



Planning Inspectorate

**White Horse Reservoir (previously known as South East Strategic Reservoir
Option)
- WA010005**

Thames Water Utilities Limited

Section 51 advice regarding draft application documents

Issued on 31 July 2026

On 19 June 2026 Thames Water Utilities Limited submitted the draft documents listed in the tables below for review by the Planning Inspectorate as part of its ['Pre-application Service'](#).

The advice recorded in the tables below relates solely to matters raised from the Planning Inspectorate's review of the draft application documents. The advice is limited by the maturity of the documentation provided by the applicant and the time available for consideration and is raised without prejudice to the acceptance decision, the decision about admission to the fast track procedure (where relevant) or the final decision about whether development consent should be granted. The applicant has been given the opportunity to comment on the Planning Inspectorate's draft record of advice before it was published.

General	
Ref No.	Comment or question
1.	Numerous documents (including the draft Development Consent Order (dDCO), the draft Explanatory Memorandum (EM) and the draft Funding Statement (FS)) refer to section (s) 35 of the Planning Act 2008 (PA2008). It is noted that the applicant sought a s35 direction from the Secretary of State (SoS) and that the SoS granted this on the basis that the proposed development did not, at the time, meet s27(1)(b) of PA2008. As noted within, for example, footnote 2 of the draft FS, the requirement for water resources infrastructure to be delivered by a water undertaker is no longer a qualifying criterion in s27(1)(b) of PA2008. This is on the basis that this section was amended, with effect from 18 December 2025, by section 3(2)(a) of the Planning and Infrastructure Act 2025, to enable delivery of water resources infrastructure by, <i>or by a person appointed by</i>, one or more water undertakers. The applicant should have regard to the implications of this for any future application made under PA2008 for development consent (including all relevant application documents), as the proposed development may now be considered a Nationally Significant Infrastructure Project (NSIP) under s14(1)(m) and s27(1)(a), (b) and (c) of PA2008.

Draft development consent order (dDCO)		
Ref No.	Article (A)/ Schedule (Sch)/ Requirement (R)	Comment or question
1.	General	Numerous schedules, including requirements, have not been provided to enable any commentary on them. The applicant should pay close attention to all aspects of Planning Inspectorate Advice Note Fifteen and Planning Act 2008: Guidance on preparing an application: Part 3 - Content of a Development Consent Order when preparing any future dDCO submission.

Draft development consent order (dDCO)

Ref No.	Article (A)/ Schedule (Sch)/ Requirement (R)	Comment or question
2.	General	Where the dDCO refers to another application document, ensure the correct name of that document is cited.
3.	General	Numerous articles cross refer to relevant 'columns' and/ or 'Parts' of 'Schedules' – ensure these cross references are accurate in any submitted dDCO and that parts of schedules appear on the contents page as necessary.
4.	Footnotes	Footnotes should follow standard SI convention of (a), (b), (c) etc... rather than (1), (2), (3) etc..
5.	Articles general	All articles in the main body of the dDCO are incorrectly numbered and do not correspond with those of the contents page (it appears that this is because numbering starts at Article 4 rather than Article 1). This also has implications for the accuracy of all cross referencing to article numbers throughout the dDCO. This will need correcting. Please note that all references to article numbers below are as the articles as numbered in the main body of the dDCO.
6.	Articles general	There are numerous examples of where text has not yet been included/ confirmed including where there are references to 'XX' or wording within square brackets – ensure these are completed in any submitted dDCO.
7.	A5(1)	"commence" – this definition excludes the preliminary works as identified. However, consideration should be given to whether any of the preliminary works identified should not be excluded on the basis that they may have implications for effects on, for example, archaeology or ecology.
8.	A6(1)	Add the words 'within the Order limits' to the end of the sentence.

