

Anglian Water Services (AWS) wishes to raise matters in its capacity as a Statutory Undertaker, including those in respect of comments from the Applicant on information requested by the ExA and received by deadline 4.

1. 'Applicant Response to Examining Authority's Second Written Questions' (Document Reference: EN010141/DR/8.44)

(a) Page 15 - The Draft Development Consent Order - ExQ2 Ref. Q2.5.0.2 Surface Water Management Plan:

As set out in its Relevant Representations (RR-069), AWS sought clarification as to whether the Applicant intended to utilise the public sewer network to manage surface water arising from the Proposed Development.

The Applicant has confirmed within the above document that there is no intention to discharge surface water to the public sewerage network and, therefore, it considers there is no requirement for AWS to be consulted on the final Surface Water Management Plan. AWS notes this position. However, this approach could be subject to change, AWS should be included as a named consultee for the discharge of Requirement 14(1) of the draft DCO relating to surface water management, alongside the relevant Lead Local Flood Authority.

Surface water should be managed in accordance with the drainage hierarchy. Where discharge to the public sewer network is proposed, AWS should be consulted on the drainage strategy and discharge of requirements. This is necessary to ensure that any proposed connection would not adversely affect existing customers through increased sewer flooding risk and to support the preferential management of surface water through infiltration, discharge to watercourses, or reuse on site, rather than utilising limited public sewerage and water recycling capacity, which carries operational and carbon implications.

Consultation with AWS would allow its technical response to be considered alongside those of the other named consultees when determining whether the drainage strategy is satisfactory and the relevant requirement can be discharged.

AWS also notes that Article 18(3) of the draft DCO provides a general right to connect to apparatus belonging to Statutory Undertakers, including AWS. Whilst any discharge to a public sewer would require AWS's consent, this provision does not address the concerns outlined above regarding consultation on the acceptability of a surface water drainage strategy. If it is not the Applicant's intention to connect to the public sewerage network, AWS questions the necessity of retaining the right to connect under Article 18(3), particularly as no such connection has been proposed or requested as part of the application.

AWS notes that it has become common practice on a number of recently examined and consented DCO projects to be included as a named consultee in relation to the discharge of drainage-related requirements where a potential connection to the public sewerage network exists. Examples include, Cottam Solar Project; One Earth Solar Farm; Beacon Fen Energy Park; Fosse Green Energy Project; Rosefield Solar Farm; and Green Hill Solar Farm.

AWS respectfully requests that the Examining Authority give consideration to this matter and recommends that AWS is included as a named consultee for the discharge of Requirement 14(1) should any future surface water drainage proposals involve, or have the potential to involve, discharge to the public sewerage network.

(b) Page 34 - Water Environment - Q2.10.3 Water Supply:

AWS wishes to clarify that information has been provided to the Applicant regarding the process for obtaining water supplies for both domestic and non-domestic uses. The Applicant states that it has recently undertaken a pre-planning assessment with AWS in relation to water supply requirements and potential connection arrangements. However, any agreement in principle arising from this assessment is only valid for a specified period of twelve months. A separate formal application would, therefore, still be required to secure approval for a water supply and the associated connection point(s).

2. Draft Development Consent Order (Ref. REP3-009)

AWS submitted Relevant Representations (RR-069) raising concerns that the draft DCO does not include AWS's bespoke Protective Provisions (PPs), instead relying on the standard PPs set out in Schedule 13, Part 1 for the protection of electricity, gas, water and sewerage undertakers.

We note that no further update has been provided within the Deadline 4 submissions regarding the position on outstanding concerns raised by AWS as a Statutory Undertaker in relation to the draft DCO.

Since the introduction of the Planning Act 2008 regime, it has been AWS's established policy not to accept the generic utility PPs commonly included in draft DCOs. Whilst we are unable to comment on the extent to which the water industry was consulted during the development of these standard provisions, AWS considers that they do not provide adequate protection for its assets and statutory functions. Accordingly, it is essential that a separate set of PPs specific to AWS is included within the DCO where AWS is an affected water and/or sewerage undertaker.

AWS and the Applicant are engaged in discussions regarding the wording of our template bespoke PPs. Whilst AWS remains hopeful that agreement can be reached prior to the close of the Examination and that these can be incorporated into the final DCO, it considers this matter sufficiently important to bring to the attention of the ExA as an outstanding issue. AWS notes that the status of discussions regarding PPs is not reflected in the most recent Examination documentation and therefore wishes to ensure that its concerns and position are formally recorded should agreement not be reached before the conclusion of the Examination.