the T2ST options. Where existing allocations exist, there is clear potential within the detailed route and site selection work to incorporate planned development into the route and site selection decision making.
Emerging Local Plan Development Allocations	Vale of White Horse, West Berkshire Basingstoke & Deane, Winchester, Test Valley	LPAs are required to prepare and keep up to date their Local plans. A number of the LPAs are in the process of reviewing their Development Plans, rolling forward the policies and allocations for a further 5 to 10 years ahead of existing plans. As part of their plans, new allocations of land for housing and other developments will need to be identified. These will need to be kept under review, as work on T2ST progresses, to ensure that the T2ST proposals take into account emerging development proposals, and that new development proposals take account of T2ST, particularly if a Safeguarding Direction is sought. LPAs have registers of land being promoted for potential future development within their areas, and these have been subject of an initial review as part of this Gate 1 report. Although there is land being promoted for development in areas along potential pipeline routes, these are either relatively small in scale such that they can be avoided if necessary as part of route and site selection work, or they are large enough that their development would not be likely to prevent the later development of a pipeline (developments including roads, open spaces and landscaping provide potential pipeline alignments through them). These will continue to be kept under review.

Appendix 3 – Indicative list of other consents required

T2ST Planning and Consent Strategy Report Appendix 3 - Indicative List of Other Consents Required

The table sets out the secondary licenses and consents that may be required for T2ST. The list, which is not exhaustive at this stage of design development, presents the licences and consents that may be required as part of the solution design, scheme construction and operational phases of the project. The required consents and licenses will differ depending on the consenting route for the scheme. Under a DCO consenting route, some secondary consents will be automatically disapplied by the Planning Act 2008, some may only be included (or 'deemed') with the agreement of the consenting body, and the need for others may be capable of being disapplied by powers in the DCO itself (Category C). Under an application for planning permission, there is a broader range of separate consents that will need to be applied for..

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Timescale to prepare application documents (approx.)	Timescale for determination	Surveys and assessments required	Notes	Relevant to Preferred Options	Indicative permitting approach if DCO	Indicative permitting approach if planning application
Works within, or with the ability to effect, a SSSI	SSSI Assent, Section 28E of the Wildlife and Countryside Act 1981.	Natural England	4 weeks	28 days	Phase 1 Ecology Survey	The consent is personal to the owner / occupier of the land included in the SSSI (s28E WCA 1981). Where consent is required for operations within a SSSI, this must be sought from NE by the owner / occupier so that those operations may be lawfully carried out.	Pipeline route has the potential to impact SSSIs (i.e. River Kennet SSSI, River Test SSSI)	To be determined through engagement with Natural England.	Subsequent consent to be applied for separately.
Works within, or with the ability to effect, a European designated habitat site	Habitats Regulation Assessment Report	Competent Authority (Secretary of State for DCO, or Local Planning Authorities for planning application).	6 weeks	At point of project consent	Habitat Regulation Assessment	HRA will need to be complete as part of the application for consent. The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive and the 2017 Habitats Regulation.	Pipeline route has the potential to impact HRA site (e.g. e River Lambourn SAC)	Authorisation under the Habitats Regulations secured as part of the determination of the DCO.	Authorisation under the Habitats Regulations secured as part of the determination of the planning applications
Works that could disturb European protected species (e.g. badger, bats, great crested newt, listed birds)	European Protected Species Licence	Natural England	Species-dependent	30 days	Protected species surveys	Some species may require translocation under licence. The Conservation of Habitats and Species Regulations 2017, regulation 55. Also Protection of Badgers Act 1992, Section 10.	Likely presence of protected species within study area	Letters of No Impediment to be secured for DCO Examination. Subsequent licences to be applied for separately.	Subsequent licences to be applied for separately.
Works that could disturb wild birds or the nest of wild birds	Wildlife Licenses	Natural England	4 weeks	TBC	Phase 1 Habitat Survey	Wild birds or the nest of wild birds are protected under the Wildlife and Countryside Act 1981 (s16). Likely that works will be designed to avoid disturbance to nesting birds. Licences only likely to be granted in exceptional circumstances.	Likely presence within study area	To be determined through engagement with Natural England if required.	Subsequent licences to be applied for separately if required.
