

**The Environment Agency (Unlocking the River Severn)  
(Diglis) Compulsory Purchase Order 2018**

**The Environment Agency (Unlocking the River Severn)  
(Lincomb) Compulsory Purchase Order 2018**

**The Environment Agency (Unlocking the River Severn)  
(Holt) Compulsory Purchase Order 2018**

**The Environment Agency (Unlocking the River Severn)  
(Bevere) Compulsory Purchase Order 2018**

Water Resources Act 1991 in conjunction with  
Salmon and Freshwater Fisheries Act 1975,  
Environment Act 1995 and  
Acquisition of Land Act 1981

## **Statement of Reasons**

## CONTENTS

1	INTRODUCTION.....	1
2	NEED FOR THE PROJECT.....	2
3	THE UNLOCKING THE SEVERN PROJECT.....	2
4	THE ORDERS.....	13
6	IMPLEMENTATION OF THE PROJECT.....	19
7	THE PLANNING POSITION.....	20
8	THE CASE FOR ACQUISITION OF INDIVIDUAL INTERESTS AND RIGHTS.....	22
9	HUMAN RIGHTS CONSIDERATIONS AND ANY OTHER CONSIDERATIONS.....	22
10	EQUALITY.....	23
11	SPECIAL CONSIDERATIONS.....	24
12	STATUTORY UNDERTAKERS.....	24
14	RELATED APPLICATIONS/APPEALS/ORDERS.....	25
15	COMPENSATION ISSUES.....	26
16	THE ORDERS, ORDER MAP AND STATEMENT OF REASONS.....	26
17	ADDITIONAL INFORMATION.....	26
	APPENDIX 1 - Explanation of why each plot is required.....	28
	APPENDIX 2 - Document List.....	30

# **1 INTRODUCTION**

## **1.1 Purpose of this Statement**

1.2 This is the Statement of Reasons of the Environment Agency ("the Agency") for making the following compulsory purchase orders:

- (a) Environment Agency (Unlocking the River Severn) (Diglis) Compulsory Purchase Order 2018;
  - (b) Environment Agency (Unlocking the River Severn) (Lincomb) Compulsory Purchase Order 2018;
  - (c) Environment Agency (Unlocking the River Severn) (Holt) Compulsory Purchase Order 2018; and
  - (d) Environment Agency (Unlocking the River Severn) (Bevere) Compulsory Purchase Order 2018
- (together "the Orders")

1.3 Whilst there are four separate Orders, the nature of the development at each of the locations is similar, as is the justification for the Orders. Further, for funding purposes, all four developments are treated as one project. Therefore, all four Orders are covered by this one Statement of Reasons.

1.4 This statement has been prepared in accordance with the Department for Communities and Local Government's "Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion" (2015 but updated September 2017) (the "2015 Guidance"). This statement is not intended to stand as the Agency's Statement of Case in connection with the CPOs, which will be produced at a later date.

## **1.5 The Acquiring Authority**

1.6 On 18 January 2018 the Agency resolved to proceed with the making of the Orders.

1.7 The construction and maintenance of the proposed fish passes on the River Severn ("the Project") lies within the administrative areas of Worcester City Council (Diglis), Malvern Hills District Council (Lincomb and Holt) and Wychavon District Council (Bevere).

## **1.8 Confirmation of Orders**

1.9 To enable the Agency to acquire the land and rights necessary for the construction and maintenance of the Project the Orders seek to acquire all interests in the Order Land

including rights, easements, the benefit of covenants, etc. except where otherwise expressly stated in the Schedule to the Orders.

- 1.10 The Agency recognises that a compulsory purchase order should only be made and can only be confirmed if there is a compelling case in the public interest (paragraph 2 of the 2015 Guidance) which justifies overriding private rights on the Order Land. It is considered that a compelling case exists here.
- 1.11 The Orders have been made and will be submitted to the Secretary of State for the Environment, Food and Rural Affairs for confirmation pursuant to the provisions of the Water Resources Act 1991 in conjunction with the Salmon and Freshwater Fisheries Act 1975, the Environment Act 1995 and the Acquisition of Land Act 1981.
- 1.12 On confirmation of the Orders the Agency intends to either serve Notice(s) to Treat or execute a General Vesting Declaration(s) in order to secure unencumbered title to the Order Land.

## **2 NEED FOR THE PROJECT**

- 2.1 The Agency is under a statutory duty<sup>1</sup> to generally promote (amongst other things):
- (a) the conservation and enhancement of the natural beauty and amenity of inland and coastal waters and of land associated with such waters; and
  - (b) the conservation of flora and fauna which are dependent on an aquatic environment.
- 2.2 The Severn Estuary is a Special Area of Conservation ("SAC"). One of the key features of the SAC which contributes to its conservation importance is its population of the Twaite Shad. In order to promote the interests of that species and to promote and safeguard the conservation objectives of the River Severn, it is necessary to provide the fish with a means of bypassing certain weirs in the River Severn, which are currently barriers which prevent the species from reaching historic spawning grounds further upstream.
- 2.3 The Agency, in conjunction with the Canal & River Trust ("the Trust"), Severn Rivers Trust ("SRT") and Natural England ("NE"), (together "the Partnership") have concluded that the most appropriate way to bypass these weirs is to create fish passes, which will necessitate the acquisition of additional land and rights.

## **3 THE UNLOCKING THE SEVERN PROJECT**

### **3.1 Summary Description of Project and Order Land**

---

<sup>1</sup> Under section 6(1)(a)-(b) of the Environment Act 1995

- 3.2 Four separate compulsory purchase orders are being progressed by the Agency for the four different sites along the River Severn where the fish passes are proposed to be located.
- 3.3 Designs for each site have been finalised and are based on the size of the weir and available space. The proposed structures are between 50 – 110 metres or more in length, up to 10 metres wide and around 2 - 3 metres deep.
- 3.4 The extent of the land comprised within each Order is shown on each of the Order Maps accompanying each Order (“the Order Land”). The land to be permanently acquired is shown shaded pink and comprises:
- (a) In relation to Diglis weir, 1,765 sqm of land comprising of: conifer woodland; public footpath; river bank; and river bed;
  - (b) In relation to Lincomb weir, 1,585 sqm of land comprising of: amenity land; river bank; and river bed;
  - (c) In relation to Holt weir, 1,495 sqm of land comprising of: amenity woodland; tracks; river bank; and river bed; and
  - (d) In relation to Bevere weir, 4,245 sqm of land comprising of: agricultural pasture land; river bank; and river bed.
- 3.5 The land over which new rights are to be acquired is shown shaded blue on each of the Order Maps and comprises:
- (a) In relation to Diglis weir, 18,165 sqm of land comprising of: public footpaths; sportsground; hedgerows; scrub land; woodland; river bank; and river bed;
  - (b) In relation to Lincomb weir, 16,985 sqm of land comprising of: amenity woodland; tracks; industrial yard; scrub land; road access and grass verge; agricultural land; hedgerow; river bank; river bed;
  - (c) In relation to Holt weir, 17,445 sqm of land comprising of: agricultural land; amenity woodland; tracks; river bank; and river bed; and
  - (d) In relation to Bevere weir, 41,290 sqm of land comprising of: arable and pasture land; hedgerows; amenity woodland; tracks; agricultural pasture land; agricultural track; river bank; and river bed.
- 3.6 The rights to be acquired will include rights of access from the highway to the location of each fish pass for construction and maintenance of the Project, together with rights to use part of the land as a temporary construction compound and to create temporary construction access tracks. Rights will also be acquired for the mooring of boats and for

landscaping (including for the excavation of a pond extension at Bevere). The land to be used as a construction compound and construction access tracks at each site will be reinstated and returned to the landowner post-construction. Locations of access routes and construction compounds have been discussed with landowners and agreed where possible.