Draft development consent order (dDCO)

Ref No.	Article (A)/ Schedule (Sch)/ Requirement (R)	Comment or question
9.	A7	Amend to have two sub-paragraphs with the existing sentence as (1) and the second as '(2) This article only authorises the carrying out of maintenance works within the Order limits.'
10.	A8(1)(a) and (c)	Ensure any 'parameters plans' clearly specify any vertical limits.
11.	A8(1)(b)	The necessity for this part of the article should be clarified in the EM as the land plans, as a certified document, would already control the extent of works.
12.	A8(2) and (3)	Consideration should be given to the appropriateness of these parts of the article, particularly if Article 8(1)(b) was retained, on the basis that this would allow for works outside of the Order limits with, for example, implications for additional compulsory acquisition or temporary possession of land and rights.
13.	A10(5)(a) to (d)	Ensure the organisations are fully defined.
14.	A17(2)(c)	Consider if there should be the word 'and' after the semi-colon and check all punctuation within the dDCO is correct.
15.	A26	Text missing, should this article be necessary.
16.	A30	Unless it has been demonstrated that human remains are likely, this article tends to be removed/ considered unnecessary by the SoS (see, for example, the SoS decision letter for the Viking CCS Carbon Dioxide Pipeline project and the SoS decision letter for the Bramford to Twinstead Reinforcement project)

Draft development consent order (dDCO)

Ref No.	Article (A)/ Schedule (Sch)/ Requirement (R)	Comment or question
		Should such an article be considered necessary, (14)(a)(ii) contains some superfluous wording and it could be that (14)(a)(i) and (ii) could be combined.
17.	A31	For clarity, consideration should be given for any associated schedule, or part thereof, to identify any important hedgerows or trees subject to a tree preservation order.
18.	A33(1), A37(7)(b) and A41(3)(b)	A time limit in excess of 5 years would be unusual and would need to be fully explained and justified.
19.	A39(2)(b)	As A39 (as explained in the EM) relates to the acquisition of land or rights in subsoil or airspace only, the provision for the acquisition of rights over the surface of the land would appear conflict with this.
20.	A43(9)	The EM does not explain the reason for Article 43(9). However, as only temporary possession (TP) is sought over the plots referred to in (1)(a)(i), the first part, for clarity, should read: 'The undertaker may not compulsorily acquire, acquire new rights over or impose restrictive covenants over, the land referred to in paragraph (1)(a)(i) under this Order.' Furthermore, as plots referred to in (1)(a)(i) are identified for TP only, (9)(a) and (b) would appear to be excessive as they would allow the acquisition of some rights or the extinguishment of some rights over such land. In addition, regarding (9)(a), there would not normally be any crossover of land in schedule 8 (TP only) and schedule 7 (CA of subsoil and airspace) in any event.
21.	A48	It is unclear whether any special category land would be affected and thus the necessity for this article.
22.	A49	It is unclear whether any Crown land would be affected and thus the necessity for this article.

Draft development consent order (dDCO)

Ref No.	Article (A)/ Schedule (Sch)/ Requirement (R)	Comment or question
23.	A55(6)	This refers to 'decommissioning' (as does the EM explanation). However, ES Chapter 2 paragraphs 2.8.1 and 2.8.2 set out that the proposed development would be permanent and would not be decommissioned. This contradiction should be explained.
24.	A56	Note that such an article (or a similar article) tends recently to have been removed by the SoS in order to ensure compliance with the Supreme Court's judgment in <i>Hillside Parks Ltd v Snowdonia National Park</i>. Were this article to remain in any submitted dDCO, further justification in the EM, specific to the proposed development, should be provided. Whilst a different type of project, see for example, paragraph 9.1.2.3 of the SoS decision letter for The Springwell Solar Farm.
25.	Sch 1	First paragraph – please note the matter referred to in Item 1 of the 'General' table above.
26.	Sch 1	The schedule cross refers to Article 5 – should this instead cross refer to Article 3 (once all article numbers are corrected as per Item 5 of this table above)? Check all schedules for accuracy of article cross referencing.
27.	Sch 1	First paragraph – consider whether this paragraph (or elsewhere) should also refer to the Vale of White Horse District and South Oxfordshire District (noting these are referred to in paragraph 2.4.1 of ES Chapter 2).
28.	Sch 1	The approach is to include associated development in combination with works for which development consent is required, rather than separating these out. If this is taken forward into the submitted dDCO, then the EM should clearly set out, for clarity, what is development for which development consent is required and what is associated development as per s115(1)(b) and (2) of PA2008.

