

WESSEX WATER SERVICES LIMITED (SALTFORD WATER RECYCLING CENTRE EXTENSION) COMPULSORY PURCHASE ORDER 2023

Statement of Reasons for making the Compulsory Purchase Order

1 INTRODUCTION

- 1.1 This is the Statement of Reasons of Wessex Water Services Limited (the “Acquiring Authority”) for making the Saltford Water Recycling Centre Compulsory Purchase Order 2023 (the “Order”).
- 1.2 In preparing this statement, the Acquiring Authority has endeavored to provide sufficient information so that its reasons for making the Order can be properly understood.
- 1.3 This statement has been produced to comply with the guidance issued by the Department for Levelling Up Housing and Communities Guidance on Compulsory Purchase process and Critchel Down Rules and in doing so:
 - 1.3.1 identifies and explains the powers under which the Order is made (Section 2)
 - 1.3.2 sets out the background to the Order and identifies the land required for the Order (Section 3)
 - 1.3.3 provides a general description of the Extension Scheme (Section 4)
 - 1.3.4 sets out the Acquiring Authority’s reasons and justification for making the Order (Section 5)
 - 1.3.5 describes current negotiations with landowners (Section 6)
 - 1.3.6 describes the current planning position (Section 7)
 - 1.3.7 sets out the related applications (Section 8)
 - 1.3.8 deals with Human Rights and Public Sector Equality duty (Section 9)
 - 1.3.9 sets out any views expressed by government departments (Section 10)
 - 1.3.10 sets out the arrangements for the inspection of documents (Section 11)
 - 1.3.11 makes reference to supporting documentation (Section 12)
 - 1.3.12 sets out any Special Considerations (Section 13)
 - 1.3.13 sets out contact details for further information (Section 14)

2 POWERS UNDER WHICH THE ORDER IS MADE

- 2.1 The Acquiring Authority is an appointed water and sewerage undertaker under Part 1 of the Water Industry Act 1991 (WIA 1991).
- 2.2 The Order is made under s155 WIA 1991 which provides that the Secretary of State may authorise a water or sewerage undertaker to compulsorily purchase any land required for the purposes of, or in connection with, the carrying out of its functions.
- 2.3 As will be described below the purpose of acquiring the land is to upgrade the Acquiring Authority’s existing plant and will be used in furtherance of the Acquiring Authority carrying out its statutory functions. The power contained in s155 WIA 1991 is therefore considered appropriate.

3 BACKGROUND TO THE ORDER

- 3.1 The Acquiring Authority owns and operates Saltford Water Recycling Centre (Saltford WRC) for the purposes of discharging its functions as a sewerage undertaker.