### 3.7 **Surrounding area**

#### Diglis

3.8 The site of the proposed fish pass adjacent to Diglis Weir lies approximately 1.5km to the south of Worcester city centre, on the banks of the River Severn. The site of the proposed fish pass lies on the western side of the river and is visually dominated by the river itself which is 120 metres wide at this point. The site comprises an area of riverbank and has some scattered trees, ruderal and scrub vegetation. The underlying character of the site and its surroundings is open green space within the functional flood plain of the River Severn, within which there are prominent man-made features of interest.

3.9 A metal palisade fence separates the end of the weir area from the public footpath, along the river bank. The area where the fish pass would be constructed is mainly visible from the public footpath immediately alongside. The site is within the Riverside Conservation Area.

3.10 The western side of the river where the application site is located is generally of an open and semi-natural character with considerable influence of man-made structures. The Worcester Sewage Works, and its associated palisade fencing, lies immediately to the west. There are mature trees along the boundary including some mature Scots Pines.

3.11 The site of the proposed Cochlea public art feature within an existing enlarged hard surfaced area lies on an adjacent site, to the south. The opposite side of the river has modern industrial and residential buildings around Diglis Oil Dock but the application site is detached from this area by the well-vegetated Diglis Lock Island. The lock island itself lies immediately to the east of the weir. It is wooded at its northern end. There are several historic buildings on the lock island (which are Grade II Listed), some of which are visible from the weir.

3.12 The site varies in level but the existing riverbank where the fish pass would be constructed is generally 4 metres high above the water level.

#### Lincomb

3.13 The nearest settlement to the proposed development is 'The Walshes', a suburb of Stourport on Severn, 900 metres to the north-west. The site is 1.3 miles to the south of

Stourport town centre, in a generally quiet rural area beside the River Severn. It is on the western side of the river, which is 150 metres wide at this point.

- 3.14 Both sides of the river are generally green and open and visually dominated by the river itself, the weir and the weir boom. There is a line of approximately fifty riverside chalets immediately to the south-west of the site. The nearest one is around 25 metres from the site. They are laid out in linear form facing the river. On the other side of the river there is a warehouse and a marina for canal boats lies 400 metres north-west of the site. The site is part of a gently sloping river bank with scrub and small trees.
- 3.15 Nearby, in the general area there is agricultural land, small water bodies and scattered woods but none of this is visible from the site apart from a small wooded area immediately to the west.
- 3.16 The site varies in level but the existing riverbank where the fish pass would be constructed is generally 2.5 metres above the water level in this area.
- 3.17 In terms of the construction compound and access corridor, this would be taken from the highway along the existing access track through the former Larford Works, a former concrete manufacturing, storage and batching plant, which is previously developed land. The access previously served the industrial uses on the site and its junction with the public highway is acceptable in terms of visibility and radii.
- 3.18 The construction compound would be set back from the riverside and the site for the proposed fish pass on an open area of land on the eastern side of the public right of way, an area which is largely enclosed by existing vegetation.

#### Holt

- 3.19 The site of the proposed fish pass and its fenced enclosure and part of the river used for construction purposes is located to the north of the settlement of Holt Heath. The site of the proposed construction compound and access, which would be taken off the B4196, would be to the north west of 'The Lenchford Inn'. A new access would be created into the field off the current 'lay by' created by the route of the old road, rather than the existing field gate.
- 3.20 The nearest village to the proposed fish pass site is Holt Heath, 125 metres to the south-west. The site is 4 miles west of Droitwich Spa and 4 miles north of Worcester. It is a generally quiet rural area beside the River Severn. The site is on the southern side of the river, which is 145 metres wide at this point. Holt Lock Island to the north of the weir is 50 metres wide and 470 metres long. The Grade II listed Holt Fleet Bridge was built by Thomas Telford in 1828 and carries the A4133 over the river 450 metres to the east. It is a single span iron structure. Keeper's Cottage north of Holt Lock is Grade II listed but the site is not visible from that location because it is obscured by trees on the lock

island. The steeply sloping southern side of the valley is cloaked in woodland and is accessed on foot. Woodland ground flora covers the area and there is some scrub and a small number of medium sized trees overhanging the riverbank.

- 3.21 The southern side of the river where the application site is located is characterised by a steeply sloping area of broadleaved woodland and is visually dominated by the river itself. The opposite side of the river is also dominated by trees. The wider area is characterised by agricultural land, villages, small waterbodies and scattered woods but none of this is visible from the site because of the wooded character of the area.
- 3.22 The site varies in level but the existing riverbank where the fish pass would be constructed is generally 2 metres high in this area.

### Bevere

- 3.23 The development area is to the west of the settlement of Bevere. Bevere is a small hamlet situated to the north of Worcester, within the Wychavon District Council administrative boundary. It is separated from the built-up area of the city within its rural hinterland. It lies approximately three and a half miles north of the city centre on the banks of the River Severn. It lies on the eastern side of the river which is 160 metres wide at this point. This includes Bevere Island, which is 100 metres wide and 225 metres long. A Grade II listed cast iron single span mid nineteenth century footbridge allows pedestrian access to the Island. The site comprises an area of riverside fields grazed by cattle and therefore comprises mainly grassland. There are many bushes and trees along the river bank, mainly near the bridge and the weir. Some rank vegetation persists at the water's edge where animals have been unable to graze it out. The land is principally open in character with a pastoral appearance. The area where the fish pass would be constructed is mainly visible from the public footpath immediately alongside. Partial views of the northern part of the area would also be possible from the Island. The site is within the Bevere (North Claines) Conservation Area.
- 3.24 The eighteenth or nineteenth century designed parkland setting to Grade II listed Bevere Manor lies 90 metres to the east on the upper slope of the valley side. A long, narrow pond runs east to west from the riverside footpath to the boundary of the Manor at the location where the southern end of the fish pass would be located. Its extent would need to be reduced to accommodate the fish pass. An ornamental embankment runs to the south-east of the weir above the riverbank.
- 3.25 The eastern side of the river where the application site is located is generally of an open and pastoral character dominated by riverside grazing meadows, scattered trees and hedges alongside the river, the river itself, the bridge and the trees on the boundary of the Manor. The opposite side of the river also has a generally open pastoral character

but the application site is largely concealed from this area by the two islands in the river. There are two residential properties by the lock dating from the late twentieth century.

3.26 Bevere Island lies immediately to the north of the weir. It is generally open in character. Grazing animals can gain access over the bridge. There are some scattered trees and bushes around its edges.

3.27 The site varies in level but the existing riverbank where the fish pass would be constructed is generally three metres high.

