



Department for Transport

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Our Ref: TWA 8/2/1/TTT

2 September 2014

Dear Mr Barrett,

**PLANNING ACT 2008
PROPOSED THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL)
DEVELOPMENT CONSENT ORDER
APPLICATIONS FOR CERTIFICATES UNDER SECTION 127(2) AND CONSENT
UNDER SECTION 138(4): LAND IN THE OWNERSHIP OF TRANSPORT FOR
LONDON**

1. I refer to the above applications made to the Secretary of State for Transport ("SoS/T") by Thames Water Utilities Limited ("the Applicant") on 6 November 2013 in relation to land held by Transport for London and subsidiary companies ("TfL"), and to the report¹ submitted on 12 June 2014 by the Panel which examined those applications on behalf of the SoS/T.

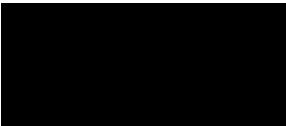
2. The Panel was satisfied that under section 127(1) of the Planning Act 2008 ("the 2008 Act") a relevant representation had been made by TfL in relation to the proposed Order, and not withdrawn (paragraph 21). It therefore recommended at paragraph 31 of its report that, subject to the Applicant and TfL reaching agreement on the protective provisions to be included in the above proposed Order to safeguard TfL's assets, the SoS/T should give the certificates under section 127(2) of the the 2008 Act applied for by the Applicant. The Panel recommended also at paragraph 36 of its report that the SoS/T should give consent under section 138(4) of the 2008 Act for the inclusion in the above proposed Order of provisions for the extinguishment of rights and the removal of apparatus in relation to TfL's land.

¹ The report to the Secretary of State for Transport forms Appendix E3 to the Panel's report to the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government.

3. On 14 August 2014, the Applicant and TfL completed the Overarching Framework Agreement referred to at paragraph 20 of the Panel's report. On the same date TfL informed the Planning Inspectorate that the matters raised in their relevant representation had been addressed and resolved to TfL's satisfaction, and that under section 102(1ZA) of the 2008 Act it no longer wished to be an interested party in respect of the application for the above proposed Order and confirmed that it would take no further part in the procedures relating to that application. On 27 August 2014, TfL confirmed to the SoS/T that in its letter of 14 August 2014 TfL was withdrawing its representations for the purposes of sections 127 and 138 of the 2008 Act.

4. Consequently, no further action is required of the SoS/T in relation to the above applications. Please note in this regard that, with reference to paragraph 8 of the Panel's report, the requirement for consent under section 138(4)(b) of the 2008 Act applies only where a representation by the statutory undertaker has been made and not withdrawn (see section 138(5) as originally enacted). I note, however, that the decision-maker must still be satisfied that the extinguishment of rights or removal of apparatus is necessary for the purpose of carrying out the development, as specified in section 138(4)(a) of the 2008 Act as originally enacted.

Yours sincerely,



Martin Woods