



Meeting note

Project name	Fens Reservoir and Lincolnshire Reservoir
File reference	WA010004/ WA010003
Status	Final
Author	The Planning Inspectorate
Date	5 March 2024
Meeting with	Anglian Water
Venue	Microsoft Teams
Meeting objectives	Project Update Meeting
Circulation	All attendees/ Named attendees

Summary of key points discussed, and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Programme overview/ update

Anglian Water (the Applicant) provided a brief programme overview of both projects (The Fens Reservoir and Lincolnshire Reservoir).

The Applicant confirmed both projects are running as a programme in parallel, however it considered it will be more appropriate to stagger the programmes in terms of the date for Development Consent Order (DCO) submission. The Fens Reservoir is the more urgent project as it is required to meet the water supply need identified in the Cambridge Water Resources Management Plan (WRMP) and Anglian Waters WRMP. The Applicant is targeting an early 2026 DCO submission for Fens Reservoir and a later submission for Lincolnshire Reservoir DCO in the same year.

The Applicant discussed the changes to each of the proposed developments and the progress made respectively on the design aspects of each reservoir scheme since the last project update meeting with the Inspectorate. The Applicant explained that it was presently reviewing its consultation and Environmental Impact Assessment (EIA) scoping strategies which may result in minor adjustments to the anticipated DCO submission programme.

Site selection and master-planning

The Applicant explained the site selection work carried out for associated infrastructure, which includes the water transfer network and distribution pipelines between the reservoirs and onto customers. This is likely to affect an area of land from Boston through to Cambridge.

The Applicant confirmed it had adopted a staged approach to site selection which includes Stage A – Initial Screening, Stage B – Coarse screening, Stage C – Fine screening and Stage D – preferred option selection.

The Applicant had also been developing the main reservoir areas, focused on master planning. Opportunity studies have been carried out through 2023 looking at site and landscape character and opportunities for recreation.

The Applicant advised there were a few areas where it had preserved optionality. The main one is on Fens Reservoir around sources of water supply. The options for water supply were being worked through with Natural England (NE) and the Environment Agency (EA) so there would be some preservation around options until issues had been resolved. There is also optionality relating to traffic and transport matters. The Applicant is looking into the possibility of rail access for construction as well as Heavy Goods Vehicle (HGV) movements.

The Inspectorate asked the Applicant whether any rail access would be part of the associated infrastructure. The Applicant advised rail access for both reservoirs is an option and discussions need to take place with Network Rail. The decision would come after consultation 2 (CON2) about how to present the infrastructure, if it is technically viable.

The Applicant advised that the optionality described above is likely to remain at the time of EIA scoping.

Stakeholder engagement and consultation approach

The Applicant provided a breakdown of its approach to consultation so far:

- Ongoing engagement with key statutory organisations;
- Regular Host Local Authority engagement for reservoir sites;
- Ongoing support to impacted landowners;
- Regular engagement with the stakeholders and the community through project website, helpline, Community Liaison groups and Land Engagement Forum;
- Engagement with the Agriculture Sector; and
- Engagement with water focused groups including Water Resources East, Fens Water Partnership and the Lincs Reservoir Water Partnership.

The Applicant confirmed it plans to start CON2, its second phase of consultation, in May/June 2024. The eight-week non-statutory consultation would be delivered in line with the PA2008. The Applicant confirmed a series of pre-consultation engagement and that its approach to the consultation would be digital-first, supported by face-to-face stakeholder and community engagement and other channels such as freephone, freepost and email.

Community events were planned closest to the reservoir site and near associated infrastructure routes and locations. It would also deposit materials in local touchpoints and arrange pop-up events in areas of high footfall.

The Applicant confirmed section 42 statutory consultation (CON3) would commence in 2025.

The Inspectorate asked the Applicant for clarity on the approach to non-statutory consultation in line with the PA2008 and queried the timing of the Statement of Community Consultation (SoCC). The Applicant confirmed the SoCC would come ahead of CON3 but that it would reissue an 'approach to consultation' document for CON2.

The Inspectorate enquired about engagement with stakeholders on Planning Performance Agreements (PPAs) and permits/ licences, specifically abstraction licences. The Applicant confirmed key host authority PPAs were in place but noted that it had identified new host authorities since identifying the associated infrastructure. The Applicant therefore planned an initial round of meetings with the new host authorities to run through the PPAs. The Applicant confirmed the meetings would be carried out prior to CON2. The Applicant advised that permits and licences are part of a separate workstream, and an outline programme had been agreed with EA for an abstraction licence, to allow a draft permit to be available within the Examination timeframes.

The Inspectorate queried what engagement the Applicant had had with the developers of the Beacon Fen Energy Park project. The Applicant confirmed good ongoing engagement and that it had submitted a response to the Beacon Fen statutory consultation. The Applicant advised that the Beacon Fen Energy Park project had been modified to avoid an overlap with Lincolnshire Reservoir; however, it considered that development of protective provisions may be needed as the cable routes may affect areas of associated infrastructure (the emergency drawdown channel).

The Inspectorate asked the Applicant if there would be any optionality at CON3. The Applicant advised the projects would retain flexibility but there would not be optionality.

EIA update: Timing of EIA scoping, Habitats Regulations Assessment (HRA) & Water Framework Directive (WRD) update

The Applicant explained it is intending to submit scoping requests for both projects in parallel in early Autumn 2024, following CON2. The EIA Scoping Reports would be based on the CON2 design, construction and operation information. The Applicant explained that the Scoping Reports would focus on proposed methodology, data and information and that it was unlikely to be proposing to scope out any environmental aspects at this stage.