3.28 **Consultation on the Project**

3.29 In terms of the wider Project, the Project board representatives have met representatives of the three District Councils in whose areas works on the weirs will be taking place on several occasions and will continue to do so throughout the Project. The District Councils are Wychavon and Malvern Hills District Councils and Worcester City Council. The meetings have involved high level discussions and more operational discussions with, for example, planning officers.

3.30 The Project representatives have met various MPs both during wider meetings and specific meetings explaining the Project aim. The feedback from the MPs has been largely positive. There has also been regular and ongoing dialogue with affected landowners for all the Project sites.

Diglis

3.31 In respect of the Diglis Weir application site itself there have been site meetings and discussions with various representatives from arts projects in and around Diglis, to ensure a collaborative approach to arts projects in the local area, including:

- (a) Sustrans (Cochlea Project)
- (b) Riverside Project (a project to create a Riverside Park in Worcester)
- (c) The Arts Ring (a new arts programme which celebrates a 21-mile circle of natural and historic waterways which make up the Mid-Worcestershire Ring, including the River Severn).

3.32 Site visits have also taken place with planning officers, Severn Trent Water and affected landowners. This has included a meeting and explanation of the Project by the Project officer with the occupants of no. 89 Bromwich Road, (the residential property adjacent to the junction of Kingfisher Path and Bromwich Road).

3.33 The Project representatives have also attended meetings with the Highway Authority (Worcester County Council) and interest groups such as the anglers' societies, including Diglis Anglers Salmon Society, and with organisations including:

- Footpath user groups;
- Wildlife interest groups;
- British Canoe Union;
- Environment Agency;
- Severn Rivers Trust; and
- Local canoe club representatives.

#### Lincomb

3.34 In terms of public engagement specific to Lincomb, a presentation was given to Astley and Dunley Parish Council together with residents of Larford Farm Estate on 4th January 2017. The local community has been kept informed of the Project as it has developed.

3.35 A further 'open weekend' was held at Larford Farm Estate on 30 September – 1 October 2017 to allow further discussions with the residents of the chalets there.

#### Holt

3.36 There has been engagement with the Malvern Hills District Council over the Project at Holt as well as the other weirs in the Project. This has involved presenting details of the development to planning officers and more detailed discussions on matters of landscape and heritage in order to scope out the relevant assessments needed to accompany the applications. Site visits to the weirs with the footpaths officer was also undertaken in order to explain the footpath diversions, both permanent and temporary.

3.37 Invitations to meet to discuss the Project and comment on the proposals have also been sent to rights of way groups including the Ramblers Association and the local Wildlife Trust. There have been no adverse comments received as a result of this correspondence. Members of the Project team have attended Parish Council meetings at Holt in order to explain the Project and respond to queries raised.

3.38 There has been extensive engagement throughout the development of the Project in order to inform a variety of interest groups and to provide appropriate details and supporting evidence as part of the planning application.

#### Bevere

- 3.39 There was a public consultation presentation for North Claines Parish Council on 6<sup>th</sup> March 2017, at the Baptist Church. There has also been subsequent direct liaison with Kings Hawford School in respect of the environmental education potential of the Project and a further approach seeking to engage on the construction impacts was attempted in the summer of 2017.
- 3.40 The proposals were also shared with the local wildlife trust in view of the sensitive nature of the site. Discussions were held with the Council's rights of way officer over the impacts on the footpaths in the area and in particular the need for a permanent diversion of the right of way which crosses the site of the fish pass, alongside the river.
- 3.41 **Consideration of alternatives**
- 3.42 It is preferable to build the fish pass structures alongside the river, bypassing the existing weirs, rather than in the water through the existing weir. This is both for ease of access for construction and maintenance but also due to engineering concerns that cutting through 150 year old weirs to install new structures presents an unnecessary risk to the structural integrity of the weir.
- 3.43 There are only two fish pass options that are judged to be suitable for accommodating the upstream passage of twaite shad (*Alosa fallax*) and allis shad (*Alosa alosa*). The first is a deep vertical slot pass and the second is a natural bypass channel. Both of these have the specific conditions including sufficient depth (minimum of 0.4 metres), sufficient passage width for fish to pass upstream in a shoal (0.45 – 0.5 metres) and the absence of turbulence.
- 3.44 Vertical slot passes are a tried and tested engineered technical fish pass solution where the flow and hydraulic conditions can be easily manipulated. They are more durable, which is beneficial in terms of flood risk, and are the only option where limited space is available as they are more space efficient. Vertical slot passes are proposed at Diglis, Lincomb and Holt.
- 3.45 The natural by pass channel is a design which recreates flow conditions that are naturally found in a river system and the heterogeneous flows of this kind of pass provides for the upstream passage of a very wide range of fish species. The specific form of this type of fish pass is variable and depends on the complex interaction between various factors including the space available, species being considered and the river system. One of the primary constraints in the design of a natural bypass solution is its ability to handle a large change in upstream water levels whilst retaining effective fish passage. There are potential options to solve this problem including large/ tall boulders and a lateral slope at the base of the pass. They are less durable in terms of flood risk than vertical slot fish passes but this is very much site specific. A natural by pass channel is proposed at Bevere.

- 3.46 Since all the weirs have a diagonal crest alignment, i.e. have a crest which is not at right angles to the bank, the fish tend to congregate in the upstream corner of weirs. This restricts the side of the river it is appropriate to build the fish passes in order to maximise upstream migration.
- 3.47 The location and design of the fish pass is therefore relatively fixed - the fish pass has to be located next to the weir and has to be located in the upstream corner of the weir if it is to be effective.
- 3.48 In terms of the temporary construction compounds, construction access routes and maintenance access routes, the location of these at all four sites has evolved as a direct result of discussions with affected landowners. The options that have been settled upon are, where possible, those that are favoured by affected landowners.

3.49 **Description of proposed development**

Diglis

- 3.50 The external dimensions of the proposed fish pass structure would be approximately 80 metres long, 8 metres wide and 5 metres deep. The depth of the fish pass above the riverbank facing the river would vary from a maximum of 5 metres at the southern end to approximately 1 metre in the central portion. The elevations facing the Bromwich Parade would be broadly flush with natural ground apart from the south west corner where the fish pass structure would stand proud of the falling ground. The full height of the south-western end elevation would also be visible.
- 3.51 There would also be internal gallery within the structure in the north-eastern end of the Diglis fish pass. The gallery would be used by invited groups as part of the interpretation project with the groups assembling at an existing workshop building at Diglis Island.
- 3.52 Hard and soft landscaping will be provided near the proposed fish pass to ameliorate the disturbance of patches of existing vegetation. The hard landscaping would include cladding on the exposed concrete face of the fish pass and weathered rustic metal fencing along the inner edge of the fish pass to harmonise with the style and character of materials used within the local area (Diglis Lock and Island).
- 3.53 The soft landscaping proposals include:
- (a) Clumps of native shrubs adjacent to the northern and southern side of the fish pass to assist in the integration of the development into the existing river corridor planting;
  - (b) Native marginal planting on the outer edge of the fish pass to help integrate and soften the riverside edge of the proposed development;

- (c) Low growing planting along the proposed new fence line with open areas to view the fish pass as a feature of interest. This would include both ornamental and native species;
- (d) Proposed supplementing of existing screening on the Diglis Island and on the east bank of the eastern arm of the River Severn adjacent to the Severn Way; and
- (e) A planning contribution for supplementary landscaping on non-Trust land on the land to the north west of Diglis Weir.

