

Gate three query process

Strategic solution(s)	HWTWRP
Query number	HAM006
Date sent to company	09/09/2024
Response due by	25/10/24

Query

Significantly more detail is required on the key land and planning risks and issues, and how these are proposed to be mitigated.

This should include detail of areas of possible non-compliance with policy or regulatory requirements; areas of potential conflict with other development or landowner aspirations on key land parcels; detail of how the mitigation hierarchy is being deployed to avoid residual impacts and how work is progressing on a mitigation strategy to manage these impacts.

Solution owner response

Section 2.6.11 of our Gate 2 submission document Supporting Technical Report: Water Recycling set out a number of key consenting risks and countermeasures. These were provided in a revised format for Gate Three given the high level summary statement requested by RAPID in accordance with Gate Three guidance. As per the guidance, only the **key** planning risks listed below were pulled through into the key scheme risks Table 6-2:

- Failure to achieve regulatory approvals within schedule.
- Judicial review of any DCO consent.
- Management of consultation feedback/objections.

Without repeating those risks above, we have set out in the table below an updated position on other planning and land risks and issues facing the project, including current mitigations. We consider these as not **Key** risk or issues.

Risk/Issue	Description	Mitigation
Design freeze delayed	Consultation and engagement feedback leads to more scheme changes than can be accommodated within the schedule, leading to delay in achieving DCO design freeze.	Mobilise early review of consultation feedback and prioritise key design changes to ensure these can be managed within the schedule. Or adjust schedule to accommodate required timescales to ensure design freeze is adequately achieved.
Planning Inspectorate delays submission	New PINS advisory service, including Adequacy of Consultation milestone, leads to further requirements needing to be addressed prior to DCO submission, delaying the project schedule.	Ensure timely engagement with PINS under new advisory service as part of PINS engagement plan. Start preparing scope of AoC report and agree scope with PINS.
Portsmouth TCPA for twin tunnel refused/deferred	Localised objections to SW's project in Havant lead to Havant Council refusal of Portsmouth Water's twin tunnel TCPA (that forms part of SW's preferred tunnel option between WRP and HTR).	Retain the backup tunnel option in SW's project and progress through statutory consultation and potentially to DCO submission if TCPA not approved. Closely monitor PW TCPA progress. Be prepared to potentially descope tunnel if PW TCPA approved.
WRMP24 not published	WRMP24 is not published in time to support the DCO application or the subsequent examination.	Build comprehensive need case report to support DCO application in absence of published WRMP24 and engage key statutory bodies on this prior to DCO submission. Consider delaying DCO submission until WRMP published (not currently preferred approach).
Achieving BNG mandatory requirement	DCO submission is delayed past Nov 25 after which BNG becomes a mandatory requirement	Project strategy agreed to aim to achieve 10% BNG in accordance with future mandatory requirement.
DCO Schedule delay	DCO schedule is delayed due to: - unrealistic timescales - internal resourcing issues - external resourcing issues	Adopt realistic but ambitious schedule and reconcile top down and bottom up schedule builds. Manage internal/consultant resourcing to meet schedule

		demands. Ensure funding mechanisms in place with external bodies to support engagement.
DCO application refused	The DCO application is refused because the scheme is: - overall non-compliant with NPS WRI policy - not supported by robust site selection process - not supported by robust scheme development process	Monitor policy compliance through policy tracker with monthly compliance meetings. Escalate key policy risks for prioritised action. Maintain ongoing application of robust site and scheme/option selection processes to support project development, with DCO governance oversight to ensure robust decision making.
New DCO regulations/guidance	New Government regulations and/or practice guidance relating to the DCO process introduces new requirements, potentially delaying pre-application period.	Monitor, review, respond and address any new or emerging requirements within current schedule, as far as practicable. Plan for known changes.
Significant environmental impacts	The project leads to potential significant effects on biodiversity, health, climate, water quality, landscape, visual amenity and heritage.	Apply mitigation hierarchy through scheme development approach, coupled with mitigation to reduce residual effects. Develop mitigation strategy for DCO application to track and set out the route map for mitigation delivery. (see HAM004)
Special Category Land (SCL), Crown Land and Statutory Undertaker land	SCL, Crown and Statutory Undertaker land are subject to special procedures. SCL land may require acquisition of replacement land.	Identify such land early and seek to avoid impacting such land as part of optioneering. Where impacted; <ul style="list-style-type: none"> • Seek early engagement • Allow sufficient time in programme to resolve issues • Seek to minimise impact such that replacement land is not required.
Impact on land allocated for development	Restrictions because of the project (e.g. protective provisions for assets) may prevent land being developed.	Identify land allocated for development early and seek to avoid as part of optioneering. Where impacted;

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		<ul style="list-style-type: none">• Look at design and seek to mitigate overall impact• Seek early engagement and understand development aspirations• Seek to accommodate project within development layout
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Date of response to RAPID	25/10/2024
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