



Thames Water Written Representations

Botley West Solar Farm Project
Development Consent Order
Planning Inspectorate Ref: EN010147

Botley West Solar Farm DCO

Thames Water Utilities Limited Written Representations

Introduction

Thames Water Utilities Limited (“TWUL”) is appointed under Chapter 1 of Part II of the Water Industry Act 1991 as the water and sewerage undertaker for the Thames region, which includes the area comprising the Proposed Scheme. As such, TWUL is a statutory undertaker for the purposes of the Planning Act 2008. TWUL owns and operates water and sewerage infrastructure that lies within the Order limits of the Proposed Scheme, including key water mains, sewers and property interests.

As set out in its Relevant Representations (Planning Inspectorate Ref: EN010147) (“RRs”), TWUL has ongoing concerns regarding the Proposed Scheme which are yet to be progressed or resolved. As such, the RRs were submitted as a holding objection pending further engagement and resolution of the raised issues. These Written Representations (“WRs”) serve to supplement the RRs and should be read in conjunction with those.

Summary Of Key Issues As Raised In The Relevant Representations

1. Since the submission of the RRs, there has been minimal contact with the Applicant or its legal representatives. In terms of the substantive issues raised (which are reiterated below), no progress has been made since the date of the RRs and TWUL is keen to engage with the Applicant to resolve these issues collaboratively.
2. In its RRs, TWUL noted that it requires a thorough review of the Applicant’s outline infrastructure drainage strategy to understand the full impact of the scheme, but this is yet to be submitted. Should the Applicant wish to connect to TWUL’s foul or surface water networks, a pre-development inquiry must confirm network capacity and additionally, TWUL requests that it is a consultee for Requirement 9 whereby details of the surface water drainage works and (if any) foul water drainage system are submitted for approval. TWUL has not received any correspondence from the Applicant on this issue.
3. TWUL is concerned about the degree of asset protection which has been provided for under the draft Development Consent Order (“dDCO”). TWUL requires the Applicant’s compliance with TWUL’s “Guidance For Working Near Our Assets” document and seeks clarification as to whether the Applicant would be considered a utility undertaker under the National Joint Utilities Guidelines. TWUL is yet to understand what developments have been made in relation to these issues.
4. TWUL owns interests in land identified in the Book of Reference for compulsory acquisition or temporary possession. TWUL is seeking to agree Protective Provisions with the Applicant to protect its interests and mitigate against any impacts, so that TWUL is able to continue effectively discharging its statutory and licence obligations.
5. Due to concerns surrounding potential adverse impacts on the operations of the Farmoor Reservoir, alongside its environmental and community value (being a sensitive recreational and ecological site), TWUL submitted in its RRs that the construction activities near Farmoor Reservoir must include bespoke method statements to mitigate noise, vibration and other disturbances. At present, some concerns in relation to this area include:

- i. impacts on recreational users of the reservoir, including anglers, sailors and walkers;
 - ii. protection of the reservoir's natural state and nearby nature reserves, including Pinkhill Meadow, Shrike Meadow and Buckthorn Meadow;
 - iii. protection of wildlife, particularly birds, which enhance the area's appeal; and
 - iv. access for all users to continue enjoying the facilities of the reservoir.
- 6. Further in relation to Farmoor Reservoir, there are concerns around the proposed location of the substation, being in close proximity to the embankment of the reservoir (which is a statutory reservoir regulated under the Reservoirs Act 1975). The construction of a substantial foundation in this area has the potential to impact the integrity and safety of the reservoir embankment and given the importance of reservoir safety, the following matters must be addressed by the Applicant in advance of any construction proceeding:
 - i. TWUL's reservoir safety team must review and approve all proposed excavation works associated with the substation, given their proximity to the embankment;
 - ii. detailed plans and cross-sectional drawings of the proposed substation and its foundation must be provided to TWUL for review;
 - iii. full details of all materials, plant and equipment proposed for use in the construction of the substation must be submitted to TWUL for assessment; and
 - iv. any proposed access restrictions to the reservoir, including during the construction phase, must be clearly set out in writing and provided to TWUL for approval.

Due to Farmoor Reservoir being a statutory reservoir, there are significant legal and operational impacts that will arise as a result of the failure of the Applicant to adequately consider the impacts of the proposed scheme. TWUL submits that no work may proceed in this area until the reservoir safety team has formally reviewed and approved the proposals and as such, TWUL is keen to engage with the Applicant on all issues in relation to Farmoor Reservoir. However, no progress has been made since the submission of TWUL's RRs.

- 7. TWUL and the Applicant are yet to agree a suitable form of protective provisions for inclusion in the dDCO, primarily to safeguard TWUL's assets. Despite the fact that discussions between TWUL's legal representatives and the Applicant's legal team remain ongoing, there has been a lack of progress since the submission of TWUL's RRs. This is due to the fact that the Applicant's legal team are yet to provide an updated undertaking for negotiations to continue and TWUL keenly awaits this to proceed.

Conclusion

TWUL's position has been outlined in the submitted RRs and this WR and TWUL looks forward to working with the Applicant to resolve the outstanding issues.



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