3.54 An integral part of the 'Unlocking the Severn' Project is the inclusion of public art incorporated into the design of the security fencing, and interpretative signage (likely to be a low level lectern style).

#### Lincomb

3.55 The external dimensions of the proposed fish pass would be approximately 80 metres long, 8 metres wide and 5 metres deep, most of which would be below the surface. The top of the fish pass would be broadly flush with the ground. The most obvious above surface components would include the concrete rim and side wall on the river side, the two metal mesh walkways with handrails above the two side channels of the fish pass, together with the security fence around the compound.

3.56 Hard and soft landscaping is to be provided near the proposed fish pass to ameliorate the impact of the development on the surrounding environment. The hard landscaping would include coloured exposed aggregate along the exposed concrete face of the fish pass to soften the engineering elements and a stockade type of timber safety fencing along the landward side of the fish pass to allow observers to see into the site.

3.57 The soft landscaping proposals include:

- (a) Native shrub planting adjacent to the northern, western and south-eastern ends of the fish pass to assist in the integration of the development into the existing river corridor planting; and
- (b) Native marginal planting on the outer edge of the fish pass in a 'biomatrix' and piling marginal shelf, to help integrate and soften the riverside edge of the proposed development.

#### Holt

3.58 The external dimensions of the proposed fish pass would be approximately 80 metres long, 8 metres wide and 7 metres deep, most of which would be below the surface. Broadly two thirds of the pass would be straight and parallel to the side of the bank,

leaving a narrow strip, and then the most easterly one third would curve back towards the river edge. The top of the fish pass would be broadly flush with the ground. The most obvious above surface components would include the concrete rim and side wall on the river side, the two metal mesh walkways with handrails above the two side channels of the fish pass, together with the security fence around the compound.

3.59 Landscaping will be provided around the proposed fish pass to mitigate and soften the visual impacts of the development. The fish pass will be enclosed by a timber stockade type of security fencing. This will be a bespoke design which responds to the woodland location of the fish pass whilst preventing access into the structure.

3.60 The soft landscaping proposals include:

- (a) Native woodland planting on the edge of the existing woodland;
- (b) Clumps of native shrubs adjacent to the north-western and south-eastern ends of the fish pass to assist in the integration of the development into the existing river corridor planting;
- (c) Native marginal planting on the outer edge of the fish pass in a 'biomatrix' and piling marginal shelf, to help integrate and soften the riverside edges of the proposed development; and
- (d) Native climbing plants along the proposed fencing to help visually integrate it into the surrounding landscape.

#### Bevere

3.61 The bypass channel fish pass which is proposed at Bevere allows a more natural appearance to the completed structure compared with the vertical slot channels which are required at the other three locations. The design provides for sloping sides, which can be planted, and involves reduced amounts of visible concrete and steel piling. The main features include a channel length of approximately 110 metres of which approximately 45 metres would be curved (broadly from the upstream inlet to the north side of the path leading to the bridge) and 65 metres would be straight (to the downstream outlet below the weir). The channel would be 8 metres wide.

3.62 Hard and soft landscaping will form part of the proposed fish pass development in order to mitigate and soften the impacts on the local environment. The hard landscaping would include:

- (a) Post and rail appearance crash barrier fence on either side of bridge across the fish pass channels;

- (b) Metal railing abutting the top of the walls of the channel – this is a contemporary design which seeks to harmonise with the metal railings on the listed bridge across to Bevere Island; and
- (c) Post and rail fencing on either side of the track leading up to the bridge over to Bevere Island.

3.63 The soft landscaping proposals include:

- (a) Clumps of native shrubs on the river side of the proposed fish pass adjacent to the weir and adjacent to the abutments of the farm access track crossing the fish pass;
- (b) Wildflower meadow grass on the slopes and on the remnant part of the meadow between the proposed fish pass and the river;
- (c) Native marginal planting on the river bank slopes adjacent to the proposed wildflower meadow; and
- (d) Construction of a pond extension to compensate for the loss of the river end of the pond to the fish pass.

## **4 THE ORDERS**

### **4.1 The Compulsory Purchase Orders**

4.2 The Orders have been made by the Agency pursuant to powers under sections 154 and 156 of the Water Resources Act 1991 in conjunction with sections 10 and 18 of the Salmon and Freshwater Fisheries Act 1975 and the Acquisition of Land Act 1981.

4.3 Section 154 of the 1991 Act, so far as relevant, provides:

*“154 – Compulsory purchase etc.*

*(1) The Agency...may be authorised by the relevant Minister to purchase compulsorily any land anywhere in England and Wales which is required by the Agency...for the purpose of, or in connection with, the carrying out of its functions.”*

4.4 Section 156 of the 1991 Act further provides:

*“156 - Acquisition of land etc. for fisheries purposes.*

*(1) Without prejudice to section 37 of the 1995 Act (incidental general powers of the Agency)...the powers conferred on the Agency...by those provisions and section 154 above include power to purchase or take on leases (either by agreement or, if so authorised, compulsorily)—*

*...(b) so much of the bank adjoining a dam as may be necessary for making or maintaining a fish pass for the purposes of section 10 of the Salmon and Freshwater Fisheries Act 1975...*"

- 4.5 Section 154(2) specifies that the power of the minister under subsection (1) includes the power to authorise (i) the acquisition of interests in and rights over land by the creation of new rights and interests and (ii) the acquisition of any rights over land which is being acquired to provide for extinguishment.
- 4.6 Section 37 of the Environment Act 1995 also gives the Agency a power to do anything which, in its opinion, is calculated to facilitate, or is conducive or incidental to, the carrying out of its functions and without prejudice to the generality of that power it may acquire and dispose of land in connection with its functions.
- 4.7 The Agency also has the power to acquire rights in relation to the carrying out of its functions. The purpose of the construction of the fish passes under section 10 SAFFA 1975 is to allow the fish to by-pass the weirs. It is considered that this falls within the Agency's function (the duty under s.6(1)(b) of the EA 1995) to conserve flora and fauna which are dependent on an aquatic environment. Therefore, the compulsory acquisition of rights is also authorised in these circumstances.
- 4.8 The 2015 Guidance provides guidance to acquiring authorities on the use of compulsory purchase powers and the Agency has taken full account of this guidance in making the Orders.
- 4.9 The Agency is using its powers of compulsory purchase contained in sections 154 and 156 of the Water Resources Act 1991, sections 10 and 18 of the Salmon and Freshwater Fisheries Act 1975 and the Acquisition of Land Act 1981 because it is satisfied that the acquisition of the Order Land will facilitate the construction of the Project. Mindful that it should not use a more general compulsory purchase power when a more specific one is available, the Agency considers that the powers in the Water Resources Act 1991, in conjunction with the Salmon and Freshwater Fisheries Act 1975 are the most appropriate.
- 4.10 The purpose in seeking to acquire the land and utilising the powers in the Water Resources Act 1991, in conjunction with the Salmon and Freshwater Fisheries Act 1975, is set out in detail in section 5 below.
- 4.11 **The Order Land**
- 4.12 The Order Map for each CPO shows the extent of the Order Land, which comprises 15 plots at Lincomb, 7 plots at Holt, 13 plots at Bevere and 13 plots at Diglis. The Order Maps for all four CPOs comprise five sheets (two for Diglis, and one for each of the remainder of the sites).

