

THE SECOND NATIONAL INFRASTRUCTURE ASSESSMENT: BASELINE REPORT

ANNEX D WATER & WASTEWATER.

2ND RESPONSE TO CONSULTATION FROM EAST HENDRED PARISH COUNCIL.

Challenge 6: Surface water management – the Commission will consider actions to maximise short term opportunities and improve long term planning, funding and governance arrangements for surface water management, while protecting water from pollution from drainage.

RESPONSE ON:

- 1. THE CRITERIA FOR THE NEED FOR AN ASSESSMENT OF ALTERNATIVE OPTIONS FOR NATIONAL INFRASTRUCTURE PROJECTS AGAINST ALL POLICY & LEGAL REQUIREMENTS, e.g. in assessing a national water transfer network project against a new reservoir at Abingdon.**

The High Court decision Ref: EWHC 2161, on 30th July 2021, found that the Sec of State for Transport had acted unlawfully in granting the Development Consent Order for the A303 Amesbury to Berwick Down (Stonehenge Tunnel). This was on the grounds that an assessment of alternative options against all policy & legal requirements was not carried out, (paragraphs 268-290). This judgement effects the legal powers of public bodies in decision-making where:

- i) There is a significant adverse environmental impact,
- ii) There are large scale engineering works,
- iii) There has been strong criticism & objections,
- iv) There is a clear planning objection to development identified by the District & County Councils,
- v) The promoter concluded that carrying out an options appraisal made it unnecessary to consider the merits of alternatives,
- vi) The alternatives meet the same need or demand requirement,
- vii) Where compliance with taking environmental information into account, does not address the specific obligation to compare the relative merits of alternative options,
- viii) It is no answer to say the proposed scheme complies with guidance because this does not override the Common Law Principles where alternative options are an obvious material consideration.

2. Clarification is sought on whether major proposals, like new national water transfer networks & new reservoirs, in water resources regional plans will be assessed in accordance with recent Case Law, Environmental Impact Assessment & Habitat regulations?
3. Would there be a Public Examination before a Development Consent Order was granted or a Water Resources Regional Plan approved?