- 3.2 Saltford WRC is located off Mead Lane, west of the River Avon, approximately 1.5km from the village of Saltford and approximately 6km from Bath. It is one of the Acquiring Authority's major sewage treatment facilities and the largest plant within the Bath and North-East Somerset boundary. The site serves a resident population of 102,000 people, with a significant further contribution from a large non-resident population (up to 9,500 tourists and day visitors).
- 3.3 The current site is shown on historical Ordnance Survey (OS) maps from 1914. In the 1960s, the WRC was expanded and sludge drying beds constructed within the west of the site. The site has remained significantly unaltered from the 1960s, apart from two large storm tanks and four filter beds which were installed in the early 2000s.
- 3.4 The latest revision of the Water Industry National Environmental Programme (WINEP) published by the Environment Agency (EA) on 29th March 2018 identified Saltford WRC (WINEP ID 7WW200053) as requiring an increase in Flow to Full Treatment (FFT) to comply with the Urban Wastewater Treatment Regulations.
- 3.5 The existing WRC treats 580 litres per second (l/s) 50,112 cubic metres per day (m³/d). The site consists of inlet screening, storm storage, phosphorous removal facilities, primary settlement tanks, biological filters and humus settlement tanks. The extension will provide a total treatment capacity at the works of 802 l/s or 68,688 m³/d, an approximate 40% increase in capacity.
- 3.6 Increased FFT will ensure that storm tanks do not fill prematurely, are emptied effectively and a reduced number of storm discharges. This will prevent more frequent, higher strength and longer duration spills from the storm tanks to receiving waters and allow receiving waters to respond to rainfall events to provide additional dilution. EA guidance requires that in calculating the proposed FFT permit there should be no spills to storm on a "dry day"; the definition of a "dry day" being a day with less than 0.25mm of rainfall.
- 3.7 The catchment served by Saltford WRC has also experienced development in recent years which has necessitated temporary additional treatment measures to ensure consent compliance. The scheme is subject to a Scheme Regulation Date of 31 March 2025 to meet the change in FFT. The consequence of not meeting this date is a breach of consent and the potential for prosecution by the Environment Agency.
- 3.8 In addition to the change in consented FFT, the scheme fulfils growth and quality drivers relating to the ammonia consent. Delay in completion of the scheme increases the risk of ammonia consent failure. Consent failure would lead to lower quality effluent being discharged to the River Avon for a prolonged period. This scheme aims to improve the discharge quality into the River Avon.
- 3.9 Saltford WRC also forms part of the Acquiring Authority's nutrient removal programme within the Bristol Avon Catchment (66 WRCs). Saltford WRC currently contributes between 7 and 12% of total catchment removal and these facilities are being extended. The benefits here are a reduction in nutrients entering the water course preventing blue green algae and endangering aquatic life.
- 3.10 To accommodate the extension to the existing WRC the Acquiring Authority requires additional land. The additional land (being land not already in the ownership of the Acquiring Authority) comprises approximately 4.9 hectares making a total of 6.75 hectares necessary for the scheme as a whole. This land is situated within and adjoining the western boundary of the existing treatment works and is shown edged red on the plan within Appendix 1.

4 GENERAL DESCRIPTION OF THE SALTFORD WRC EXTENSION SCHEME ‘THE SCHEME’

- 4.1 The Scheme will provide a new treatment stream of 222l/s to supplement existing treatment facilities.
- 4.2 The new treatment stream will consist of new flow measurement and inlet screening facilities, phosphorous removal facilities, primary settlement tanks, an activated sludge plant and final settlement tanks. The plant will be built with associated pumping stations and electrical supply and control infrastructure. This will treat more flow and to a higher required standard.
- 4.3 The Acquiring Authority needs, for the purposes of exercising its statutory functions, to develop an extension to the existing treatment works to meet regulated treatment flow outputs.
- 4.4 The new treatment plant is set out to the west of the WRC, predominantly in land already owned by the Acquiring Authority but includes land outside of the Acquiring Authority’s ownership which adjoins the western boundary of the existing WRC amounting to an additional 4.9 hectares (colored in pink on the plan in Appendix 1). The total area required to carry out the Scheme amounts to 6.75 hectares and is shown on the plan within Appendix 1.
- 4.5 Planning permission has been granted for the new treatment plant comprised in the Scheme but Saltford WRC sits within the greenbelt and in view of the Cotswolds AONB. To mitigate landscape and visual impact during the planning process a landscaping scheme involving an earth bund and landscape planting has been developed and forms an integral and essential part of the planning consent which must be delivered as part of the Scheme.
- 4.6 The landscape mitigation bund is proposed to be rounded in form and provides landscaping in the form of native woodland planting, species-rich grassland and native hedgerow which will be planted such that it blends in with the natural environment.