- 4.13 The land coloured pink on the Order Maps will be acquired permanently for the Project.
- 4.14 The Agency is to create new rights over the land coloured blue on the Order Maps. The rights to be created are necessary for the construction, operation and maintenance of the Project, specifically for the rights set out in paragraphs 3.5 and 3.6 above. However, as the Project will not preclude continued use of this land, it will not be permanently acquired.
- 4.15 Confirmation of the Orders will enable the Agency to compulsorily acquire land required for the Project in order to construct the fish passes. It will also enable the acquisition of rights for construction and maintenance of the Project.
- 4.16 **Justification for Compulsory Purchase**
- 4.17 Whilst the Trust, as part of the Partnership assisting the Agency in the promotion of the Project, owns the weir and associated lock and navigation channel, it does not own the land necessary for construction of the fish pass. That land is in third party ownership.
- 4.18 In order to deliver the Project, it is therefore necessary for the Agency to secure sufficient control over the land shown on the Order Map to construct the new fish passes. The ability to access the land required for the Project will also be required for ongoing inspection and maintenance purposes. The Project is reliant on external funding from the Heritage Lottery Fund and the European Union's LIFE+ programme and the ability to demonstrate that the Agency can access and/or acquire land to deliver the Project is a priority requirement for those funders. The Heritage Lottery Fund's standard terms of grant require the Partnership to have exclusive control over the land where the fish passes will be permanently located, as well as the ability to construct and maintain the Project. Proceeding with CPOs provides the funders with the most certainty that the project can be delivered to the required timescales as it ensures control of the relevant land.
- 4.19 In this regard, the Trust, on behalf of the Partnership, has undertaken discussions with relevant landowners in order to seek to acquire the land and/or rights needed for the Project by agreement. At the time of writing, heads of terms have been entered into with five landowners but agreements with numerous other landowners and interested parties remain outstanding. Although it is intended that such discussions will continue the Orders have been made to ensure that the Project can be delivered to the timescales required and to ensure that third party rights do not cause any impediment to delivery of the Project. Discussions with landowners and interested parties will continue to be undertaken in parallel to the compulsory acquisition process. This approach is fully supported in the 2015 Guidance, which provides as follows:

*“Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:*

- plan a compulsory purchase timetable as a contingency measure; and*
- initiate formal procedures*

*This will also help to make the seriousness of the authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.”*

- 4.20 Applications for planning permission have been made to facilitate the construction of the Project. Determination of the planning applications is currently pending. The Agency is not aware of any reason why planning permissions should not be granted for the Project.
- 4.21 The Project complies with national and local strategies and policies at a number of levels which are considered in section 7 below.
- 4.22 In addition, the Project gives rise to a number of benefits relating to conservation, education, tourism and the economy, set out in section 5 below.
- 4.23 The Trust, on behalf of the Partnership, has entered into discussions with landowners and others with a relevant or compensatable interest with a view to acquiring the necessary land or rights by way of agreement. However, to ensure the Project is delivered it is necessary for the Agency to have access to compulsory purchase powers.
- 4.24 It is therefore considered that compulsory purchase is necessary and justifiable in the public interest.
- 4.25 In addition to compulsory purchase powers, the Agency has a number of statutory powers available to it which it may rely on. These statutory powers are contained in section 172 of the Water Resources Act 1991 (“WRA 1991”), in conjunction with sections 10 and 18 of the Salmon and Freshwater Fisheries Act 1975 (“SAFFA”) and Schedule 20 of the Water Resources Act 1991.
- 4.26 Whilst such powers are available, in this case (for the reasons given in paragraphs 4.18 and 4.19 above and 4.27 below) it is considered more appropriate for CPO powers to be relied upon to construct, operate and maintain the Project. The Agency have been given specific powers of compulsory acquisition (pursuant to sections 154 and 156 Water Resources Act 1991, as described in paragraph 4.2 – 4.6 above) to make and maintain

fish passes and the Agency consider that the use of such powers is justified in the public interest.

- 4.27 In order to ensure the Project is delivered to the timetable required, it is considered that compulsory acquisition is necessary and it is therefore proposed that CPOs should be made and progressed.

## **5 BENEFITS OF THE PROJECT**

- 5.1 The fish passes are needed to enable the Agency to fulfil its statutory function and duties and to help deliver favourable conservation status of the Severn estuary SAC.
- 5.2 The proposed fish passes are fully in accordance with the Agency's ambitions to 2020 (published in the Agency's "Creating a better place: our ambition to 2020" (April 2017)) (the "Agency's Ambitions"), together with the Government's strategy for England's wildlife and ecosystems (published in Defra's "Biodiversity 2020: A strategy for England's wildlife and ecosystem services" (2011)) (the "Biodiversity Strategy").
- 5.3 The Biodiversity Strategy contains various strategic goals and targets. The Government's "2020 Mission" is "*to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people*". The Strategy also refers to wider EU and UN biodiversity conventions and strategies, which include taking "*effective and urgent action to halt the loss of biodiversity in order to ensure that by 2020 ecosystems are resilient...*" and "*conserving and restoring nature...maintaining and enhancing ecosystems...[and] addressing the global biodiversity crisis.*"
- 5.4 One of the key actions listed in the Biodiversity Strategy is to "*take targeted action for the recovery of priority species, whose conservation is not delivered through wider habitat-based and ecosystem measures.*" Another key action is to "*...engage significantly more people in biodiversity issues, increase awareness of the value of biodiversity and increase the number of people taking positive action.*"
- 5.5 Fundamentally, the Agency's contribution to the Partnership enables it to contribute to delivering the Biodiversity Strategy through undertaking a more integrated large-scale approach to conservation. It will make a significant contribution towards the Agency's delivery of halting overall biodiversity loss, supporting healthy well-functioning ecosystems and establishing coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.
- 5.6 Allowing Shad passage at six locations (four on the River Severn are included within this Project and two are being brought forward separately where the Agency already owns the relevant land on the River Teme) and reconnecting 253km of habitat helps deliver the Agency's "*effective and urgent action to halt the loss of biodiversity*" in order to

ensure that by 2020 the ecosystem of the River Severn, the UK's longest river, and the River Teme (where the other two sites are located; itself a SSSI) are resilient and continue to provide essential services for people.

