



13 July 2011

Dear Consultee

Consultation on Streamlining the Planning Process for Nationally Significant Wastewater Transfer and Storage Infrastructure Projects

Making an Order under Section 14 of the Planning Act 2008

I am seeking your views on the attached draft secondary legislation and its corresponding Impact Assessment by **Wednesday 5th October**.

The proposed legislation is known as an Order made under section 14 of the Planning Act 2008, or a "Section 14 Order" for short. It would enable proposed major wastewater transfer and storage infrastructure projects (sewers) to undergo the same streamlined planning application process as other major infrastructure projects such as large sewage treatment works and power stations.

The Planning Act 2008 establishes thresholds for certain types of major infrastructure projects in the fields of energy, transport, waste, wastewater and water to be classed as Nationally Significant Infrastructure Projects (NSIPs). This streamlines their planning process by enabling sponsors of NSIPs to make a single application for a Development Consent Order to the Infrastructure Planning Commission (IPC).

The IPC is scheduled to be abolished and replaced by a more democratically accountable Major Infrastructure Planning Unit within the Planning Inspectorate once the Localism Bill completes its Parliamentary process and receives Royal Assent.

The planning process for NSIPs has replaced one which required sponsors of major infrastructure projects to make applications for planning permission to local planning authorities through which the infrastructure would be built. This often led to lengthy delays in determining the potentially multiple applications, which in turn led to planning blight for local communities coupled with severe cost implications for project sponsors and investors.

Before accepting an application and consequently making its recommendation to Ministers on whether to grant a Development Consent Order, the IPC, or its successor, needs to be

satisfied that the sponsor of an NSIP has consulted local planning authorities and communities in accordance with the requirements of the Planning Act 2008. Local planning authorities remain closely involved in the development consent application process, though are not required to consider separate individual applications for planning permission.

The Planning Act 2008 currently excludes wastewater transfer and storage infrastructure projects. The proposed Section 14 Order (**Annex A**) would rectify this and include those projects in England above a storage capacity threshold of 350,000 cubic metres as NSIPs. They would then undergo the same planning process as other NSIPs such as large sewage treatment works and power stations. Other considered policy options are contained within the corresponding Impact Assessment (**Annex B**).

The benefits of a more streamlined planning process for major wastewater transfer and storage infrastructures are illustrated by the Thames Tunnel project in London. Sponsored by sewerage utility company Thames Water, the Tunnel addresses the need for necessary improvements in sewerage collection and treatment in London.

Without the Section 14 Order, multiple applications for planning permission would need to be made to 14 separate local planning authorities. This makes the process much more time consuming and expensive than necessary for everybody involved: local communities, local authorities, project sponsors and investors.

Your Views

Comments are specifically being sought on the following:

1. Is the draft Section 14 Order's 350,000 cubic-metre (m³) volume threshold for a proposed wastewater transfer and storage infrastructure set at an appropriate level, capturing only those projects which should be classed as NSIPs and so undergo the same streamlined planning process as other NSIPs?
2. If not, what threshold would be more appropriate and why?
3. Are the proposed supplemental provisions in the Section 14 Order appropriate? These are to enable projects that become an NSIP as a result of the Order to proceed without delay, e.g. they would enable any public consultations carried out on a project in accordance with the requirements for an NSIP to be considered once the project becomes an NSIP and its sponsors make an application to the IPC, or its successor.

We are holding "question and answer" sessions in Ergon House, Horseferry Road, London SW1P 2AL on the following dates:

- i. Tuesday 2nd August, 10.30-11.30am
- ii. Wednesday 7th September, 2.00-3.00pm
- iii. Tuesday 20th September, 4.00-5.00pm

If you would like to come to one of these sessions then please tell us which one by contacting us at:

- e-mail: section14order@defra.gsi.gov.uk
- telephone: 020 7238 5865/2019

Please note that this public consultation relates solely to the planning process for large wastewater transfer and storage infrastructure projects.

Sewerage utility company Thames Water intends to undertake a 12-week public consultation in Autumn 2011, during which it aims to finalise a route for the proposed Thames Tunnel in readiness for an application for a Development Consent Order to the IPC, or its successor, in summer 2012.

Any queries relating to the proposed route and associated issues for the proposed Thames Tunnel should be addressed to Thames Water at:

<http://www.thamestunnelconsultation.co.uk>

Threshold

The proposed 350,000m³ threshold in the draft Section 14 Order has been informed by reference to large wastewater transfer and storage infrastructure projects constructed within the past ten years and those expected to be constructed within the next ten years. Two projects have been identified which exceed the proposed threshold within the Order:

- i. the Lee Tunnel: 370,000m³ capacity, currently being constructed in north east London, and
- ii. the proposed Thames Tunnel project: 1,580,000m³ capacity, to be constructed under the River Thames in London.