The Applicant outlined its rationale for the timing of EIA scoping in light of its ambitious programme to get water into supply. The Applicant considered it would provide confidence in its approach to the EIA ahead of developing the Preliminary Environmental Information Reports (PEIR) and that consistency with CON2 information would ensure there were no surprises for stakeholders. The Applicant confirmed that information in the PEIRs at CON3 would be consistent with the EIA Scoping Opinions.

The Inspectorate asked the Applicant whether feedback from consultation bodies in response to CON2 would be reflected in the information presented in the EIA Scoping Reports. The Applicant stated that this would be dependent on the nature of the feedback.

The Inspectorate advised that submission of the two scoping requests in parallel may affect the ability of some EIA consultation bodies (those who are consultation bodies for both projects) to respond to the Inspectorate's statutory scoping consultations. The Applicant confirmed it had ongoing engagement with key stakeholders (many of whom have separate teams set up for each project) and would continue to update them regarding the applicable timescales. The Applicant confirmed it would consider the possibility of phasing submission of the scoping requests to minimise any potential issues. The Applicant would keep the Inspectorate informed as the submission timescales become further refined.

The Inspectorate asked the Applicant if there is infrastructure shared between both Fens Reservoir and Lincolnshire Reservoir. The Applicant confirmed there is no overarching associated infrastructure, and the projects are both separate from a DCO perspective.

The Applicant provided an update on HRA and WFD matters. Both the HRA and WFD assessments were adopting an Evidence Plan approach and the Applicant was working with EA and NE on the approach to assessments, data collection and modelling. Two of the main criteria in the option selection process had been HRA and WFD implications. The HRA work had identified the potentially affected European sites. A suite of modelling had been commissioned for 2024 to inform both the HRA and WFD assessment.

The Applicant advised the potential need for derogation cases (HRA and WFD) had not been ruled out at this stage and would be informed by the evidence collected. The Inspectorate asked the Applicant if the potential need for HRA derogation extends to both projects. The Applicant advised that this is more likely for the Fens Reservoir project.

The Inspectorate advised that if the Applicant wishes, it would be able to attend HRA Evidence Plan Steering Group meetings. The Inspectorate was unable to attend expert topic group meetings.

Landowner Engagement & Compulsory Acquisition (CA), section 53/ SoS access issues

The Applicant confirmed that, for the main site, it had been in continuous engagement with landowners since September 2022 and engagement with landowners affected by associated infrastructure would commence in Spring 2024. The overarching strategy would be to seek to agree negotiated settlements to acquire the land and rights required for the projects in advance of the DCO submission date.

The Applicant explained a significant part of the Lincolnshire Reservoir site is owned by the Crown Estate, so CA does not apply, and that engagement so far had been positive. The Applicant advised it was close to agreeing a Memorandum of Understanding (MOU) with the Crown Estate which sets out the aims to work together as partners on the projects.

The Applicant advised it was mindful of the impact on residential property owners and were due to launch a scheme in Spring 2024 to support the owners who sit within project boundaries.

The Applicant provided an overview of the survey access issues. The Applicant proceeded on the basis of agreeing voluntary licenses in 2023 with the majority of landowners granting access. The approach to further surveys proposed in 2024 would be to seek licenses or extensions to existing licenses by negotiation but anticipate a need to use notice powers in some instances. A discussion with the Department for Environment, Food and Rural Affairs (DEFRA) commenced early on in the process in relation to taking access under section 172 of the Housing and Planning Act 2016 and there is potential the Applicant may need to utilise section 53 of the PA2008.

The Inspectorate asked the Applicant if the potential to utilise section 53 was in relation to both projects. The Applicant confirmed the potential to use section 53 would affect both projects. The Inspectorate requested the Applicant keep it updated regarding the potential need for section 53 request(s) and applicable submission timescales, to aid resourcing.

Next steps, Gate three, phase enabling work

The Applicant provided an update on the Regulators' Alliance for Progressing Infrastructure Development (RAPID) gated process, confirming for both projects the funding clearance for the next stage of the project and approval of the project design is Gate three in September. The Applicant is currently in discussions with RAPID but aware of potential conflicts with the requirements of RAPID and what the DCO process requires.

The Applicant advised that enabling activities were still being defined. The Applicant is considering seeking consent for certain enabling activities through the Town and Country Planning Act 1990 (ahead of the DCO applications), in order to help secure the programme for the projects. In that eventuality, the Applicant would also include the enabling activities in the draft DCO.

AOB

The Applicant suggested a project update meeting in the next few months. The Inspectorate proposed the next meeting should be scheduled for July 2024. The Inspectorate and Applicant agreed longer meetings would be beneficial to cover all topic areas.

The Inspectorate asked the Applicant whether project update meetings would continue as joint project update meetings. The Applicant advised it envisaged joint meetings would continue for the foreseeable future.

Specific decisions/ follow up required

The following actions were agreed:

- The Inspectorate to let the Applicant know of potential dates in July 2024 for the next project update meeting.

- The Applicant to confirm to the Inspectorate the anticipated DCO submission for both projects so the project pages on the National Infrastructure website can be updated.
- The Applicant to keep the Inspectorate updated as the timescales for submission of the scoping requests become further refined.
- The Applicant to keep the Inspectorate updated regarding the potential need for section 53 request(s) and applicable submission timescales.