5 REASONS FOR MAKING THE ORDER

- 5.1 The scheme aims to improve the discharge quality into the River Avon. It will also reduce the number of storm discharges at Saltford WRC. In addition to the change in consented FFT, the Scheme fulfils growth and quality drivers relating to the ammonia consent.
- 5.2 The Acquiring Authority is carrying out a Regulatory Quality Scheme to ensure that the WRC is compliant with future increased Environmental permits to discharge set by the EA. The Water Services Regulation Authority (Ofwat, the water industry regulator) and the EA have set the Acquiring Authority a Regulatory completion date for the Quality Scheme of March 2025.
- 5.3 Alternative technical, design and locational options were considered as part of the design process in order to determine the most appropriate solution.
- 5.4 The existing site treats flow predominantly using biofilters. The option of increasing the number of biofilters was discounted due to the greater extent of land this would require by comparison to the chosen solution of an Activated Sludge Plant (‘ASP’) which has a significantly smaller footprint and, in turn, reduces additional land requirements.

- 5.5 Moving bed biofilm reactors ('MBBR') were considered as an alternative technology but this does not provide a reduction in required additional land or cost than the ASP.
- 5.6 Other areas of land within Saltford WRC were considered but discounted because they were either:
- 5.6.1 within the flood zone; or
 - 5.6.2 a more visually exposed location which adversely impacted upon views from the AONB across the River Avon with insufficient space to accommodate the proposed additional treatment infrastructure.
- 5.7 Moving the entire WRC to a new location was immediately discounted as it would entail vastly increased cost and need an entirely new site.
- 5.8 A key consideration was that the new treatment stream connected efficiently to the existing inlet reception chamber, located to the southwest of the site, and that the distance was minimised as far as practical to allow effective hydraulic control of the incoming flows from Bath.
- 5.9 The environmental assessment (including impact on ecology) and surveys indicated that the location proposed would not result in a significant impact and that trees impacted were of low arboricultural and ecological value, with early signs of ash dieback.
- 5.10 The current location and design is therefore considered the most appropriate solution which balances the technical, operational and land use design aspects. The solution is of lower visual impact than alternatives but, falling within the greenbelt and in view of the Costwolds AONB, landscape mitigation is required.
- 5.11 Pre-application advice from the local planning authority included the following commentary:
- '...The main treatment infrastructure works themselves (which are permitted development mainly) have the potential to have a harmful landscape impact if not successfully mitigated. The proposed bund however, if appropriately designed, should mitigate this impact; this is a public benefit which is considered to constitute 'very special circumstances' which in turn will justify this development in the Green Belt. The Council's agreement to the detail of the bund (and its impacts) is therefore critical as without it 'very special circumstances' will most likely not exist...'*
- 5.12 The design of the landscape bund has been informed by the pre-planning application response and a Landscape Visual Impact Assessment to provide acceptable mitigation. The form and landscaping of the proposed landscape bund was a key part of the planning process which the local planning authority took a keen interest in and provided key input to the design prior to submission of the planning application.
- 5.13 The landscape provides for planting of new native woodland, species rich grassland and native hedgerow. In addition to providing required visual impact mitigation, it will offset biodiversity loss associated with the new treatment stream. It will provide a 10.32% overall biodiversity net gain, as required to meet the NPPF (paragraphs 170, 174, and 175), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and emerging government policy.
- 5.14 The new treatment stream has been designed to maximise use of the existing site boundaries but there is insufficient land within the Saltford WRC to accommodate the

working area for construction and the requisite landscaping requirements. The additional land is identified on the Order Map.

6 NEGOTIATIONS WITH LANDOWNERS

- 6.1 The owner and occupier who having a relevant legal interest in land is Mr Clive Kenneth Franklin. The land identified as Plot One in the Order and map and forms part of HMLR title ST217262. Plot One forms part of the wider Avon Farm landholding and is used to harvest arable crops in rotation.
- 6.2 The Acquiring Authority first entered discussions with the agent and owner of Plot One to acquire Plot One on 19 July 2021 but, to date, have been unsuccessful. The Acquiring Authority has concluded that acquisition by agreement is unlikely to occur on this occasion or in any event within sufficient time to ensure that the programme for the construction of the Scheme is met.
- 6.3 Included in the Order at Table 2 are the beneficiaries of a restriction, charge and other rights who will be compensated for any loss that arises out of the making of the Order and any temporary interference with such until completion if the WRC extension.
- 6.4 The Acquiring Authority recognises the Circular 06/2004 advice that the compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail, but the guidance nevertheless encourages acquiring authorities to initiate formal compulsory purchase procedures in parallel with negotiations. Accordingly, the Acquiring Authority intends to continue to pursue a twin track approach of negotiations alongside the compulsory acquisition procedure for the purchase of the Order land.