In the case of the Lee Tunnel, the Section 14 Order would have meant that the project sponsors would have applied for a Development Consent Order directly to the IPC, rather than have made applications for planning permission to the local planning authorities through which the infrastructure runs. This project already has consent however, so will not be affected by these proposed changes.

In the case of the proposed Thames Tunnel project, the Order would mean that the project sponsors would need to make an application for a Development Consent Order directly to the IPC, or its successor, rather than make multiple applications for planning permission to the local planning authorities through which the infrastructure would run.

Supplemental Provisions

The supplemental provisions within the draft Section 14 Order would enable public consultations carried out on a project in accordance with the Planning Act 2008's

requirements for NSIPs to be considered once the project becomes an NSIP and its sponsors make an application to the IPC, or its successor.

The Secretary of State for Environment, Food and Rural Affairs, Caroline Spelman MP, announced in a written ministerial statement of 16 November 2010 that it was her intention for the proposed Thames Tunnel project to be classed as an NSIP so that it undergoes the same planning process as other NSIPs such as major sewage treatment works (**Annex C**).

Without the supplemental provisions in the Section 14 Order, Thames Water would need to undertake a repeat consultation once the Thames Tunnel has formally become an NSIP. This would delay an application to the IPC, or its successor, by an estimated six to nine months, adding a considerable cost to the project which would be borne by all Thames Water customers through their sewerage bills.

Who is being consulted?

This consultation is being sent to organisations that include local planning authorities in England, the Local Government Association, the Greater London Authority, the Mayor of London, the Royal Town Planning Institute, the Town and Country Planning Association, the Water and Sewerage Companies in England, WaterUK, Ofwat and the Consumer Council for Water.

If you are aware of anyone or any organisation that might be interested in seeing and commenting on the proposed legislation but is not listed in the attached **Annex D**, please let us know (via the contact points below) and we will also seek their views.

Responses

The deadline for responses is **Wednesday 5th October 2011**.

By e-mail:

section14order@defra.gsi.gov.uk

By post:

*Section 14 Order Consultation Responses
Department for Environment, Food and Rural Affairs
Ergon House (2A)
Horseferry Road
London SW1P 2AL*

Consultation Criteria

The consultation is in line with the Code of Practice on Consultations. This can be found at <http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>.

If you have any comments or complaints about the consultation process, please address them to Defra's Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, London SW1P 3JR, or email: Consultation.coordinator@defra.gsi.gov.uk

When this consultation ends, we intend to put a copy of the responses in the Defra library at Ergon House, London. This is so that the public can see them. Also, members of the public may ask for a copy of responses under freedom of information legislation. To see consultation responses, please contact the library at:

Defra
Information Resource Centre
Lower Ground Floor
Ergon House
17 Smith Square
London
SW1P 3JR

Telephone: 020-7238-6575
Email: defra.library@defra.gsi.gov.uk

Please give the library 24 hours' notice. There is a charge for photocopying and postage.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.

We will summarise all responses and place this summary on our website at <http://www.defra.gov.uk/consult/> . This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

Next Steps

Following public consultation, responses will be analysed and Ministers will consider making any revisions to the draft Section 14 Order. It would then undergo Parliamentary scrutiny and an affirmative approval process before the Order could come into effect. This process typically lasts 8 weeks from the draft Order's introduction into Parliament to final Parliamentary approval for its making. Following such approval, a Section 14 Order could be anticipated as coming into effect in February 2012 at the earliest.

Enquiries

Please contact us if you have any queries regarding the content or scope of this consultation or if you would like to attend one of the following "question and answer" sessions at Ergon House, Horseferry Road, London SW1P 2AL:

- i. Tuesday 2nd August, 10.30-11.30am
- ii. Wednesday 7th September, 2.00-3.00pm
- iii. Tuesday 20th September, 4.00-5.00pm

- e-mail: section14order@defra.gsi.gov.uk
- telephone: 020 7238 5865/2019

Yours sincerely,

John Manning
Policy Adviser, Water Supply & Regulation
Defra

Annex A – Draft Section 14 Order

Annex B – Impact Assessment

Annex C – Secretary of State's statement of 16 November 2010

Annex D – List of consultees