Works affecting an important hedgerow, if the hedge is: - A rural hedge, more than 20m long (or any part of such a length) - Less than 20m long but meets another hedge at each end Located on or next to: - Land used for agriculture or forestry - Land used for keeping horses, ponies or donkeys - Common land - A SSSI - A local nature reserve - A PRow	Hedgerow Removal Notice	Local Planning Authority(s)	4 weeks	6 weeks	Phase 1 Habitat Survey High Resolution Aerial Photography Hedgerow condition assessment	The hedgerow removal notice must be served by either the owner of the hedgerow or a 'relevant utility operator' (as defined by the Hedgerow Regs 1997, if to be removed by or on behalf of that operator) who is not the owner, following which the LPA will either serve on that person written notice that the hedgerow may be removed, or the 42 day period has expired without the LPA serving a hedgerow retention notice (Regulation 5, HR 1997). Reg 6(1)(e) of the Hedgerow Regs permits hedgerow removal if it is required for development authorised by a planning permission or deemed planning permission - hence may perhaps be disapplied by grant of a DCO.	Aerial photography indicates the presence of hedgerows along pipeline route which are likely to be deemed important through survey.	Can be authorised under the DCO, and the separate requirement for consent disapplied.	Deemed consent is secured through grant of planning permission

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Timescale to prepare application documents (approx.)	Timescale for determination	Surveys and assessments required	Notes	Relevant to Preferred Options	Indicative permitting approach if DCO	Indicative permitting approach if planning application
Works to trees with Tree Preservation Orders	Tree Preservation Order Consent	Local Planning Authority(s)	6 weeks	8 weeks	Arboriculture Impact Assessment and Method Statement	Regulation 13 Tree Preservation Regs 2012 states that subject to the exceptions in regulation 14, no person shall (a) cut down;(b) top;(c) lop;(d) uproot;(e) wilfully damage; or(f) wilfully destroy, any tree to which an order relates, or shall cause or permit the carrying out of any of the activities in sub-paragraphs (a) to (f) to such a tree, except with the written consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions	Potentially applies - to be confirmed through desk study, maps to be obtained from relevant LPAs	Works can be authorised under DCO to specific identified trees (or tree groups), and the separate requirement for consent disappplied.	Can be included within application for planning permission
Works to trees located within a Conservation Area	Notification of works	Local Planning Authority(s)	6 weeks	6 weeks	Arboriculture Impact Assessment and Method Statement	The outcomes are either: the local authority makes a Tree Preservation Order (TPO) to protect the tree; or does not make a TPO and allows the work to go ahead	Potentially applies - Conservation Areas mapped as part of planning policy review	Works authorised under DCO to specific identified trees (or tree groups)	Can be included within application for planning permission
Tree Felling Licence required where more than 5m ³ per quarter for non-statutory functions, i.e. habitat restoration / management	Tree Felling Licence	Forestry Commission	4 weeks	12 weeks	Arboricultural survey	An application for a felling licence may be made by 'a person having such an estate or interest in the land on which the trees are growing as enables him, with or without the consent of any other person, to fell the trees' (s 10 FA 1967)	Whilst impacts to trees to be avoided, some trees may require felling.	Can be authorised under the DCO with the agreement of Forestry Commission, or authorised subsequently.	No separate consent required if works are authorised under an application for full planning permission
Requirement to temporarily close a PRoW	Temporary Closure Order	Local highway Authority(s)	2 weeks	8 weeks	PRoW condition assessment	The DCO would include a schedule of roads and PRoW to be closed. However, there would still be a requirement to serve notice of the closure. Closures and diversions are likely to be required at multiple stage.	Pipeline routes are likely to be constructed across or along PRoW	Can be authorised under the DCO	Separate application for consent to Highway Authorities
Requirement to permanently close or divert a PRoW	Stopping up or extinguishment of a PRoW	Local highway Authority(s)	2 weeks	16 weeks	PRoW condition assessment	As above	Would seek to avoid, but cannot be excluded at this stage.	Can be authorised under the DCO	Separate application for consent to Highway Authorities
