Factsheet

What is a Development Consent Order (DCO)?

How we will seek consent to build and operate the proposed new reservoir

The Planning Act 2008 (the 2008 Act) established the legal framework for applying for, examining, and determining applications for Nationally Significant Infrastructure Projects (NSIPs).

Under the 2008 Act, a Development Consent Order (DCO) is the means of obtaining permission to construct and maintain developments categorised as NSIPs. This includes energy, transport, water, and waste projects.

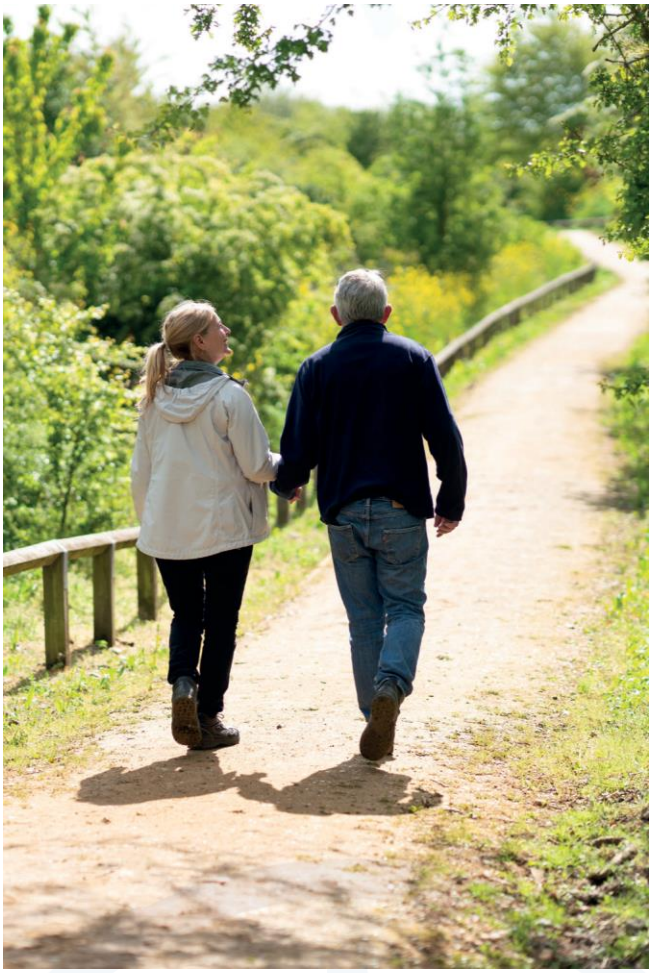
Applications for development consent for NSIPs are submitted to the Planning Inspectorate, a government agency responsible for advice and decisions on a range of land use planning-related issues. The Planning Inspectorate will make a recommendation on the application and the decision will be made by the Secretary of State for the Environment, Food and Rural Affairs.

If granted, the DCO will confer many of the necessary consents and powers to enable the project to proceed, including planning permission, compulsory acquisition powers and authority for highway and street works.

What is a National Policy Statement (NPS)?

Applications for DCOs are decided in accordance with National Policy Statements (NPSs). They provide the legal and policy framework for decisions by the Secretary of State on NSIPs.

The Water Resources Infrastructure NPS was published in April 2023, and it applies to Thames Water's DCO projects. It states that if an NSIP is included in a published final water resources management plan, then the 'need' for that scheme will have been demonstrated in line with government policy. Therefore 'need' is not expected to be re-visited as part of the DCO application. Examination of the application would instead focus on testing the scheme against specific criteria in the NPS (and relevant legislation) including its environmental impacts.



Pre-application

Before submitting our application for development consent, Thames Water has spent a lot of time developing detailed plans for the new infrastructure we're proposing. We've undertaken technical work and environmental surveys, spoken to landowners and other stakeholders and sought feedback on our plans through consultation and engagement.

Acceptance

Following submission of the formal application, the Planning Inspectorate has 28 days in which to formally accept the application or not. It will consider whether the proposal meets the standard required to be examined and whether sufficient information has been provided by the applicant.

Pre-Examination

Once an application has been accepted, an Examining Inspector (or panel of Inspectors) will be appointed by the Planning Inspectorate as Examining Authority. The application will be formally advertised, and copies of the application documents will be published on the Planning Inspectorate website.

Relevant local authorities automatically become "Interested Parties." Members of the public/interest groups can formally register as an Interested Party within a 28-day minimum registration period, which gives them the right to submit written representations and to request the right to speak at any hearing.

A Preliminary Meeting will take place to consider procedural matters as to how the application will be examined and an examination timetable will be set. There is no statutory timetable for this pre-examination stage, but it usually lasts around three months.

Examination

Examination starts the day after the close of the Preliminary Meeting and must be completed within six months. The Examining Authority will invite Interested Parties to submit their views, hold hearings and will carefully consider all the evidence submitted. It is focused on written representations rather than being akin to a public inquiry, with hearings on issues only being held where necessary.

Recommendation and Decision

The Examining Authority must prepare a report, including a recommendation on whether to grant or refuse development consent, within three months of the close of the Examination. The Secretary of State then has a further three-month period in which to consider the recommendation and make a decision.

Post Decision

A six-week period follows the decision of the Secretary of State during which any decision may be challenged in the High Court by way of judicial review.



Pre-application | Acceptance | Pre-Examination | Examination | Recommendation and Decision | Post Decision

To find out more about our proposals please visit: **www.thames-sro.co.uk**