- 5.7 This helps the Agency meet the EU vision and mission to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restore them in so far as is feasible, while stepping up the EU contribution to averting global biodiversity loss.
- 5.8 The Agency's Ambitions include an overarching vision to *"create a better place for people and wildlife"*. The paper states that the Agency's purpose is to *"protect the environment and promote sustainable development"*. The Agency's aspirations for 2020 include: *"increased biodiversity and improved habitats...well protected designated sites...[and] more people enjoy the natural environment"*.
- 5.9 The Project demonstrates how the Agency will deliver its vision and its commitment to delivering a healthier environment which benefits people and the economy, along with its commitment to working in partnership:
- (a) The Project will contribute to increased biodiversity and improved habitats;
  - (b) The Project focusses on "critical outcomes", notably nationally important environmental improvements;
  - (c) It will benefit protected designated sites, notably the River Severn SAC;
  - (d) It will "benefit both people and the economy" through angling, tourism and local events and activities;
  - (e) It will enable more people "to enjoy the natural environment" through outcomes identified in activity, interpretation and volunteer plans; and
  - (f) The Project is an exemplar project delivering a key ambition of the Agency by creating a better place through "stronger partnerships with others to accomplish our common goals".
- 5.10 Crucially for the Agency, the Project will also achieve many of its "key performance indicators", including kilometres of Water Framework Directive water body enhanced; length of rivers opened up to fish passage; river habitat enhanced; and rivers, lakes and transitional waters protected under the EU Habitats/Bird Directive improved.
- 5.11 As has been noted above, the Severn Estuary is designated as a SAC. The Annex II species that are the primary reason for the designation are the twaite shad, and river and sea lamprey. Part of the assessment process for a SAC is to assess the site's current condition, and the Severn is currently classed as "unfavourable". To achieve "favourable" status - which is a target imposed on the UK Government - the condition

must be remedied by introducing positive conservation measures. For the Severn, the principal measure required is to enable spawning fish, in particular the twaite shad, to gain access to their historic spawning grounds within the River Severn.

- 5.12 The purpose of the Project involves the re-opening of the UK's longest river to all fish species including shad, salmon, eel, barbel and lamprey and thereby reconnecting it with its natural, cultural and industrial heritage. The Project will provide substantial ecological benefits to the river and its ecosystem, through removing the barriers presented by weirs constructed in the nineteenth century. By producing favourable conditions for the shad, there will be beneficial effects for other species of fish, that will also be able to use the fish passes.
- 5.13 It is the biggest project of its kind in Europe. It would preserve economic and social benefits of greater than £15m (the estimated expenditure in local economies generated by angling and fishing activities along the River Severn), whilst delivering £4m of new benefits (by engaging local people and visitors with the restored fishery and attracting new tourists and visitors, particularly as a result of the new national Shad Festival).
- 5.14 The Project will provide economic opportunities across the Severn by increasing visitor numbers, including through angling and tourism. The project would involve interpretation of the heritage, involving work with stakeholders. Some of these would be directly involved (university, volunteers and schools) and some indirectly, through the display of interpretation panels at the four proposed sites.
- 5.15 In addition, the Project would create opportunities for community engagement, education and the creation of new jobs. It is intended to employ four 'River Trainees' annually (16 in total) through a 4 year period, to develop skills in community engagement, education and fisheries monitoring. It is also predicted that 13 full time equivalent posts would be created to deliver the project.

## **6 IMPLEMENTATION OF THE PROJECT**

### **6.1 Project Costs**

6.2 The Project is estimated to cost (for development and delivery) £19.4million.

### **6.3 Funding**

6.4 The Project will be funded from various sources with the largest being European Union 'Life+' and Heritage Lottery Funding, with additional contributions from the Trust, the Agency and Natural England.

6.5 The Agency, the Trust and Severn Rivers Trust will enter into a collaboration agreement which sets out the responsibilities and roles of each of the parties to the Partnership.

The Agency has also agreed with the Trust that the Trust will underwrite the costs of the CPOs.

## 6.6 **Delivery Programme**

6.7 The current Project programme is to commence construction at Diglis and Bevere in March 2019 and complete construction at the end of December 2019 or early January 2020. For Holt and Lincomb, construction is currently expected to start in March 2020 and complete in December 2020 or early January 2021.

6.8 The Agency is satisfied that, if the Orders are confirmed, it will be able to implement the Project.

## 7 **THE PLANNING POSITION**

7.1 Applications for planning permission have been made for construction of the fish passes and associated works. The four fish passes do not constitute EIA development and so do not require an Environmental Statement, although a substantial amount of environmental information has been submitted with the applications. The applications have been made to the following local planning authorities and allocated the reference numbers stated below:

- (a) Diglis: application made to Worcester City Council with planning application reference P17D0448;
- (b) Lincomb: application made to Malvern Hills District Council with planning application reference 17/01523/FUL;
- (c) Holt: application made to Malvern Hills District Council with planning application reference 17/01597/FUL; and
- (d) Bevere: application made to Wychavon District Council with planning application reference 17/02226/FUL.

7.2 The applications are due to be determined during January and February 2018. Two of the applications (Holt and Diglis) have received no public objection but modest levels of public objection exist in relation to the other two applications (Lincomb and Bevere). Statutory consultees have generally been supportive of the applications.

### **Local Planning Policy**

7.3 The proposals are considered to be acceptable in planning policy terms and in accordance with the relevant planning policies and guidance listed below for each of the sites:

Diglis

- (a) South Worcestershire Development Plan – policies SWDP1 (overarching sustainable development principles), SWDP4 (moving around South Worcestershire), SWDP6 (historic environment), SWDP21 (design), SWDP22 (biodiversity and geodiversity), SWDP25 (landscape character), SWDP28 (management of flood risk), SWDP34 (tourist development) and SWDP38 (green space);
- (b) National Planning Policy Framework;
- (c) Worcestershire County Council Landscape Character Assessment (2011) Supplementary Guidance; and
- (d) Worcester City Council Biodiversity and Trees Supplementary Planning Document (September 2007).

Lincomb:

- (e) South Worcestershire Development Plan – policies SWDP1 (overarching sustainable development principles), SWDP4 (moving around South Worcestershire), SWDP6 (historic environment), SWDP21 (design), SWDP22 (biodiversity and geodiversity), SWDP25 (landscape character) and SWDP28 (management of flood risk);
- (f) National Planning Policy Framework; and
- (g) Worcestershire Landscape Character Assessment (2011) Supplementary Guidance.

Holt:

- (h) South Worcestershire Development Plan – policies SWDP1 (overarching sustainable development principles), SWDP4 (moving around South Worcestershire), SWDP6 (historic environment), SWDP21 (design), SWDP22 (biodiversity and geodiversity), SWDP25 (landscape character), SWDP28 (management of flood risk) and SWDP38 (green space);
- (i) National Planning Policy Framework; and
- (j) Worcestershire Landscape Character Assessment (2011) Supplementary Guidance.

Bevere:

- (k) South Worcestershire Development Plan – policies SWDP1 (overarching sustainable development principles), SWDP4 (moving around South Worcestershire), SWDP6 (historic environment), SWDP21 (design), SWDP22

(biodiversity and geodiversity), SWDP25 (landscape character), SWDP28 (management of flood risk), SWDP34 (tourist development) and SWDP38 (green space);

- (l) North Claines Neighbourhood Plan – policies NCLE1A, NCLE5, NCLE6 and NCD1;
- (m) National Planning Policy Framework; and
- (n) Wychavon District Council – Local Development Framework - Planning and Wildlife Supplementary Planning Document (July 2008).

7.4 The Project's objectives are therefore supported in local planning policy.

## **8 THE CASE FOR ACQUISITION OF INDIVIDUAL INTERESTS AND RIGHTS**

8.1 As explained in this Statement of Reasons, the Agency has given careful consideration as to why it is necessary to acquire and create rights over the Order Land. An explanation of why each plot is required is appended to this Statement at **Appendix 1**.