Works or demolition, alteration or extension to a listed building that affects its character as building of special architectural or historic interest. The requirement applies to all types of works and to all parts of those buildings covered by the listing protection (possible including attached and curtilage buildings or other structures), provided the works affect the character of the building as a building of special interest.	Listed Building Consent	Local Planning Authority(s)	2 weeks	8 weeks	HER Records Search Heritage Statement	N/A	A number of Listed Buildings located along route, potential impacts associated with setting, HGV movements, etc.	Can be authorised under the DCO	Can be included within application for planning permission
Works and other activities that physically affect a scheduled monument	Scheduled Monument Consent	Secretary of State (on advice of Historic England)	8 weeks	8 weeks	HER Records Search Heritage Statement	N/A	Whilst no direct impacts are anticipated, potential impacts to setting to be confirmed through assessment	Can be authorised under the DCO	Separate application for consent to Secretary of State
Building of operational buildings where those buildings are staffed and therefore not covered by the exemptions set out in Building Regulations 2010	Building Regulation Consent	Local Planning Authority(s)	2 weeks	12 weeks	Building Regulation	Exemption set out in Buildings Regulations 2010, Regulation 9 & Schedule 2 'Exempt Buildings and Work', Part 2 CLASS2, Buildings not frequented by people.	Potential to apply to the water treatment works and pumping stations.	Contractor to secure authorisation prior to implementation	Contractor to secure authorisation prior to implementation

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Timescale to prepare application documents (approx.)	Timescale for determination	Surveys and assessments required	Notes	Relevant to Preferred Options	Indicative permitting approach if DCO	Indicative permitting approach if planning application
Works in, over, under or affecting the flow of an ordinary watercourse	Ordinary Watercourse Consent	Lead Local Flood Authority(s) or Drainage Board	4 weeks	8 weeks	Flood Risk Assessment	<p>Section 120(3) of the Planning Act 2008 states that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. s120(4) and Schedule 5 state that this may include in particular the diversion of navigable or non-navigable watercourses.</p> <p>Section 23(1) of the LDA 1991 provides that no person shall erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction or erect a culvert in an ordinary watercourse or alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse, without the consent of the drainage board concerned.</p> <p>Section 23(6) states that nothing in this section shall apply to any works carried out or maintained under or in pursuance of any Act or any order having the force of an Act. The DCO is an order having the force of an Act, so land drainage consent is not required.</p>	Crossings of main rivers will be tunnelled. Some small streams where water will be temporarily diverted.	Can be authorised under the DCO with the agreement of LLFA etc, or authorised subsequently.	Subsequent consent to be applied for separately.
Works on or near a main river, on or near a flood defence structure, in a flood plain or, on or near a sea defence	Standard or Bespoke Flood Risk Activity Permit	Environment Agency	4 weeks	12 weeks	Topographic Survey Flood Risk Assessment WFD Compliance Assessment Phase 1 Ecology Survey	Environmental Permits are granted to the 'operator' of a regulated facility ((Reg 13, EPR 2016). The 'operator' is the person who has control of the facility (Reg 7, EPR 2016). The regulator (the EA in England) may transfer an Environmental Permit to a proposed transferee on the joint application of the operator and proposed transferee (Reg 21, EPR 2016)	Pipeline route crosses main rivers (e.g. Kennet, Test)	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.
Works on or near a main river, on or near a flood defence structure, in a flood plain or, on or near a sea defence	Flood Risk Activity Exemption	Environment Agency	4 weeks	7 days	-	As above	Pipeline route crosses main rivers (e.g. Kennet, Test)	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.
Discharging liquid or wastewater into surface water that does not comply with the 'Temporary dewatering from excavations to surface water'	Standard or Bespoke Environmental Permit for dewatering	Environment Agency	4 weeks	12 weeks	Flood Risk Assessment Protected Species Surveys	N/A	Requires Early Contractor Involvement at relevant stage	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.
New water discharge activity	Standard or Bespoke Environmental Permit	Environment Agency	8 weeks	12 weeks	Flood Risk Assessment	NA	Potential for this to apply	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.