Draft development consent order (dDCO)		
Ref No.	Article (A)/ Schedule (Sch)/ Requirement (R)	Comment or question
		In addition, the EM should provide justification as to why any development identified as associated development would fall within this category (including, but not limited to, elements such as infrastructure associated with other future water infrastructure projects; the two recreational lakes and Recreational Lakes Centre; the Water Sports Centre; and the Nature Education Centre). In respect of justifying development as associated development, the applicant should have regard to DCLG's Planning Act 2008 - Guidance on associated development applications for major infrastructure projects .
29.	Sch 1, Work No. 6(b)	Consider whether there should be the word 'and' instead of the last comma (check all other Work Nos. punctuation for similar occurrences, such as Work No.10(a)(iv) and Work No. 33(a)).
30.	Sch 1, Work No. 7(d)	Consider whether this should refer to ' <u>An</u> access track [...]'

Draft DCO explanatory memorandum (EM)		
Ref No.	Paragraph (para)/ Section	Comment or question
1.	General	There are numerous examples of where text has not yet been included including where there are references to 'XX' or square brackets – ensure there are completed in any submitted EM.
2.	General	Ensure font consistency throughout – see for example page 18.

Draft DCO explanatory memorandum (EM)

Ref No.	Paragraph (para)/ Section	Comment or question
3.	Para 10.22	The relevant article in the dDCO also uses the term 'or near any part of the authorised development'. The term should be clarified and the scope of the power sought justified.
4.	Para 11.3 (and elsewhere where 'ten years' is cited)	A time limit in excess of 5 years would be unusual and would need to be fully explained and justified.
5.	Para 11.15	'1981 Act' is not clearly set out in full and noting two acts from 1981 are referred to in paragraphs 11.3 and 11.5, this causes some uncertainty – ensure clarity around any shortening of terms or legislation throughout.
6.	Paras 11.22 and 11.23	It would be helpful to clarify, with examples, the reasons for the necessity to acquire rights in subsoil and airspace.
7.	Paras 12.27 to 12.30	This should explain precise reasons for the necessity of proposed disapplication of any local legislation.
8.	Section 13 – Schedule 1	See commentary for item 28 of the draft DCO table above.
9.	Other schedules	These have not been explained given they do not fully appear in the dDCO. All schedules, including requirements, should be fully explained in any submitted EM.

Draft sample works plans and land plans

Ref No.	Plan Name and Ref	Comment or question
1.	Draft sample land plans	• Ensure there is a key plan in any submitted document and have regard to <u>all</u> advice regarding land plans as set out in Annex C of the Department for Communities and Local Government's Planning Act 2008 - Guidance related to procedures for the compulsory acquisition of land (DCLG CA Guidance). • It would be helpful in the legend to have the powers sought in ascending order (that is, pink land first). • The Statement of Reasons and EM note that temporary possession would also be sought over plots identified for CA of land and CA of rights – this should be clarified on the land plans. • Ensure all plots are clearly annotated, including in inset boxes – for example: ○ it is unclear from Inset Box A which land the 'arrow' for Plot 01-004 is pointing to ○ it is unclear in Inset Box A whether the slither of blue land directly above the label for Plot 01-004 is unnumbered or part of Plot 01-010 ○ it is unclear in Inset Box B which land the 'arrow' for Plot 01-010 is pointing to ○ in Inset Boxes B and C, the 'arrows' for plots are the same thickness as plot boundaries – this creates some ambiguity around plot boundaries • The plan provided is searchable by plot number – ensure plot numbers in any final document are also searchable • It is unclear from the documents (including the dDCO and SoR) whether any Crown land or special category land would be affected – if it is, relevant land plans would need to be provided.
2.	Draft sample works plans	J696-ARB-A01A-ZZZZ-DR-ZD-000100 • Unusual to have colours/ works areas shown on the key plan - remove the colours/ works areas from the key plan and just show the Order limits and sheet areas. • The Order limits on the key plan do not wholly correlate with those on, for example, sheet 13.

