

**Thames Tideway Tunnel**  
Thames Water Utilities Limited



# Application for Development Consent

Application Reference Number: WWO10001

## Thames Water's Response to Local Impact Report from City of Westminster

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**Thames  
Tideway Tunnel**



Creating a cleaner, healthier River Thames

# 1 Response to Westminster City Council's Local Impact Report

## 1.1 Introduction

- 1.1.1 This section responds to the points raised in the Local Impact Report (LIR) submitted by Westminster City Council (WCC) to the Examining Authority (the 'ExA') on 4 November 2013. The table below is arranged by topic and sets out the comment from the LIR on the left and Thames Water's response on the right.
- 1.1.2 The next iterations of the *Statement of Common Ground* and Section 106 agreements are to be submitted on 13 January 2013. These documents will address the matters raised in the LIR and through ongoing discussions with WCC, noting any outstanding matters between the parties.

**Table 1.1 Response to the Westminster City Council Local Impact Report**

Ref	LIR section and p.	WCC comment	Our response
<b>Section 5: Impacts Assessment (Appendix 1 Impact Assessment Table)</b>			
<b>Architecture and design</b>			
1	Section 5, p. 25/26	<i>"It is felt that the lower height of 4m should be the preferred height on this site, given the sensitivity of views and townscape. It is therefore considered that a height at the lower end of the range shown i.e. closer to 4m than 6m is preferred by the City Council and this preference should be more embedded into the approved design and should form part of the site-specific design requirements.</i>	We will continue discussions with WCC. Our view is that the current Requirement is sufficient to allow these discussions to proceed towards an agreed design and no further changes to the application are necessary.
2	Section 5, p. 26	<i>"Also with respect to the signature columns it is the City Council's view that these should be finished in a dark bronze-coloured metal. It is considered that this choice of finish should be more embedded into the approved design and should form part of the site-specific design</i>	We are reviewing this and will provide a further updated version of the <a href="#">Draft DCO</a> (Doc ref: 9.20) including requirements to the ExA following the DCO Hearings in late November.

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		<i>requirements.”</i>	
3	Section 5, p. 26	<i>“6m high kiosks are considered to be extremely harmful to the townscape and are not an aspect of the design that was presented during pre-application discussions. This aspect of the scheme must be amended with the kiosk structures having a maximum height of 3.2m.”</i>	We are reviewing this and will provide a further updated version of the DCO including requirements to the ExA following the DCO Hearings in late November.
4	Section 5, p. 26	<i>“As such it is suggested that the design of the pergola structure, which is a non-operational element of the design, should be revised.”</i>	We have agreed a new design principle with WCC (VCTEF.18) to address its concerns as follows: <i>“The pergola connecting the kiosks shall have a solid frame with lightweight interior trusses to ensure the views of the River Thames from Whitehall and Victoria Embankment Gardens are framed but not overpowered by the structure. The planting species shall be specified to ensure the entrance to the public space is shaded and welcoming and not dark and overbearing.”</i>
5	Section 5, p. 26	<i>“The existing festoon lighting should be added to the revised pergola to complete the nighttime effect along this part of the Embankment.”</i>	We discussed this matter with WCC on 29 November 2013 and WCC agreed to rethink its comment regarding lighting. We believe that reinstating the festoon lighting along the line of the river wall would be out of character with the treatment of other projections along the embankment. The festoon lighting is typically strung between sturgeon lamp standards along the river wall. It is a lightweight treatment characterised by ‘draping’ the bulbs between fixings on the lamp standards.  The pergola and electrical and control kiosk structure would be more in keeping with the character of the large stone monuments along the embankment, such as the Submariner Memorial. The festoon lighting is interrupted around these structures; we propose to do the same around our structure. Failure to do this would juxtapose the

