

Planning for water supply

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Context



- Increasing interest in long term security of water supply
- National Infrastructure Commission: “Preparing for a drier future: England’s water infrastructure needs” (April 2018)
 - Plan for additional 4,000MI/day through supply and demand side measures
 - Halve leakage by 2050 and more compulsory metering
 - Ofwat should launch a competitive process by the end of 2019 complementing the Price Review so that at least 1,300 MI/day is provided through **(i) a national water network and (ii) additional supply infrastructure by the 2030s**

Planning in a regulated industry

General duty on water undertakers “to develop and maintain an efficient and economical system of water supply within its area and to ensure that all such arrangements have been made—

- (a) for providing supplies of water to premises in that area and for making such supplies available to persons who demand them; and
- (b) for maintaining, improving and extending the water undertaker's water mains and other pipes, as are necessary for securing that the undertaker is and continues to be able to meet its obligations under this Part.”

- Section 37 Water Industry Act 1999

Water resources management plan

- “a plan for how the water undertaker will manage and develop water resources so as to be able, and continue to be able, to meet its obligations under this Part”
- Duty on undertakers to prepare, publish and maintain a WRMP (s 37A(1))
- Must include the measures which it intends to take to maintain supply
- Annual review, and revision every 5 years (or earlier if directed)

WRMP: process

- Publication of draft
- Provision for representations to be made
- Possibility of Public Inquiry (see Water Resources Management Plan Regulations 2007/727)

Consent for water supply infrastructure



- Permitted development rights
- Express planning permission
- Development consent under Planning Act 2008

Permitted development rights

- See Part 13 of Schedule 2 to GPDO
- PD rights include underground development, development on operational land, and development to comply with drought orders
- Paragraph A.1 excludes e.g. construction of reservoir

Planning permission



- LPAs should take proactive steps to adapt to climate change including in respect of water supply, and plans should take account of water supply issues (NPPF, 94 & 99)
- “156. Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver... the provision of infrastructure for... water supply, wastewater, flood risk and coastal change management...”
- “162. Local planning authorities should work with other authorities and providers to... assess the quality and capacity of infrastructure for... water supply, wastewater and its treatment...and... take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.”

Planning Act 2008

- NSIPs include (section 14(1)):

“(m) the construction or alteration of a dam or reservoir;

(n) development relating to the transfer of water resources;”

- Further defined by reference to thresholds in s 27 and 28
- Relevant provisions not commenced until 2017

2017 consultation



“Some WRMPs might include new large infrastructure. Where this is the case, the government intends to support infrastructure that:

- i. secures long-term resilience to the impacts of drought and climate change as set out in our strategic policy statement (SPS)¹⁴ to Ofwat and supports the aims of the government’s national adaptation programme (NAP) on climate change;
- ii. supports both an increase in population and economic growth across England, in line with the aims of the Industrial Strategy
- iii. supports the achievement of sustainability goals and enhances the environment, in line the Environment Agency’s water industry national environment programme (WINEP) and in a way that will be set out in the government’s 25 year environment plan; and
- iv. offers best value for customers so that water needs can be met in an affordable way both now and in the future, in line with the strategic objective set out in the SPS”

Emerging NPS



- Principle 1: We will develop an NPS that sets out the need for water infrastructure as part of a ‘twin track’ approach to managing water resources.
- Principle 2: The NPS will reinforce and make clear the role of water companies’ water resource management plans in identifying the most appropriate water resources schemes, including new water resources infrastructure.
- Principle 3: The NPS will reiterate the importance of developing and designing water resources schemes that meet the government’s objective to enhance the environment

Proposed changes to thresholds in 2017 consultation



Infrastructure type	Proposal
Reservoirs and dams	<p>We propose two options:</p> <ul style="list-style-type: none"> I. To retain the current threshold of 10 million m³ water held back or stored; or II. To amend the threshold to: reservoirs that store or dams that hold back a volume greater than 10 million m³ of water OR supply at least 10 million m³ per year of water.
Transfers	<p>We propose two options for revising down the threshold from 100 million m³ per year to either:</p> <ul style="list-style-type: none"> I. 10 million m³ per year; or II. 30 million m³ per year.
Desalination	<p>We propose two options as an annual average design output of:</p> <ul style="list-style-type: none"> I. 10 million m³ water; or II. 30 million m³ water.
Effluent reuse	<p>Potential to include, but further information required¹⁶.</p>

Examples

- Kielder Water (consented 1974)
 - Part of large scale river transfer between Tyne and Tees
 - Predicated on demand for water for industry
- Upper Thames Reservoir
 - Rejected as part of WRMP in 2010
 - Now included in draft WRMP for 2019, to provide supply after 2047
 - dWRMP also includes Teddington Direct River Abstraction by 2030 (indirect reuse scheme) and re-use plant at Beckton post 2050

Conclusions

- For large scale infrastructure, the WRMP is crucial
- Need for careful environmental assessment of WRMP – as that will set the framework
- Opportunities to challenge the principle of the scheme may fall away once it is included in WRMP
- Need for significant new infrastructure in next 20-50 years



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