Draft sample works plans and land plans

Ref No.	Plan Name and Ref	Comment or question
		- Remove the dashed lines from the sheet area boundaries. J696-ARB- A01A-ZZZZ-DR-ZD-000113 - Albeit the same colour, Work Nos 34(a) and (e) are separated out – consider whether the plans sufficiently identify any necessary boundaries for these and any other sub-works (this matter would apply to all works plans) - There are considerable areas of land within the Order limits which are white and without any work numbers – check if this is correct and if so, this should be explained either on the Works Plans and/ or in the Statement of Reasons, noting that the applicant needs to be able to demonstrate a need for such land/ how it intends to use the land. - The ‘Thames Water’ logo appears blurred – consider a higher definition logo J696-ARB- A01A-ZZZZ-DR-ZD-000129 - The colours on the plans for Work Nos. 25 and 26 do not appear to fully correlate with the colours of these works in the legend – check all colouring of plans for accuracy and clarity - There are some crossovers of work numbers – consider whether these should be annotated for clarity - There are considerable areas of land within the Order limits which are white and without any work numbers – check if this is correct and if so, this should be explained either on the Works Plans and/ or in the Statement of Reasons, noting that the applicant needs to be able to demonstrate a need for such land/ how it intends to use the land. - The ‘Thames Water’ logo appears blurred – consider a higher definition logo

Draft consultation report, including section 42 consultee list

Ref No.	Para/ Section	Comment or question
1.	General	It is acknowledged that the content of appendices have not been included in this submission and consequently the Inspectorate is unable to comment on the presentation and information contained with this content. The Inspectorate is unable to verify information stated in the Consultation Report without the appendices.
2.	Para 9.2.7	Missing date where applicant issuing a section 48 notice is mentioned.
3.	General	Under the updated legal framework there is no longer a statutory requirement for applicants to carry out pre-application consultation. Consequently, applicants are no longer required to submit a consultation report with their application. Planning Act 2008: Guidance on preparing an application: Part 2 - Application contents - GOV.UK

Draft environmental statement (ES) project description chapter 2

Ref No.	Para/ Section	Comment or question
1.	General	Consider referring to the 'Order land' or the 'Order limits' rather than the 'site' to avoid any ambiguity – this would also apply to all other ES Chapters and documents.
2.	Table 2.19	The table indicates 1250 visitor parking spaces would be provided. However, paragraph 2.7.25 suggests at times there may be 3300 vehicles arriving across the day.
3.	Para 2.5.184	It is unclear what the 'T&T' is referring to parts a to j.
4.	Figure 2.4	It should be made clear in the figure legend what the 'C' and 'W' markers represent.

Draft environmental statement (ES) project description chapter 2

Ref No.	Para/ Section	Comment or question
5.	Figure 2.5	- It would be helpful to clearly annotate the names of relevant roads, particularly construction routes. - It should be made clear in the figure legend what the 'A' markers represent. - There does not appear to be an ancillary construction access for 'A3' (albeit it is noted in ES Chapter 2 that it was combined with 'A2', it could be worthwhile adding a short note to the figure explain this). - Whilst there is an orange arrow for ancillary construction access 'A13', this does not appear to link to a route identified to be used by construction heavy goods vehicles.
6.	Figure 2.7	The figure does not show the whole of the Order limits – ensure there are no properties beyond the plan boundaries which would be affected.
7.	Paragraph 2.2.22	'Notable environmental design developments' are listed in paragraph 2.2.22. It is unclear whether this lists all of the design changes since scoping and such changes are not described in detail. It is recommended to set out all the differences between the project description provided at scoping compared to the current project description and why any changes have been made. There should be evidence provided that the ES has been based on the most recent scoping opinion.
8.	Paragraph 2.2.22	It is unclear what is meant by Environmental Net Gain and this may get confused with the terminology and measurement for Biodiversity Net Gain. It is recommended the distinction between the two is explained/ made clear in the ES and application.
9.	Various tables throughout ES Chapter 2	The Inspectorate notes a number parameters are set out in the ES that are not secured through the dDCO. Limits of deviation and parameters are set out in tables and the description throughout ES Chapter 2. These should align with the works plans and with what is secured through the dDCO and the ES should explain how these are secured; the flexibility in the dDCO should not exceed the maximum parameters which have been assessed in the ES.