7 THE PLANNING POSITION

- 7.1 As identified in section 5 above, the Acquiring Authority has consulted in detail with the local planning authority prior to submitting the planning application. Inclusion of the bund and landscape planting is a requirement of the development to comply with planning policy and mitigate any visual impact.
- 7.2 Planning permission (Ref 21/05626/FUL) to install five new glass reinforced plastic kiosks Saltford WRC was granted by Bath and North East Somerset Council on 3 March 2022 (the Planning Permission). As part of development of the new kiosks, planning permission was granted for a landscape bund to be created directly outside the WRC in the adjacent southwest field to screen views of proposed new wastewater treatment infrastructure which are to be installed under the Acquiring Authority's permitted development rights as a statutory undertaker.
- 7.3 The proposed landscape bund is a necessary part of the approved planning permission for the Scheme. The proposed bund is to be formed by redeploying an existing landscape bund which currently sits in the location of the proposed new treatment stream.
- 7.4 The Acquiring Authority is in a position to commence construction of the Scheme once it has secured the land and associated rights contained in the Order.

8 RELATED APPLICATIONS

- 8.1 A public footpath BA27/41 crosses the Order land and may need to be temporarily diverted or stopped up during the construction works. Any necessary temporary diversions or stopping up will be achieved through discussions with the appropriate authority and by obtaining appropriate orders.
- 8.2 The proposed landscape bund, to screen the treatment plant, will be comprised of earthworks already on site as an existing bund. The reuse of materials would be managed under a Material Management Plan, produced in accordance with the CLAIRE Definition of Waste: Code of Practice (DoW:CoP).
- 8.3 A hedgerow notification application, under the Hedgerow Regulations 1997, is required to remove hedgerow bounding the field to be removed for permitted development activities. An application to Bath and North-East Somerset planning authority will be made.

9 HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY

- 9.1 The Scheme has been designed to minimise interference with the peaceful enjoyment of a person's possessions under Article 1 of the First Protocol of the Human Rights Act 1998 under which no one is to be deprived of their possessions except in the public interest. Any interference with the right has to be provided for by law and strike a fair balance between the interests of the community and the protection of the rights of the individual. The Acquiring Authority believes that the greater good is in promoting the Scheme for the benefit of the people of the area and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 9.2 In processing the Order the Acquiring Authority has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the Orders and have their representations considered at a public inquiry. The land to be acquired for the Scheme which is the subject of the Order has been kept to a minimum. The public interest can only be safeguarded by the acquisition of this land and such acquisition would not place a disproportionate burden on the affected landowner. In addition, the Scheme already has the benefit of planning permission the grant of which involved the weighing all material planning considerations including the public benefit of pursuing the Scheme against any disruption and interference that would be caused to individual rights.
- 9.3 The Acquiring Authority is not a Public Authority for the purposes of Schedule 19 of the Equality Act 2010. However, it exercises a function which is of a public nature and therefore may be regarded as being bound by the obligations in section 149 of the Equality Act 2010. As such the Acquiring Authority must have due regard to the need to:
 - 9.3.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - 9.3.2 advance equality of opportunity between persons who share a relevant protected characteristic (as defined in the Act) and persons who do not share it; and
 - 9.3.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.4 Having had regard to the nature and limited scale of the Scheme the Acquiring Authority considers the impacts are contained. The principal impacts on persons with protected characteristics (such as age, disability, gender, religion or belief, sexual orientation) are likely to relate to the process of making the Order itself. However, in this case and given the limited extent of the Order and the general public benefit arising from it, the Acquiring Authority does not believe that people of protected demographics have been or will be disadvantaged. The Acquiring Authority will continue to monitor ongoing discussions and consultations with affected parties and make any appropriate adjustments to the process to ensure all groups or individuals are able to fully participate.