Operation of Part A1 Low Impact Installation	Standard or Bespoke Environmental Permit	Environment Agency	8 weeks	16 weeks	Protected Species Surveys HRA EIA WFD Assessment	N/A	Potential for this to apply	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Timescale to prepare application documents (approx.)	Timescale for determination	Surveys and assessments required	Notes	Relevant to Preferred Options	Indicative permitting approach if DCO	Indicative permitting approach if planning application
Operation of Part B Activities related to Local Air Pollution Prevention and Control (this includes the processing of used concrete with a mechanical crusher (for use onsite or at another nominated site)	Environmental Permit	Local Planning Authority(s)	12 weeks	4 weeks' notice of deployment	EIA	N/A	Potential for this to apply	Can be authorised under the DCO with the agreement of the LPAs, or authorised subsequently.	Subsequent consent to be applied for separately.
New requirement to abstract over 20 cubic metres a day and / or impound water by creating a new sluice, weir or dam	Abstraction / Impoundment Licence	Environment Agency	12 weeks	16 weeks	Protected Species Surveys HRA WFD Assessment	N/A	Not expected to apply.	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.
Temporary abstraction of more than 20 cubic metres a day over a period of less than 28 days	Temporary abstraction licence	Environment Agency	12 weeks	28 days	N/A	N/A	Potentially applies, to be confirmed by Early Contractor Involvement	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.
Connection to a mains sewer	N/A	Local Water Authority	8 weeks	Varies	N/A	N/A	Potential for this to apply	Potential authorisation under the DCO with protective provisions, or authorised subsequently.	Subsequent consent to be applied for separately.
New potable mains water connection	N/A	Local Water Authority	8 weeks	Varies	Varies	N/A	Potential for this to apply	Potential authorisation under the DCO with protective provisions, or authorised subsequently.	Subsequent consent to be applied for separately.
For connection of a business to the main sewer supply	Trade Effluent Consent	Local Water Authority	8 weeks	Up to 2 months	N/A	Section 118, Water Industry Act 1991. Required if trade effluent is discharged to the public sewer.	Potential for this to apply	Potential authorisation under the DCO with protective provisions, or authorised subsequently.	Subsequent consent to be applied for separately.
Activities involving use, treatment, disposal or storage of waste (e.g. screening and blending of waste, aerosol crushing, composting, etc.)	Standard or Bespoke Environmental Permit for using, treating, storing and disposing of waste	Environment Agency	8 weeks	Up to 4 months	N/A	Assume that waste carriers are registered with the Environmental Agency.	Potential for this to apply	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.
Activities involving use, treatment, disposal or storage of waste (e.g. screening and blending of waste, aerosol crushing, composting, etc.)	Exemption for using, treating, storing and disposing of waste	Environment Agency	8 weeks	5 working days	N/A	N/A	Potential for this to apply	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Timescale to prepare application documents (approx.)	Timescale for determination	Surveys and assessments required	Notes	Relevant to Preferred Options	Indicative permitting approach if DCO	Indicative permitting approach if planning application
Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size	T7 waste treatment exemption	Local Waste Planning Authority(s)	4 weeks	5 working days	Ground Investigation	N/A	Potentially applies, to be confirmed through ground investigation	Potential authorisation under the DCO with protective provisions, or authorised subsequently.	Subsequent consent to be applied for separately.
Approval of noise generating activities during construction	Section 61 consent (noise and / or vibration)	Local Planning Authority(s)	4 weeks	4 weeks	Noise Impact Assessment	Control of Pollution Act 1974	Proximity of development to residential / sensitive receptors	Subsequent consent to be applied for separately by Contractor.	Subsequent consent to be applied for separately by Contractor.
The operation of a mobile plant for the treatment of soils and contaminated material, substances or products	Standard rules mobile plant permit	Environment Agency	8 weeks	Up to 4 months	Ground Investigation	N/A	Potentially applies	Can be authorised under the DCO with the agreement of EA, or authorised subsequently.	Subsequent consent to be applied for separately.
Permanent alterations or improvements to a public highway	Section 278 highways agreement	Local Highway Authority(s)	8 weeks	Up to 6 months	Topographical Survey Traffic Count Data Visibility Splays	N/A	Potentially applies May be required to enable construction activities	Works can be authorised under DCO and the separate requirement for consent disappplied.	The need for a S278 agreement would be determined as part of the planning permission. If required, a subsequent S278 agreement would need to be negotiated and agreed.