Draft environmental statement (ES) project description chapter 2

Ref No.	Para/ Section	Comment or question
10.	Paragraph 2.5.165	The solar energy generation refers to Work No. 33d in the title. However, in the dDCO, there is no Work No. 33d. The applicant should address this discrepancy.
11.	Paragraph 2.5.171	Some descriptions of project elements are not linked to the works numbers in the dDCO, for example, the hydropower system. The ES should accurately cross reference to all relevant works numbers in the dDCO so that it is clear how the ES description aligns with what is set out in the dDCO.

Draft book of reference (BoR)

Ref No.	Page/ Plot Ref	Comment or question
1.	General	It is helpful, and is generally the case, for BoRs to: a) briefly explain and justify the CA/ TP powers sought to enable an understanding of the terms used in the BoR Parts 1-5 columns; b) to cross refer to the Statement of Reasons (SoR); and c) as well as cross referring to relevant articles, also to cross refer to the relevant schedules in the dDCO relating to the CA of rights and TP.
2.	Para 1.1.8, section b	Part 2 of the BoR is split into two parts (2a and 2b). It would be helpful and would assist with clarity to clearly distinguish between and explain/ clarify the reasons for Part 2 being split into two parts.

Draft statement of reasons (SoR)		
Ref No.	Para/ Section	Comment or question
1.	General	Many sections not yet completed to allow for any commentary.
2.	General	Incorrect article numbers referred to throughout the document (see for example paragraph 3.2.1).
3.	Para 3.3.7	The reasons for the article and schedule relating to acquisition of subsoil or airspace only should be further explained (albeit it is noted that this may be added to section 5.2).
4.	Section 8	It would be helpful to: a) expand on the reasons why the applicant considers that the proposed development would be consistent with Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998, and the reasons why these articles would be engaged; and b) include some further explanation as to why the applicant considers it has complied with the Equality Act 2010..

Draft funding statement (FS)		
Ref No.	Para/ Section	Comment or question
1.	Para 3.2.6	Any submitted FS should provide an update on the cited cost-change applications.
2.	Para 3.4.3	Any submitted FS should provide an update on the cited Gate 4 submission.
3.	Para 4.1.4	Any submitted FS should provide an update on the use or otherwise of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (SIPR) regime.
4.	Para 4.1.6	The date may require amending dependent on submission dates.

Draft funding statement (FS)		
Ref No.	Para/ Section	Comment or question
5.	Para 4.3.2	Any submitted FS should provide an update on capital costs, if known. In addition, consideration should be given as to whether a more recent price base date should be used.
6.	Section 4	It would be helpful to clarify whether the total estimated capital costs include all elements of the proposed development, including: infrastructure associated with other future infrastructure projects; the two recreational lakes; the Nature Education Centre; mitigation and environmental enhancements.
7.	Section 5	The DCLG CA Guidance paragraph 17 advises that as much information as possible should be provided about the resource implications of both acquiring the land and implementing the project for which the land is required. Section 4 sets out estimated capital costs. However, section 5 does not specify estimated land and rights acquisition/ compensation costs. Section 5 should therefore be updated to provide this information.
8.	Section 6	It is unclear why estimated blight costs have not been detailed.

Draft Recreational Amenities Statement (dRAS) (in skeleton form only)		
Ref No.	Para/ Section	Comment or question
1.	General	The dRAS is in skeleton form, though would appear from its sections and sub-sections to cover appropriate matters to be addressed. The sections and sub-sections of the dRAS should be expanded on in any submitted version. It is recommended that the dRAS should be included as a certified documents in any submitted dDCO and be subject to a relevant requirement for a detailed version, in general accordance with the draft version, to be submitted to and approved by the relevant local planning authority.