



Department
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Richard Barrett
Planning Officer, Thames Tideway Tunnel
Department for Communities and Local Government
Zone 5/E1
Eland House
Bressenden Place
London SW1E 5DU

Your ref:
Our ref:
Date: 17 July 2014

By email and post

Dear Mr Barrett,

**PLANNING ACT 2008 – PROPOSED THAMES WATER UTILITIES LIMITED (THAMES
TIDEWAY TUNNEL) DEVELOPMENT CONSENT ORDER**

**APPLICATIONS FOR A CERTIFICATE UNDER SECTION 127(2): LAND IN THE OWNERSHIP
OF THE ENVIRONMENT AGENCY**

1. I refer to the above applications made to the Secretary of State for Environment, Food and Rural Affairs (“SoS/Defra”) by Thames Water Utilities Limited (“the Applicant”) on 6 November 2013 in relation to land held by the Environment Agency (“the Agency”), and to the report¹ submitted on 12 June 2014 by the Panel which examined those applications on behalf of the SoS/Defra.
2. The need for a certificate under section 127 of the Planning Act 2008 arises because the Agency has property interests at Barn Elms, Richmond upon Thames, where surface land is needed for construction works, and at Beverley Brook, Wandsworth, where subsoil is needed for the construction of the connection tunnel from Barn Elms to the River Thames. The Agency submitted a representation to the Panel which was not withdrawn.
3. In its report, the Panel noted that there was no issue between the parties that the land in question was operational land, and that the Applicant was of the view that the land could be purchased and not replaced without serious detriment to the carrying on of the undertaking. The Panel also noted that the Agency did not disagree with this view and had agreed that the deep subsoil could be acquired using compulsory acquisition powers.

¹ The report to the Secretary of State for Environment, Food and Rural Affairs forms Appendix E4 to the Panel’s report to the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government.



4. Having considered the evidence before it, the Panel is satisfied that the operational land and interests required by the Applicant can be taken without serious detriment to the carrying on of the undertaking, and accordingly recommended at paragraph 24 of its report that the SoS/Defra should give the certificate under section 127(2) of the Planning Act 2008.

5. The SoS/Defra agrees with the Panel that in the circumstances described above he is required to decide whether to give the certificate applied for and has therefore considered the Panel's conclusions and recommendation on these applications. She agrees with the Panel that the operational land and interests of the Agency required by the Applicant can be taken without serious detriment to the carrying on of the Agency's undertaking.

6. I accordingly enclose with this letter a certificate given under section 127(2) of the Planning Act 2008 and a draft notice for the purposes of section 127(7) of the Planning Act 2008.

Yours sincerely

Ian Bennett
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DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

**THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL)
DEVELOPMENT CONSENT ORDER**

CERTIFICATE PURSUANT TO SECTION 127(2) OF THE PLANNING ACT 2008

LAND IN THE OWNERSHIP OF THE ENVIRONMENT AGENCY

1. The Thames Water Utilities Limited (Thames Tideway Tunnel) Development Consent Order [2014] which has been submitted by Thames Water Utilities Limited to the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government includes the land in the Schedule to this certificate.
2. The land was acquired by the Environment Agency for the purposes of its undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out the undertaking.
3. The Secretary of State, in exercise of her powers under section 127(2) of the Planning Act 2008, certifies that she is satisfied that the land described in the Schedule hereto can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

SCHEDULE – THE ENVIRONMENT AGENCY

Borough	Plot Number	Plot Description
London Borough of Richmond upon Thames	63	All interests in 440 square metres of footway and shrubbery (Barn Elms School Sports Centre, Queen Elizabeth Walk).
London Borough of Richmond upon Thames	64	All interests in 17,161 square metres of sports field and equipment, car park, footways and shrubbery (Barn Elms School Sports Centre, Queen Elizabeth Walk).
London Borough of Wandsworth	1	All interests in 365 square metres of subsoil below tide barrier and watercourse (Beverley Brook), bed and bank thereof.
London Borough of Wandsworth	3	All interests in 11 square metres of subsoil below hardstanding, watercourse (Beverley Brook), foreshore and bed thereof.

Date: 17 July 2014

David Cooper
Deputy Director for Water Quality
Department for Environment, Food and Rural Affairs

On behalf of the Secretary of State for Environment, Food and Rural Affairs

DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS
THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL)
ORDER 2014

NOTICE UNDER SECTION 127(7) OF THE PLANNING ACT 2008

LAND IN THE OWNERSHIP OF THE ENVIRONMENT AGENCY

1. The above order, which was made on the 3 September 2014 by the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government, includes provision authorising the compulsory acquisition of land described in the Schedule below.

2. This land was acquired by the Environment Agency for the purposes of its undertaking and the Secretary of State for Environment, Food and Rural Affairs is satisfied that it is used for the purposes of carrying out the undertaking.

3. The Secretary of State for Environment, Food and Rural Affairs, in exercise of powers under section 127(2) of the Planning Act 2008, has certified that she is satisfied that the nature and situation of the land in question are such that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

SCHEDULE

Borough	Plot Number	Plot Description
London Borough of Richmond Upon Thames	63	All interests in 440 square metres of footway and shrubbery (Barn Elms School Sports Centre, Queen Elizabeth Walk).
London Borough of Richmond Upon Thames	64	All interests in 17,161 square metres of sports field and equipment, car park, footways and shrubbery (Barn Elms School Sports Centre, Queen Elizabeth Walk).
London Borough of Wandsworth	1	All interests in 365 square metres of subsoil below tide barrier and watercourse (Beverley Brook), bed and bank thereof.
London Borough of Wandsworth	3	All interests in 11 square metres of subsoil below hardstanding, watercourse (Beverley Brook), foreshore and bed thereof.

David Cooper
Deputy Director for Water Quality
Department for Environment, Food and Rural Affairs

On behalf of the Secretary of State for Environment, Food and Rural Affairs.