Transport of an Abnormal Load	Notification	Police, Highways Authorities and bridge structure owners such as Network Rail	8 weeks	1 week	N/A	An 'abnormal load' is a vehicle that has any of the following: - a weight of more than 44,000kg - an axle load of more than 10,000kg for a single non-driving axle and 11,500kg for a single driving axle - a width of more than 2.9 metres - a rigid length of more than 18.65 metres	Potentially applies, to be confirmed by Early Contractor Involvement	Subsequent consent to be applied for separately by Contractor.	Subsequent consent to be applied for separately by Contractor.
Transport of a Special Load	Notification	Police, Highways Authorities and bridge structure owners such as Network Rail	8 weeks	Up to 10 weeks	N/A	N/A	As above	Subsequent consent to be applied for separately by Contractor.	Subsequent consent to be applied for separately by Contractor.
Applications for road closures and other restrictions which require a Temporary Traffic Regulation Order (TTRO). This includes restrictions on country roads, footpaths and bridleways	Temporary Traffic Regulation Order	Local Highway Authority(s)	4 weeks	12 weeks	N/A	Road Traffic Regulations Act 1984.	Likely to apply	Works can be authorised under DCO and the separate requirement for consent disappplied. Highway authorities may require use of their Permit Schemes.	Subsequent consent to be applied for separately by Contractor.

Activity	Licence / Consent / Permit or Permission	Regulating or Consenting body	Timescale to prepare application documents (approx.)	Timescale for determination	Surveys and assessments required	Notes	Relevant to Preferred Options	Indicative permitting approach if DCO	Indicative permitting approach if planning application
Works affecting Network Rail Land (within 15m)	Asset Protection Agreement	Network Rail	12 weeks	8 weeks	N/A	N/A	Railway line crossings (tunnelled) at: Steventon, Newbury and Andover	Protective provisions can be secured through the DCO, with subsequent consent to be applied for separately by Contractor.	Subsequent consent to be applied for separately by Contractor.
Hold certain quantities of hazardous substances at or above defined limits	Hazardous Substances Consent, Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 2015	Local Planning Authority(s)	9 weeks	8 weeks	N/A	N/A	Potential for materials to be used for commissioning pipeline	Works can be authorised under DCO and the separate requirement for consent disappplied.	Can be secured alongside application for planning permission, through an application to the LPA for Hazardous Substance Consent.
Working in close proximity to fuel pipeline	Part 4 Energy Act 2013	CLH Pipeline System Limited. Potential for other pipelines within corridor too.	TBC	TBC	N/A	CLH Pipeline Systems acquired the Government Pipeline and Storage System and has the benefit of Part 4 of the Energy Act. This includes safe operation of pipelines.	Route crosses pipeline	Protective provisions can be secured through the DCO, with subsequent consent to be applied for separately by Contractor.	Subsequent consent to be applied for separately by Contractor.
Works within Common Land and / or Village Greens	Section 38 Consent, Commons Act 2006	Secretary of State	8 weeks	6 months	EIA, Land referencing	Land referencing to be completed. Consent for works affecting Common Land.	Route selection would seek to avoid requirement for Crown land. Not able to rule this out at this stage.	Can be secured through the DCO, but subsequent additional Common Land Consent procedure may be required depending on impacts on Common Land.	Subsequent consent applied for following planning permission.
Works within Crown Land	Section 135, Planning Act 2008	Secretary of State	TBC	TBC	Land referencing	Land referencing to be completed. Consent to acquire third party interests in Crown land	Route selection would seek to avoid requirement for Crown land. Not able to rule this out at this stage.	Compulsory acquisition of rights over Crown Land not available.	Subsequent consent applied for following planning permission.
Notification of Construction Project	Construction (Design and Management) Regulations 2015	Health and Safety Executive	1 week	N/A	N/A	The CDM Regs require that the Health and Safety Executive is notified of the construction project. The contractor would issue this notice, in advance of construction commencing.	Yes	Contractor notification prior to implementation	Contractor notification prior to implementation