8.2 The Trust, on behalf of the Partnership, has entered into discussions with landowners and others with a relevant or compensatable interest with a view to acquiring the necessary land or rights by way of agreement. Although the Agency is promoting the Orders, it remains committed to this approach. However, to ensure the Project is delivered it is necessary for the Agency to have access to CPO powers.

8.3 Furthermore, without acquiring all the interests set out in the Orders the Agency cannot guarantee being able to comply with all the conditions expected to be imposed on the planning permissions which may include various environmental mitigation conditions.

8.4 The Agency has undertaken detailed investigations to identify so far as possible those with a relevant or compensatable interest. This has included land registry, utility and other searches by the Agency's advisors, Bruton Knowles, communicating with the landowners and their agents and site visits. The Agency is satisfied that it has taken reasonable steps to identify relevant or compensatable interests. However, it remains the case that there may be unidentified third party interests in the Order Land. Compulsory purchase powers are also required to ensure these do not prevent delivery of the Project.

## **9 HUMAN RIGHTS CONSIDERATIONS AND ANY OTHER CONSIDERATIONS**

9.1 The Human Rights Act 1998 (“the 1998 Act”) incorporated into domestic law the European Convention on Human Rights (“the Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

- 9.2 Section 6 of the 1998 Act prohibits public authorities from acting in a way which is incompatible with the Convention. In exercising its powers of compulsory acquisition, the Agency is acting as a public authority for the purpose of the 1998 Act so must be conscious of the need to strike a balance between the rights of the individual and the interests of the public.
- 9.3 Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably Article 1 which protects the right of everyone to the peaceful enjoyment of possessions- no-one can be deprived of possessions except in the public interest and subject to relevant national and international laws. Further, in relation to Article 8 (right to respect for private and family life and home) rights may only be restricted if the infringement is legitimate and fair and proportionate in the public interest. Article 6 protects the right to a fair hearing. In criminal law cases and cases to determine civil rights it protects the right to a public hearing before an independent and impartial tribunal within reasonable time, the presumption of innocence, and other minimum rights for those charged in a criminal case.
- 9.4 The rights of a landowner under the 1998 Act must be taken into account when considering whether to make a compulsory purchase order. There is land/property which would be affected by the CPO. Most of this land is agricultural. No occupied residential dwelling is being acquired and the Project will not displace anyone from their home. Given the justification for the Project, the status of the Severn Estuary as a designated SAC and the statutory requirement on the Agency under section 6(1) of the Environment Act 1995 to promote the conservation of flora and fauna which are dependent on an aquatic environment, it is considered that there is a compelling case in the public interest for the making of a Compulsory Purchase Order which, if confirmed, would strike an appropriate balance between public and private interests enabling the development of the Project and protecting the conservation status of the River Severn.
- 9.5 It is also a right to have a fair and public hearing. Appropriate consultation took place during the planning application process with an opportunity given for interested parties to make representations. Representations can also be made in the context of the compulsory purchase process which allows objections to be made which may be considered by the Secretary of State if not resolved. Furthermore, those directly affected by the Order (i.e. the landowner(s) of the land required for the Project) will be entitled to statutory compensation.

## **10 EQUALITY**

- 10.1 The Equality Act 2010 requires the promotion of understanding of the importance of equality and diversity, and the encouragement of good practice in relation thereto. In the promotion of the Orders, the Agency has been mindful of the need to properly discharge

its obligations under the provisions of this legislation, with particular regard to the locations and accessibility of the places selected for the deposit of documents relevant to the Project. An Equality Act assessment has been undertaken for the Project.

## **11 SPECIAL CONSIDERATIONS**

- 11.1 There are no ancient monuments or listed buildings in the Order Land, however, the Order Land does adjoin a Grade II Listed bridge at Bevere Island.
- 11.2 The fish pass at Diglis is within the Riverside Conservation Area and the fish pass at Bevere is within the Bevere (North Claines) Conservation Area.
- 11.3 There are no buildings in a conservation area that would be demolished.
- 11.4 The Project does not require any land owned by the National Trust.
- 11.5 The Project does not require any special category land.

## **12 STATUTORY UNDERTAKERS**

- 12.1 Where statutory undertakers' apparatus is affected by the Project, arrangements will be made to protect or divert the apparatus. Detail on statutory undertakers' apparatus has been obtained via utility searches and statutory requisitions for information.

## **13 VIEWS OF GOVERNMENT DEPARTMENT**

- 13.1 The Department for the Environment, Food and Rural Affairs is aware of the Project and expressed its views on the Project as part of the funding application to LIFE in September 2015:

*“Defra and its agency The Centre for Environment, Fisheries and Aquaculture Science (Cefas) strongly support this proposal which is in line with our objectives to improve fish passage throughout England.*

*This proposal is for the construction of new passes around existing barriers within the River Severn catchment in order to facilitate the upstream migration of Twaite shad and allow it access to historic spawning sites. Twaite shad are a feature of a number of designated Habitats Directive Special Areas of Conservation in and around the Severn Estuary and, as such, the proposal to substantially increase available spawning areas for the fish in the river Severn and its tributaries, and thus help improve the overall abundance of the species, is to be welcomed. The proposal should also benefit several other migratory fish species as well as the shad; this would be expected to include salmon, sea trout and eel. This proposal supports Defra's 5 year strategy for cleaner, healthier environment which benefits people and the economy. It would also support our*

*delivery of EU Water Framework Directive, Habitats Directive and Eel Regulation objectives in England.”*

## **14 RELATED APPLICATIONS/APPEALS/ORDERS**

### **14.1 Planning application details and status**

14.2 Planning permission for consent to build the Project has been applied for and details of this are set out at paragraph 7.1 above. The Agency is not aware of any reasons why planning permissions would not be granted for the Project. The Agency is also not aware of any impediment likely to prevent compliance with any conditions likely to be attached to any of the planning permissions.

### **14.3 Public footpath diversions**

14.4 Applications for permanent public right of way footpath diversions under section 257 of the Town and Country Planning Act 1990 have been made in relation to Diglis, Holt and Bevere. Temporary footpath diversions will also be applied for at all four of the sites in relation to diversions required during construction works. The Agency is not aware of any reasons why the diversion applications will not be granted.

### **14.5 Other related consents**

14.6 The additional following consents are also likely to be required for the Project:

- (a) Environmental Permits (including flood defence consent/permit): these are required for all four sites for both the permanent works and the construction works - applications have been made and are awaiting determination;
- (b) Water transfer licences: these will be required for all four sites, as the developments will involve transferring water from above the weirs to below the weirs - applications have been made and are awaiting determination;
- (c) Highways Agreement(s): if required, these will be negotiated following the grant of planning permission and prior to commencement of construction. It will be ascertained during the determination of the planning applications whether such agreements are required; and
- (d) Traffic Regulation Order(s): again, if required, these will be applied for following the grant of planning permission and prior to commencement of construction. It will be ascertained during the determination of the planning applications whether such orders are required.

14.7 The Agency is not aware of any reasons why the above consents, licences, agreements and orders will not be successfully obtained.

