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Michael Pocock  
Pinsent Masons  
3 Hardman Street  
Manchester  
M3 3AU  
*Via email*

14 October 2021

Dear Mr Pocock,

**Water Resources Act 1991: Section 155(1) and 155(2)(a)  
Acquisition of Land Act 1981  
The United Utilities Water Limited (Eccles Wastewater Treatment Works)  
Compulsory Purchase Order 2016**

1. The Secretary of State, in his letter of 3 December 2020 (the minded to letter), indicated that he was minded to make the United Utilities Water Limited (Eccles Wastewater Treatment Works) Compulsory Purchase Order 2016 as proposed to be modified by the Inspector. On 16 February 2021 you responded by email confirming that the proposed modifications were accepted by United Utilities (the Acquiring Authority) and you provided the Secretary of State with the appropriate documentation (the revisions to the Order and the Schedule) and earlier on 27 January 2021 you provided the sealed plans.
2. As you will recall, the report of the Inspector, Clive Sproule BSc MSc MSc MRTPI MIEEnvSci CEnv, who held a public local inquiry into the above order on 12-15, 19-22 and 26-29 June; 10-13 and 17-20 July; 21-23 and 27-30 November; and, 4 and 6 December 2018 about the above order was considered by the Secretary of State. You were sent a copy of the Inspector's report with the minded to letter. References in this letter to paragraphs in the Inspector's report are indicated by the abbreviation IR, followed by the relevant paragraph number.
3. As you know, the Order, if confirmed, would authorise the compulsory purchase of land and new rights over land for the purpose of enabling the Acquiring Authority to carry out its functions as a sewerage undertaker, with a view to improving the water quality in Salteye Brook, by laying and using a new pipeline for the benefit of the acquiring authority's undertaking generally and its land at Eccles Wastewater Treatment Works, for the discharge of water and effluent to the Manchester Ship Canal, and ancillary and related works and activities.

4. You will recall that the Secretary of State was minded to accept the Inspector's recommendation that the Order be confirmed with modification, which were set out in the Annex to his report.
5. Your responses of 27 January 2021 and 16 February 2021 indicate that the Acquiring Authority accepted the Secretary of State's views, as stated in the minded to letter, on the main residual issues, namely, the "right to remain"; and the permanence of the retention of ownership by the Acquiring Authority of plots 6Z and 6Q and the changes you proposed to the Inspector to amend Plot 5T, by way of reduction in land take, and Plot 3, by its complete removal.
6. The Secretary of State notes that the Acquiring Authority and MSCCL have reached an agreement on asset protection and that this agreement indicated a modification to the CPO in terms that the Order should be in the form of either MP/INQ/70 or AA/INQ/83.1 being the clean versions of their respective proposed schedule to the Order with an asset protection agreement in place. You have accepted the Secretary of State's view on which of MP/INQ/70 or AA/INQ/83 would be accepted: that he would accept the CPO modification in the form of MP/INQ/70.
7. In the minded to letter, the Acquiring Authority was requested to provide marked up copies in sufficient numbers of the modified CPO and plans/maps in accordance with the decision herein, namely, the use of MP/INQ/70, as the text of the CPO and subject to the deletion of paragraph 5 therein (the discharge proviso), along with the revised land schedule (i) removing Plot 3 and modifying the area of Plot 5T by a reduction in area to be acquired (as to both see AA/INQ/83.3 and AA/INQ/83.1) and (ii) removing the phrase "right to remain" where so stated in the Order. The Acquiring Authority has done so.
8. The Secretary of State has carefully considered whether the purposes for which the compulsory purchase order was made sufficiently justify interfering with the human rights of the objectors under section 12(2A) of the Acquisition of Land Act 1981 and he is satisfied that such interference is justified. In particular he has considered the provisions of Article 1 of the First Protocol to, the European Convention on Human Rights. In this respect the Secretary of State is satisfied that in confirming the compulsory purchase order a fair balance would be struck between the public interest and interests of the objectors.
9. The Secretary of State has considered the Equality Act 2010. Section 149 of the Equality Act 2010 introduced a public sector equality duty, that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In making this decision,

the Secretary of State has had due regard to the requirements of the Public Sector Equality Duty.

10. As already noted in the minded to letter the Secretary of State gave careful consideration to the Inspector's report, the submissions of the parties and noted he accepted the Inspector's conclusions and recommendations, subject to the additional matters discussed in that letter in light of the post inquiry letter from the Acquiring Authority. He also accepted and still does that a compelling case in the public interest for confirming the Order has been made. The Secretary of State is satisfied that revised Order takes account of the three changes requested at para 14 of the minded to letter and has decided to confirm the Order. I enclose the confirmed Order and the maps to which it refers.
11. Copies of this letter are also being sent by email to other persons who made submissions at the local inquiry.
12. This letter does not convey any other consent or approval in respect of the land to which the Order relates.
13. Your attention is drawn to section 15 of the Acquisition of Land Act 1981 about publication and services of notices now that the Order has been confirmed. Please inform us of the date on which confirmation of the Order is first published in the press.

Yours sincerely



**Kirstin Green**

**Deputy Director for Water Quality**

**Signed by authority of the Secretary of State for Environment, Food and Rural Affairs**

cc: Nicholas Brown (BDB Pitmans LLP) *on behalf of MANCHESTER SHIP CANAL COMPANY LIMITED & PEEL INVESTMENTS (NORTH) LIMITED*

Richard Sagar (Walker Morris LLP) *on behalf of CITY OF SALFORD COMMUNITY STADIUM LIMITED & PORT SALFORD LAND LIMITED*

Laura Thornton (BDP Pitmans LLP) *on behalf of MANCHESTER SHIP CANAL COMPANY LIMITED & PEEL INVESTMENTS (NORTH) LIMITED*

Sarah Tudor (The Planning Inspectorate)

Secretary of State for Transport

## **Annexes**

Annex 1: Report – United Utilities Water Limited (Eccles Wastewater Treatment Works) Compulsory Purchase Order 2016 (sent by separate email)

Annex 2: Post inquiry letter from Pinsent Masons dated 14 November 2019 (sent by separate email)