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			<p>lightweight and decorative festoon with the mass of the kiosks to the detriment of both.</p> <p>Furthermore, the spacing between the kiosks does not match the spacing between the lamp standards; therefore the rhythm of the 'drape' would inevitably be different to and incongruous with the rest of the embankment.</p> <p>Our lighting designs in the application are illustrative and as such, WCC has power of approval over concept as well as detailed lighting design later. However, we strongly recommend pursuing alternative lighting proposals for the kiosk and pergola rather than reinstating the festoon lighting here.</p>
6	Section 5, p. 26	<i>"It is considered that the detailed appearance of these hoardings ought to be included within the Requirements, with final designs approved by the local planning authority."</i>	We are reviewing this and will provide a further updated version of the DCO including requirements to the ExA following the DCO Hearings in late November.
<b>Flood risk</b>			
7	Section 5, p. 27	<i>"Sheet piling at Victoria Embankment will require regular inspections and maintenance. Thames Water will need to assess the life expectancy and whole life costs of the sheet piling and an inspection regime, which would need to be put in place by the owner and maintainer of the sheet piling."</i>	See our response to the ExA's Procedural Decision submitted on 4 November 2013 (Doc ref: APP26, Table 1.1: Scoping responses).
8	Section 5, p. 27	<i>"Thames should specify the frequency of such dredging activity and show that the river hydrology, rate of silt build up, impacts on sheet piling as a result of dredging operations has been assessed and is acceptable."</i>	See our response to first written question 3.8.
9	Section 5, p. 27/28	<i>"The proposal to connect the walkway into the Grade II listed river wall structure is causing serious concerns. The forces likely to be imparted into the river wall from the connection of the walkway, particularly horizontal forces</i>	It should be noted that the only loads on the wall would be from the brow as the Tattershall Castle would be separately moored on retention piles.

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		<i>from tidal movements, passing vessels and the Tattershall Castle need to understood and the ability of the wall to withstand all forces (existing and predicted) will have to be assessed and approved by the City Council."</i>	The proposed wall fixings would be similar to the existing ones, which have not shown any signs of distress. The design will be developed and discussed with WCC. The detailed design will take all loads and load effects into account. The details will be discussed and submitted to WCC for technical approval. The process for this will be secured through an Asset Protection Agreement.
10	Section 5, p. 28	<i>"The river wall has a vertical post tension system installed within in it. The post-tensioned bars were installed in advance of the Thames Barrier becoming operational to strengthen the wall against very high tides, we seek assurance that the post tensioning system has been taken account of and will not be compromised as a result of the proposed temporary and permanent re-location of the Tattershall Castle"</i>	The detailed design would take the existing post-tensioned bars into account and ensure that any new anchors for the access brows are designed to avoid the bars.
11	Section 5, p. 28	<i>"The City Council is concerned that any repairs to the wall will introduce an inherent weakness in the wall at this location which will require regular remedial action placing a greater maintenance liability on the City Council."</i>	Any grout used to fill holes would be just as strong as the parent material; therefore the structural integrity of the wall should not be compromised. Repairs using resin-glued granite plugs would look similar to the parent material and be just as strong. Any repairs would be designed in consultation with WCC and comply with the Council's technical approval processes.
12	Section 5, p. 28	<i>"HR Wallingford state the need for monitoring in the early stage of the permanent works. This suggests that the risk on the impacts of the accretion at the site is unknown. Given that the Victoria Embankment Flood Defence is also a grade II* listed structure, it would mean that any unforeseen negative impacts would be irreversible on the</i>	The design of the permanent works will be informed by the scour and accretion measured during the temporary construction works. The purpose of the post-construction monitoring is to provide added assurance that the design is working as intended. This was requested by the Port of London

