

IPC

10 SEP 2010

REF: _____



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Your ref WW010001
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9 September 2010

Dear Mark

**Section 46 of the Planning Act 2008
Regulations 6(1)(b) and 9 of the Infrastructure Planning (Environmental
Impact Assessment) Regulations 2009 (SI:2009/2263)
Thames Tunnel: Phase 1 public consultation by Thames Water Utilities
Limited**

Introduction

Following the meeting that we had on 23 March 2010 I am writing to keep you informed of our imminent Phase 1 public consultation and, for the reasons set out below, to notify you of the various matters that would be required by section 46 of the Planning Act 2008 ("the Act") and regulation 6(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ("the EIA Regulations") if the Thames Tunnel was a designated Nationally Significant Infrastructure Project ("NSIP").

As you are aware the proposed Thames Tunnel is not currently designated as a NSIP as defined by section 14 of the Act and there is thus no statutory duty on Thames Water to make any notifications to the IPC at this time. However, on 7 September 2010 the Secretary of State announced that she was minded that development consent for the project should be dealt with under the regime for nationally significant infrastructure projects established by the Planning Act 2008. Similarly the previous Secretary of state also announced on 1 March 2010 that he was minded to transfer our applications to the IPC under the Planning Act 2008. We are therefore shadowing the Planning Act 2008 procedures in the promotion of the project, including our pre application consultation, even though the project is not presently an NSIP.

As we mentioned at the meeting in March, we have long proposed a multi-phase pre-application consultation on the Thames Tunnel in which we consult first on our preferred scheme, indicating preferred construction sites and a preferred route, and also other short listed sites and routes ("Phase 1 Consultation"),

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before consulting later on our proposed application ("Phase 2 Consultation"). This is consistent with paragraph 74 and the second diagram in Annex B of the CLG Guidance on pre-application consultation (September 2009) and paragraph 10 of IPC Guidance Note 1 (revised 29 March 2010).

We will be publishing our Statement of Community Consultation (SOCC) in the Evening Standard, the newspaper circulating in the locality of all of our construction sites, on 13 September 2010. As required by section 47 of the Act the SOCC and our Community Consultation Strategy that supports the SOCC have been the subject of two rounds of consultation with our stakeholder group, including all the potentially affected London Boroughs and the GLA.

We will be commencing our Phase 1 Consultation with the local community, the potentially affected London Boroughs and land owners and the statutory consultees prescribed in the Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009 further to the requirements of sections 42 and 47 of the Act on 13 September 2010. Our Phase 2 Consultation is expected to be carried out in Spring / Summer 2011. The Phase 2 Consultation will also meet the requirements of section 48 of the Act.

We are conscious that if the project were an NSIP we would have a duty to notify the commission of the proposed application further to section 46 of the Act and to follow certain procedures set out at regulation 6 of EIA Regulations at the time we started our public consultation. This letter shadows those requirements in order to assist transition of the project to NSIP status in accordance with the Ministerial announcement of 7 September 2010.

Notice under section 46 of the Act

We therefore notify you of the proposed application for the Thames Tunnel further to section 46 of the Act. Our consultation **website** enables you to view our plans and associated information that is being made available to the local authorities, the GLA, other prescribed consultees and the local community for the purposes of compliance with sections 42 and 47 of the Act:
www.thamestunnelconsultation.co.uk.

You may find the site specific information papers, needs report and project overview particularly useful. We would be happy to provide full copies of the available documents upon request. From Monday 27 September 2010 our plans can also be reviewed at a series of exhibitions close to potential construction sites.

Notice under regulation 6(1)(b) of the EIA Regulations

Further to regulation 6(1)(b) we can confirm that we propose to provide an environmental statement in respect of the Thames Tunnel project.

The project involves development in 14 London Boroughs. We attach plans that identify the land to which our proposal relates, including our preferred route of the proposed tunnel and sites for its construction and operation. We would stress that these plans identify our current proposals and these may change following public consultation.

The Thames Tunnel needs to be complete by 2020. We envisage a construction period of approximately 6-7 years. We set out below a working description of the preferred scheme that is the subject of our Phase 1 Consultation:

"The construction and operation of an underground wastewater storage and transfer tunnel ('The Thames Tunnel') of approximately 22.5 km in length and 7.2 metres diameter under the River Thames, at a varying depth from 40-75 metres below ground, from Hammersmith Pumping Station to Abbey Mills Pumping Station, plus associated works for the interception of combined sewers overflows (CSO) and transfer into the Thames Tunnel. To facilitate construction of the main tunnel, five drive/reception shaft sites (with temporary construction working areas of 18,000 – 20,000 square metres each for drive shafts and 5,000 – 7,500 square metres for reception sites) will be located at Hammersmith Pumping Station, Barn Elms, Tideway Walk, King's Stairs Gardens and Abbey Mills Pumping Station.

