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Our ref: 6466/99253
Your ref: WW010001



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Dear Mr Wilson,

Procedural Questions in respect of the Thames Tideway Tunnel Nationally Strategic Infrastructure Project – Ref: 10018172

Thank you for the Inspectorates recent correspondence in respect of the above Nationally Strategic Infrastructure Project (NSIP), seeking clarification on Natural England's relevant representations.

Annex E Section (c) poses three questions to Natural England with regards the procedural aspects of this project and I will answer them in the order they are raised in your Rule 6 letter.

The applicant and Natural England, to include:

Procedural approach to appropriate assessment under the Habitats Regulations:

Natural England and Thames Water Utilities Limited (Thames Tideway Tunnel) have been in constructive consultation and dialogue in respect of the approach and methodology for the Habitats Regulation Assessment (HRA) for some considerable time, including preliminary discussions. Section 2.6 of the draft Statement of Common Ground sets out in details the engagement between Natural England and Thames Water Utilities Limited.

Since February 2012 regular correspondence and meetings have been undertaken between the two parties. Discussions have looked at the topics and issues to be considered, approach, timings and methodology for surveys, in respect of areas of interest for Natural England. Initial drafts have been submitted and commented upon; suggestions for improvements and to strengthen the document have been made where appropriate and undertaken by Thames Water Utilities and their Agents. This on-going consultation continues as the scheme develops.

This close dialogue and consultation has enabled Natural England to review the HRA on a regular basis and to sign off and agree the final HRA report, including its conclusion of no Likely Significant Effects on 7 January 2013, which has been previously submitted to the Inspectorate. This response also answers the First Written Q2.1 asked by the Examining Authority on 26 September 2013.

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Procedural Approach to Ecology and ornithology, including the requirement for any European Protected species licences or wildlife licences

Thames Water and their Agents are aware of the need to undertake appropriate surveys in respect of the project, given the length and scope of the scheme and the number of sites identified, there is a potential for several species to be impacted.

This matter is included within the Draft Statement of Common Ground (section 3.7) between Natural England and Thames Water as an issue still to be discussed and agreed.

Surveys for bats and birds are being undertaken to determine potential and or presence, however, surveys need to be undertaken at different times of the year. As information becomes available, the need for licences will become known.

The applicant is aware that a Project wide licence is not available for this scheme, and that individual licences would need to be applied for, subject to survey results, together with the project receiving planning approval or consent. Surveys will also help to identify the potential need for licences or whether suitable mitigation can be provided to obviate the need for a licence.

Natural England recommends that Thames Water Utilities Ltd consider the use of a Consents Management Plan as the basis for agreeing a timetable for the consents licences needed for the Thames Tideway Tunnel and the Consents Service Unit within the Planning Inspectorate can help with this. Natural England offers a pre-submission screening service for European protected species licences to assist Nationally Strategic Infrastructure Project developers in the preparation of licence applications, and where these are satisfactory aims to issue 'letters of no impediment' so these can be taken into account in the examination process.

Procedural Approach to Adequacy of environmental information

Both Thames Water and their Agents have sought proactive engagement with Natural England. Since February 2012 regular discussions have taken place with regards to the surveys required, timings, methodology and approach. Natural England has provided advice within its remit of terrestrial ecology and environmental issues, aquatic issues have been agreed to be led by the Environment Agency.

Draft Habitats Regulation Assessments, Environmental Impact Assessments and Environmental Surveys have been submitted by Thames Water and their Agents, allowing Natural England to assess the approach and degree of information available. This has allowed Natural England to assess and agree the level of information provided and accept the findings of these reports and statements.

Constructive dialogue has enabled Natural England to be able to accept both the approach and adequacy of the environmental information submitted, allowing agreement to be reached between the two parties. This response also answers the First Written Question Q2.1 asked by the Examining Authority on 26 September 2013.

I hope that this makes Natural England's position clear but if you have any further questions about this letter or require further information please do not hesitate to contact me.

Yours Sincerely,

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