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		<i>significant heritage value of this asset."</i>	Authority and the Environment Agency. Any unforeseen accretion would be rectified by maintenance dredging, which would be carried out so as to avoid damage to structures such as the river wall. We do not anticipate that accretion would cause damage to the river wall.
13	Section 5, p. 28	<i>"Any proposed works placing a loading on the river wall will require drawings, and engineering calculations to be provided, in advance, for the City Council's approval."</i>	The process for this will be secured through an Asset Protection Agreement.
<b>Transport</b>			
14	Section 5 p. 30	<i>"All advanced works requiring route diversions or road closures will need to be agreed with the City Council"</i>	Paras. 5.1.5 and 5.1.6 of the <a href="#">CoCP Part A</a> (Doc ref: 9.21) require these details to be approved by the local planning authority and highway authority.
15	Section 5 p. 30	<i>"The impact of the construction methods (vibration) and site vehicles (cranes etc) on the pipe subway needs to be considered and, an asset protection agreement put in place."</i>	The assessment report for the Victoria Embankment Services Subway was submitted to WCC for a technical review and an Asset Protection Agreement, which is being negotiated with the Council. The agreement addresses how the asset would be protected during construction.
16	Section 5 p. 30	<i>"With regard to the after use of the Victoria Embankment Foreshore worksite we will require further information on the type, and number of vehicles which will require access to the site and the frequency at which access would be required."</i>	A traffic management plan will be submitted for WCC approval subject to Requirement VCTEF18.
17	Section 5 p. 30	<i>"The number, type and frequency of access will need to be considered in terms of how the pipe subway will be crossed and likely long term impacts of the crossings."</i>	The Asset Protection Agreement would ensure that prior to construction the asset is protected from damage. This includes submission of the contractor's method statement to WCC for acceptance. This mechanism would address construction effects on the asset.

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18	Section 5 p. 30	<i>"The regulatory aspects, especially pertaining to traffic matters remains contentious and again requires the promoter to more actively engage with TfL and the relevant highways authorities."</i>	We refer to our response to first written question 6.72, Appendix APP6.72.01 and to our responses to the written representation of Transport for London.
<b>River transport and piers</b>			
19	Section 5 p. 31	<i>"Transport links, river services and pier provision and access, in particular Westminster Pier upstream and Embankment Pier downstream are key to modal transport links in the vicinity of the proposed worksite at Victoria Embankment Gardens and any diversions, and impacts resulting from the Thames Tideway Tunnel proposals will need to be mitigated for."</i>	The CoCP Part A (Section 5.6) establishes the framework within which project related river transport and works will be controlled. A river transport management plan is required of the contractor. Requirement VCTEF13 would require the submission of a detailed method statement and navigational risk assessment for Port of London Authority approval before works in the river can commence.
20	Section 5 p. 31	<i>"Temporary signage agreements will need to be agreed to minimise impacts on river services and transport for the duration of the works and post construction permanent signage will need to be installed which includes details of new public realm created post construction of the Thames Tideway Tunnel and its relationship with the transport links and piers."</i>	This could be incorporated into the signage for the temporary diversion of the footpaths, which would be submitted for approval under Requirement PW11. Permanent signage and way-finding can be discussed as part of the detailed landscape proposals.
<b>Noise</b>			
21	Section 5, p. 37	<i>"The City Council would wish to see traffic noise data for this site due to increased traffic resulting from the proposals."</i>	The noise and vibration assessment has been carried out based on a typical construction programme which has been used to calculate the average monthly noise levels. As indicated in the <i>Transport Assessment</i> for <a href="#">Victoria Embankment Foreshore</a> (Doc ref: 7.10.14), the peak monthly average number of lorries visiting the site is 14 per

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			<p>day with an average of five lorries per day during the construction period. In addition there will be approximately 18 other construction vehicles per day during the peak period giving rise to a daily total of 64 vehicle movements (see Section 17, Table 17.2.4). No worker parking is available on site therefore no traffic is expected to be generated by workers.</p> <p>Within the noise assessment, proposed construction traffic routes and diversions or road closures as a result of the construction works have been considered within the assessment where any of the following criteria apply:</p> <ol style="list-style-type: none"> <li>the flow changes are estimated to be greater than +25 per cent or -20 per cent</li> <li>HGV composition could change by +/-5 per cent</li> <li>mean speeds could change by 10km/h.</li> </ol> <p>These change thresholds relate to the potential for construction traffic to cause traffic noise level changes of at least 1dB. Changes below these thresholds would be considered negligible, as is the case at this site.</p>
22	Section 5, p. 37	<i>"The City Council wishes to see a noise assessment for the loading / unloading operation of the barges."</i>	<p>The peak monthly average number of barges visiting the site is two per day. Construction plant assumptions used in the assessment are presented in <a href="#">Environmental Statement Vol 17 Victoria Embankment Foreshore</a> (Doc ref: 6.2.17), Table G.13. Time histories of the predicted daytime construction noise levels across the programme of construction works are shown in Vol 17 Plate G.6 to Plate G.12. The loading and unloading of barges has been included in the noise and vibration assessment for the construction phase of the site as set out in Vol 17 Table G.13, typical construction pant schedule.</p>