The associated works comprise approximately 9.81 km of connection tunnels from Acton to Hammersmith (2.7km long and 2.2 metres diameter); two tunnels from King George's Gardens to Bell Lane Creek and Bell Lane Creek to the main tunnel (0.41 km and 0.53 km long respectively and each 2.2 metres diameter); two tunnels from Greenwich Pumping Station to King's Stairs Gardens (4.06km long and 4.5 metres diameter) and King's Stairs Gardens to Druid Street (1.45 km long and 2.2 metres diameter); and, from the main tunnel to Butchers Row (0.66 km long and 2.2 metres diameter). In addition, sites to intercept flows from existing sewers at 22 Combined Sewer overflow ("CSO) sites (with a temporary construction working area of 1,500 – 7,500 square metres each) throughout the route for CSO drop shafts, interception chambers, connection culvert and/or connection tunnels, valve chambers and ventilation/odour control structures. The temporary construction working areas will include material storage and handling areas and tanks, parking areas, the manufacture of concrete tunnel and shaft segments, temporary site and welfare facilities and jetty bridges for construction purposes.

There are a number of varying permanent works at each CSO site including: access, hard standing, boundary treatment, ventilation buildings and equipment

buildings, shaft covers and chambers and landscaping'.

The locations referred to in the description are shown on the attached plans.

As you are aware the purpose of the project is to tackle the problem of overflows through CSOs from the capital's Victorian sewers into the River Thames by constructing a new sewer to intercept them and carry the flows away for treatment. The scheme will lead to improved water quality and associated environmental benefits to the River to enable the UK to meet European Union environmental standards. However, the scale, nature and proposed locations of the scheme mean that some effects on the environment will be likely, especially during the construction phase of the project.

The EIA will be undertaken in accordance with the EIA Regulations and will include consultation with the relevant consultees and stakeholders. The environmental statement ("ES") will contain all of the information required by Part 1 of Schedule 4 of the EIA Regulations.

The project will have both positive and adverse effects on the environment. We are in the process of completing our baseline survey work that will inform the assessment of the likely significant environmental effects of the project. At present we anticipate that there will be temporary adverse effects during construction most likely in terms of effects on amenity (noise and dust creation) and traffic and potentially also effects on ecology and the historic environment. In the operational phase the effects will be positive in terms of improved water quality and marine ecology. Adverse effects on amenity (noise and dust creation) and traffic are not anticipated in the operational phase due to the minimal maintenance activity anticipated at the sites. There is potential for adverse operational impacts from the tunnel ventilation system on Air Quality, this will be robustly investigated. Adverse effects will be mitigated as far as reasonably possible through the environmental assessment and scheme design process and the likely significant environmental effects of the project, positive and negative, will be fully reported in the ES. Preliminary environmental information will be available as part of the Phase 2 Consultation.

Compliance with regulation 9(1) of the EIA Regulations

Notification under regulation 6(1)(b) would normally require the IPC to comply with regulation 9(1) of the EIA Regulations. Notwithstanding that the Thames Tunnel is not a NSIP at the present time, in the light of the Minsters statement of 7 September 2010, we believe it would be of benefit to the pre-consultation on the application for the Thames Tunnel if the IPC could comply with regulation 9(1) as if the project was a NSIP. The local planning authorities and other stakeholders who would receive those notices are fully aware of the position in respect of the future identification of the Thames Tunnel as a NSIP and the action

of the IPC in that respect would be readily understood. That action would assist the Phase 2 Consultation process, which will include the publication of the draft application under section 48 of the Act, by allowing compliance with regulation 11 of the EIA Regulations at that time.

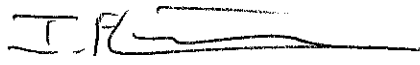
You will appreciate that for the reasons set out above we are keen, in so far as possible, to mirror the requirements of the Planning Act 2008 and subordinate legislation and we would therefore be grateful if the notices required by regulation 9(1) could be served in order that the transition to NSIP status further to the Minister's statement can be managed as effectively as possible. I should add that we would be very willing to offer whatever assistance we can in achieving compliance with regulation 9(1).

Future meetings

Given the likely transition of the Thames Tunnel project to NSIP status in the future we would like to meet with you again in the near future so we can explain in more detail our Phase 1 Consultation exercise and how we intend to take the response and outcomes from Phase 1 forward to Phase 2 Consultation and in the preparation of our application for consent for the Thames Tunnel.

If there are any questions arising from the above please do not hesitate to contact me otherwise I will be in touch with a view to arranging the meeting referred to above.

Yours Sincerely

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Susan Aistrup
Town Planning Manager
Thames Water