## **15 COMPENSATION ISSUES**

- 15.1 The Agency, through the Trust, will endeavour to discuss compensation issues and to purchase properties and necessary rights by agreement, if possible, rather than compulsorily.
- 15.2 Provision is made by statute with regard to compensation for the compulsory purchase of land and rights and the depreciation in the value of affected properties. More information is given in the series of booklets published by the DCLG listed below:
- (a) Compulsory purchase and compensation booklet 1: procedure
  - (b) Compulsory purchase and compensation booklet 2: compensation to business owners and occupiers
  - (c) Compulsory purchase and compensation booklet 3: compensation to agricultural owners and occupiers
  - (d) Compulsory purchase and compensation booklet 4: compensation to residential owners and occupiers
  - (e) Compulsory purchase and compensation booklet 5: reducing the adverse effects of public development
- 15.3 Copies of these booklets can be obtained from DCLG or can be viewed online at <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

## **16 THE ORDERS, ORDER MAP AND STATEMENT OF REASONS**

- 16.1 A copy of the Orders, Order Map, and Statement of Reasons can be inspected during normal office hours at The Hive, Sawmill Walk, The Butts, Worcester WR1 3PD.
- 16.2 The Order documents can be viewed electronically at the Agency's website (<https://www.gov.uk/government/publications/unlocking-the-severn-diglis-lincomb-holt-bevere-compulsory-purchase-order>).
- 16.3 It is not intended that this statement should discharge the statutory obligations of the Agency under the Compulsory Purchase (Inquiries Procedure) Rules 2007.

## **17 ADDITIONAL INFORMATION**

### **17.1 Supporting documents**

- 17.2 In the event of public local inquiries into the Orders, the Agency intends to refer to or put in evidence the documents listed in **Appendix 2** to this document. This list is not intended to be exhaustive and should it be necessary to hold a public inquiry into the

Orders the Agency may refer to or put in evidence further documents, a list of which will be supplied in due course.

- 17.3 Owners and tenants of properties affected by the Orders who require information about the CPO process can contact Alan Jones of the Environment Agency at [engagement\\_westmids@environment-agency.gov.uk](mailto:engagement_westmids@environment-agency.gov.uk).

**The Environment Agency**  
**19 January 2018**

## Appendix 1

### Explanation of why each plot is required

<b>LINCOMB</b>		
<b>Plot Numbers</b>	<b>Interest being acquired</b>	<b>Reason why required</b>
<b>1A, 1C, 1D, 1E, 2A</b>	Rights	To construct (including any necessary clearance of vegetation) and use an access by foot and with vehicles in connection with the works for the construction of the fish pass.
<b>1B</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) and to use the land as a temporary compound in connection with the construction of the fish pass.
<b>1F, 2C, 3B</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) and the right to moor vessels in connection with the construction, maintenance, inspection and repair of the fish pass.
<b>1H, 2E</b>	Rights	To construct (including any necessary clearance of vegetation) and use an alternative access by foot and with vehicles in connection with the inspection, maintenance and repair of the fish pass.
<b>1G, 2B, 3A</b>	Land	For the construction, use and maintenance of the fish pass – these plots will be the permanent location for the fish pass.
<b>2D</b>	Rights	For access by foot and vehicle in connection with the inspection, maintenance and repair of the fish pass.

<b>HOLT</b>		
<b>Plot Numbers</b>	<b>Interest being acquired</b>	<b>Reason why required</b>
<b>1A</b>	Rights	To construct (including any necessary clearance of vegetation) and use an access by foot and with vehicles in connection with the works for the construction of the fish pass.
<b>1B</b>	Rights	To construct (including any necessary clearance of vegetation) and use an access by foot and with vehicles, to enter and undertake works and to use the land as a temporary compound, and to moor vessels, in connection with the works for the construction of the fish pass.
<b>2A</b>	Rights	To moor vessels, and construct (including any necessary vegetation clearance) and use an access by foot in connection with the works for the construction, inspection, maintenance and repair of the fish pass.
<b>3A</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) and the right to moor vessels in connection with the construction, inspection, maintenance and repair of the fish pass.
<b>3B</b>	Land	For the construction, use and maintenance of the fish pass – this plot will be the permanent location for the fish pass.
<b>3C</b>	Rights	For access by foot and with vehicles in connection with the inspection, maintenance and repair of the fish pass.
<b>4A</b>	Rights	To moor vessels, enter and undertake works, construct (including any necessary clearance of vegetation) and use an access by foot and with vehicles, for all purposes in connection with the construction, inspection, maintenance and repair of the fish pass.

<b>DIGLIS</b>		
<b>Plot Numbers</b>	<b>Interest being acquired</b>	<b>Reason why required</b>
<b>1A, 2A, 3A, 3B, 3E</b>	Rights	To construct (including any necessary clearance of vegetation) and use an access by foot and with vehicles in connection with the works for the construction of the fish pass.
<b>3C</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) and to use the land as a temporary compound in connection with the construction of the fish pass.
<b>3F, 4A</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) and the right to moor vessels in connection with the construction, maintenance, inspection and repair of the fish pass.
<b>3D, 4B</b>	Land	For the construction, use and maintenance of the fish pass – these plots will be the permanent location for the fish pass.
<b>5A, 5B</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) in connection with the construction, maintenance, inspection and repair of the fish pass.
<b>5C</b>	Rights	For access by foot and with vehicles in connection with the inspection, maintenance and repair of the fish pass.

<b>BEVERE</b>		
<b>Plot Numbers</b>	<b>Interest being acquired</b>	<b>Reason why required</b>
<b>1A</b>	Rights	To construct (including any necessary clearance of vegetation) and use an access by foot and with vehicles, and to use part of the land as a temporary compound, in connection with the works for the construction of the fish pass.
<b>2A, 5A</b>	Rights	To construct (including any necessary clearance of vegetation) and use an access by foot and with vehicles in connection with the works for the construction of the fish pass.
<b>3A</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) and to use the land as a temporary compound in connection with the construction of the fish pass.
<b>3B, 4A</b>	Land	For the construction, use and maintenance of the fish pass – these plots will be the permanent location for the fish pass.
<b>3C, 4B</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) and the right to moor vessels in connection with the construction, maintenance, inspection and repair of the fish pass.
<b>3D, 5B, 6A</b>	Rights	For access by foot and with vehicles in connection with the inspection, maintenance and repair of the fish pass.
<b>3E</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) in connection with the excavation of a pond extension.
<b>3F</b>	Rights	To enter and undertake works (including any necessary clearance of vegetation) and to use the land as a temporary compound in connection with the construction, maintenance, inspection and repair of the fish pass.

## Appendix 2

### Document List

<b>Number</b>	<b>Description</b>
1	Orders
2	Order Maps (accompanying the Orders)
3	Statement of Reasons
4	EA Report to Director and decision to make Orders
5	Redline planning application plans
6	Planning Statements
7	Project drawings
8	South Worcestershire Development Plan
9	National Planning Policy Framework
10	Worcestershire County Council Landscape Character Assessment Supplementary Guidance (2011)
11	Worcester City Council Biodiversity and Trees Supplementary Planning Document (2007)
12	North Claines Neighbourhood Plan
13	Wychavon District Council Local Development Framework – Planning and Wildlife Supplementary Planning Document (2008)
14	DCLG CPO Guidance 2015