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<b>Vibration</b>			
23	Section 5, p. 38	<p><i>“The contractor should ensure that measures are taken to:</i></p> <p><i>“(i) protect the residents, users of nearby buildings and passers-by from nuisance or harm; and</i></p> <p><i>“(ii) protect buildings from physical damage.</i></p> <p><i>The contractor will be obliged to comply with the vibration levels established by agreement with the City Council on a site by site basis.”</i></p>	<p>This is covered in Sections 6.4.10 to 12 of the <i>CoCP</i> which state:</p> <p>The contractor will use best practical means to minimise vibration generated by the works in order to:</p> <ol style="list-style-type: none"> <li>a. avoid adverse effects on vibration sensitive equipment</li> <li>b. limit disturbance to residents and other users of buildings close to the works</li> <li>c. protect buildings from physical impact, if it is not reasonably practicable to avoid very high levels of vibration.</li> </ol> <p>The contractor will use best practical means to limit the effects of vibration on people, buildings and vibration-sensitive equipment. Appropriate control measures will be agreed with the local authority through the Section 61 process. In establishing criteria, controls and working methods, the contractor will take account of guidance in BS 6472, BS 5228 and BS 7385. At a minimum, the criteria used for assessment in the <i>Environmental Statement</i> will be adopted.</p> <p>Where activities that are likely to give rise to high levels of vibration are planned, the need to undertake vibration predictions in support of the relevant Section 61 consent, dispensation or variation will be agreed with the local authority in advance of submitting the consent application. The predictions will be used to guide the selection of steps to minimise vibration and other activities (such as advanced information leafleting and, in extreme cases, building condition surveys) where it is not practicable to minimise</p>

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			<p>vibration at source.</p> <p>For the protection of buildings from damage, the contractor will need to carry out vibration predictions and act on the results of the predictions and/ or measurements.</p> <p>Action to assess and, where necessary, minimise any adverse effects on vibration-sensitive equipment will be dealt with on an individual basis as appropriate within the relevant Section 61 application.</p>
<b>Lighting</b>			
24	Section 5, p. 40	<i>“Proposals to provide lighting at Ground Level to minimise light spill onto the River Thames and not to detract from the night view of the row of festoon lighting from the south are supported. The need to minimise light spill onto neighbouring buildings and the public road should also be included.”</i>	Agreed; we will propose a revised design principle to secure this matter.
<b>Socio-economic and community matters</b>			
25	Section 5, p. 40	<i>“We would ask for an Employment and Skills Plan (ESP) as part of the CEMP setting out how the following outcomes will be achieved:”</i>	This will be covered in the Section 106 obligation currently under discussion with WCC.
<b>Cumulative impacts</b>			
26	Section 5, p. 41	<i>“Several projects will be under construction at the same time as the Thames Tideway Tunnel is being built which could lead to significant cumulative impacts. Although these projects are intending to co-operate and co-ordinate during construction, they are under different drivers so the scope for that co-ordination not taking place is there. It is paramount that there is a robust coordination in place.”</i>	Para. 3.0.8 of the CoCP Part A requires the Employer (Thames Water) to establish a framework of coordination meetings with key stakeholders. This could include other projects and discussions to minimise combined effects.