10 VIEWS EXPRESSED BY A GOVERNMENT DEPARTMENT ABOUT THE PROPOSED DEVELOPMENT OF THE ORDER LAND

10.1 No views have been expressed by any Government Department about the proposed development of the Order land.

11 SUPPORTING DOCUMENTS AND INSPECTION OF DOCUMENTS

11.1 The following documents are available for public inspection during normal office hours (Monday - Friday, 9am to 5pm) at:

Wessex Water Services Limited
Operations Centre
Claverton Down
Bath BA2 7WW

and also online at <https://www.wessexwater.co.uk/saltford-cpo>

11.2 The documents are:

- 11.2.1 the Order and accompanying Plans;
- 11.2.2 this Statement of Reasons;
- 11.2.3 the Planning Permission;
- 11.2.4 extracts of the Water National Environment Plan ('WINEP')
- 11.2.5 Landscape Visual Impact Assessment.

11.3 The documents have also been deposited with the Keynsham Library and Information Service, Civic Centre, Market Walk, Keynsham, Bristol BS31 1FS and can be viewed Monday - Thursday 9.30am to 5pm and Friday - Saturday 9.30am to 4.30pm (closed Sunday).

11.4 In the event that an Inquiry is required; further evidence, plans and documents will be submitted by the Acquiring Authority. These documents would be available for inspection at the address given at 11.1.

12 SPECIAL CONSIDERATIONS

12.1 Special category land can include the following:

- (a) Land acquired by a statutory undertaker for the purposes of their undertaking;
- (b) Local authority owned land; or land acquired by any body except a local authority who are, or are deemed to be, statutory undertakers for the purposes of their undertaking;
- (c) Land held by the National Trust inalienably;

- (d) Land forming part of a common, open space, or fuel or field garden allotment.

12.2 This section also considers the following additional land/designations, although it is recognised that these do not meet the statutory definition of special category land:

- (a) Crown Land — including that held by The Crown Estate Commissioners or Government departments;
- (b) Designated and Non-designated Heritage assets;
- (c) Listed buildings;
- (d) Buildings subject to building preservation notices;
- (e) Other buildings which may be of a quality to be listed;
- (f) Buildings within a conservation area;
- (g) Scheduled monuments;
- (h) Registered parks, gardens or historic battlefields; and
- (l) Public Highways and Public Rights of Way.

12.3 Whilst the land already owned by the Acquiring Authority in its capacity as a statutory utility undertaker qualifies as special category land this is not an impediment to the progress of the Scheme. No arrangements will be needed under the New Roads and Street Works Act 1991 to safeguard infrastructure. It is not believed there is any other special category land as described within 12.1.

12.4 It has already been explained that a temporary diversion or stopping up order may be required in relation to footpath BA27/41. It is not believed that there are any other areas of protected land as described in 12.2 above.

13 CONTACT DETAILS FOR FURTHER INFORMATION

13.1 Interested parties affected by the Order who wish to discuss matters with the Acquiring Authority should contact Nick Routh, Head of Estates, Wessex Water Services Limited by one of the following means:

- 13.1.1 by telephone on 01225 526314
- 13.1.2 by e-mail to nick.routh@wessexwater.co.uk
- 13.1.3 by post to Wessex Water Services Limited, Operations Centre, Claverton Down, Bath BA2 7WW marked for the attention of Nick Routh, Head of Estates.



Signed: Wessex Water Services Limited
Date: 13th March 2023