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<b>Section 6: Access, public realm and ownership</b>			
<b>Asset protection: Approval in Principle</b>			
27	Section 6, p. 43	<i>“Further assessment of the impacts of the proposed “minor” changes on Westminster Assets is required for the implications on the river wall can be fully understood.”</i>	We do not consider that the minor changes justify further assessment of the river wall at this stage. The detailed design of all elements would take effects on the river wall into account, and the details would be discussed and submitted to WCC for technical approval.
<b>Section 7: Consideration of the Draft DCO consents, provisions and requirements</b>			
28	Section 7, p. 45	<i>“The <b>implementation of the DCO</b> is the boroughs’ main concern. It is understood that an infrastructure provider (IP) will be the beneficiary of the order. The infrastructure provider will be a different organization to Thames Water and may not adhere to the same principles and visions/aspirations which are included in non-statutory documents separate from the DCO.”</i>	The beneficiary of the development consent order (DCO) would, in the first instance, be Thames Water. Article 9 of the revised <i>Draft DCO</i> allows for transfer of powers to an IP, which will be regulated further to its own legislation: the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 and associated Notification. In benefiting from the powers, the IP would be subject to all of the same controls and constraints established by the DCO as Thames Water.
29	Section 7, p. 45	<i>“The <b>definitions</b> within the DCO of “infrastructure provider” and “undertaker” do not provide the clarity that boroughs seek regarding implementation. The undertaker could be either Thames Water (enabling works) or the infrastructure provider or ‘any successor under a special administration order or otherwise’ (article 8). It is unclear if different companies could be implementing the DCO at the same time.”</i>	We refer to our responses to first written questions 6.14, 6.15, and 6.16. It is therefore open for both Thames Water and the IP to construct different parts of the authorised project. In order to ensure clarity, project-wide Requirement PW4 (revised <i>Draft DCO</i> ) now requires submission of details regarding the body responsible for particular works and the location and period of those works.
30	Section 7, p. 45	<i>“The IP will commission several main contracts for construction, usually involving a long list of sub-contractors. This will make enforcing measures and conditions difficult</i>	See our comments directly above in response to item 29, including in relation to Requirement PW4.

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		<i>and gives scope for other impacts to arise during the construction phases. The relationship between Thames Water, the IP and contractors has to be clarified both for local authorities and for the wider public and businesses that will be affected by the project during construction."</i>	
<b>Mitigation measures: Links with other documents not in the DCO</b>			
31	Section 7, p. 45	<i>"Under <b>Work Provisions</b> in the DCO, <b>point 3</b> states that 'subject to the provisions of this Order and to the requirements in Schedule 3 to this Order, the undertaker is granted '(a) development consent for the authorised development; and (b) consent for the ancillary works'. This could be modified to include the design principles and the CoCP after the reference to the requirements."</i>	<p>The <a href="#">Mitigation Route Map</a> (Doc ref: 9.07) sets out how all mitigation is secured. Many items are secured through the project-wide Requirements, which draw the CoCP and design principles into the DCO. The Requirements are clear that the undertaker must comply with the documents. The Planning Act 2008 (Section 161) requires compliance with Requirements and the terms of the DCO generally (Section 160). Thus the documents are drawn into the DCO by reference in the Requirements, in the same way as the approved plans are drawn into the DCO by virtue of Schedule 2.</p> <p>The DCO is a statutory instrument and it would not be appropriate for the wording of the CoCP and design principles to be included in the actual DCO, hence we adopted the approach above.</p>
32	Section 7, p. 45	<i>"Under definitions, the word 'maintain' as currently defined in the DCO may lead to implementation problems of street works (Street and traffic regulations, point 10 (d) and (g) of the DCO). The words 'decommission', 'demolish', 'remove', 'clear', 'alter', 'remove', 'replace' should be removed."</i>	We refer to our response to first written question 6.9 and to the written representation to the City of London Corporation on this issue.
33	Section 7, page 45	<i>"The DCO proposal to dis-apply the Traffic Management Act (Traffic Regulation, point 18) is strongly objected to by the boroughs."</i>	We refer to our response to first written question 6.72 and Appendix APP6.72.01. In respect of the Traffic Management Act, Sections 32 to

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			<p>39, which address permit schemes, are excluded. These exclusions are limited such that they only apply insofar as such matters relate to the authorised project. Hence permit schemes can continue, but will not apply to this project. This will allow Thames Water to carry out necessary street works without delay to the delivery of the project. The replacement controls within the DCO include detailed Requirements at Schedule 3 to control highway works.</p> <p>In relation to traffic regulation more generally, we have identified specific areas and types of Traffic Regulation Orders that are required at Schedule 10. Otherwise the consent of the street authority will be required.</p>
<b>Code of Construction Practice Part A and B (CoCP) and construction issues</b>			
34	Section 7, p. 46	<i>"The CEMP and its subsidiary plans (e.g. for traffic management, air quality management, waste management, noise and vibration management, community liaison, etc) should all be subject to approval by the Local Authority."</i>	We consider that the local authority will approve the relevant subsidiary plans within the construction environmental management plan. The approval of the subsidiary plans is detailed in our response to first written q 6.75.
35	Section 7, p. 46	<i>"Information about what parameters the contractors need to abide to should be passed to local authorities and adjoining boroughs should be informed of any decisions taken."</i>	The parameters that must be abided to by the contractor are detailed within the CoCP. Where the various management plans are for the approval of the local authority, they may consult with their neighboring borough's before approving the specific plans.
36	Section 7, p. 46	<i>"Complaints monitoring is important and the reports should be shared with the local authorities."</i>	See para. 3.0.6 of the CoCP Part A.
<b>Property</b>			
37	Section 7, p. 46	<b><i>"Tattershall Castle vessel"</i></b> <i>The licence agreement for the new access ramps should be</i>	We are aware of WCC's preference to maintain the income stream from access over the river wall.

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		<p><i>included in the list of required agreements for the s106 agreement. There will also need to be an agreement in place to indemnify the council against potential loss of income should there be any issues with the relocation of the boat. When instructed, we can facilitate the necessary documentation for this."</i></p>	<p>We continue to discuss appropriate provisions within the property agreement to enable WCC to progress variations to the existing access agreement with Tattershall Castle independently, thereby maintaining the income stream and mitigating any loss to WCC.</p> <p>We have agreed with WCC that the statutory compensation code would apply and this would capture any potential loss of income suffered by the Council as a direct result of the project.</p>
38	p. 7, Section 46	<p><b>“New Public Realm Space</b></p> <p><i>Discussions thus far indicate a proportion of the income generated by new kiosks is to be allocated to Westminster City Council, discussions are continuing and agreements will need to be in place to ensure income will cover costs of long term management and maintenance of the public realm.”</i></p>	<p>The parties continue to discuss the proposed overall principles to be reflected in the property agreement for the maintenance and use of the public space, including the newly created commercial space on Victoria Embankment.</p> <p>We understand that WCC is open to the idea of taking over the future maintenance and management of the new public realm and the proposed amenity kiosks – or have first option – including any revenue generated. Any agreement would be based on appropriate terms and conditions and on an appropriate payment strategy. In broad principle, any revenue generated could be off-set against the commuted sum/annual payment agreed with WCC for maintenance of the public realm.</p>
39	Section 7, p. 46/47	<p><i>“All legal, estate management, and maintenance costs, for the new public realm and remedial costs for flood defences, as a consequence of fixings and alterations to the wall, should be covered by Thames Water, and compensation sought for any permanent impacts on the significance of the heritage asset value, the Grade II listed Embankment Wall.”</i></p>	<p>Compensation to WCC would be in accordance with the Statutory Compensation Code. The property agreement currently being discussed and progressed with WCC makes explicit reference to the statutory code for loss.</p> <p>We continue to discuss appropriate asset protection provisions with WCC to protect its assets affected by the project works at Victoria Embankment.</p>

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<b>Performance bond/planning performance agreement/Memorandum of Understanding</b>			
40	Section 7, p. 47	<i>“A performance bond/ planning performance agreement/Memorandum of Understanding should be signed to ensure the full extra costs (on top of the fees to discharge requirements) for local authorities are covered and the IP or undertaker manages the delivery of the DCO properly. The agreement should include a contingency budget for unexpected works.”</i>	This would be consistent with our approach to date and there has been a Memorandum of Understanding in place for two years which extends to the end of the examination period. We will review how this is taken forward post-examination.

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### **Thames Water Utilities Limited**

Clearwater Court, Vastern Road, Reading RG1 8DB

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