



Official

Ref: 2530-TDWAY-TTTUN-990-ZZ-CO-700187

**Secretary of State for Environment Food and Rural Affairs**

Seacole Building  
2 Marsham Street  
London  
SW1P 4DF

**Secretary of State for Housing Communities and Local Government**

2 Marsham Street  
London  
SW1P 4DF

21<sup>st</sup> May 2020

Dear Secretaries of State,

**The Thames Water Utilities Limited (Thames Tideway Tunnel) Order (SI:2014/2384)<sup>1</sup>**

**Application for a non-material change in relation to the Victoria Embankment Foreshore (VCTEF) and Blackfriars Bridge Foreshore (BLABF) sites**

Bazalgette Tunnel Limited (trading as Tideway) has the benefit of The Thames Water Utilities Limited (Thames Tideway Tunnel) Order (SI:2014/2384) (as amended) (“the DCO”) by virtue of a transfer of powers by Thames Water Utilities Limited dated 24 August 2015 made pursuant to Article 9 of the DCO.

Please find enclosed an application for a non-material change to the DCO. The application has been prepared in accordance with both Schedule 6 of the Planning Act 2008 and the Infrastructure Planning (changes to, and Revocation of, Development Consent Orders) Regulations 2011 (“the 2011 Regulations”).

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<sup>1</sup> As amended by the Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015 (SI:2015/723), the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2017 (SI:2017/659), the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2018 (SI:2018/1262), the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020 (SI:2020/268), and the Notice of Variation No.1 (17 March 2015) and Notice of Variation No. 2 (17 August 2017) in respect of the deemed Marine Licence.

## **Nature of the Proposed Amendment**

The proposed amendment would seek approval to amend:

- the Site works parameter plan for the VCTEF site;
- the Site works parameter plan for the BLABF site;
- the Extent of loss of listed river wall plans at BLABF sheets 1 and 2; and
- the Demolition and site clearance plans at BLABF sheets 2 and 3 (of 5).

The drawings are approved drawings listed in Schedule 2 of Part 4 of the DCO. The proposed non material change seeks to amend the approved drawings and revise the references to these plans in Part 4 of Schedule 2 of the DCO, and, in the case of the Extent of loss of listed river wall plans, the references in Requirement BLABF 11 – Details of works to listed buildings.

## **The Need for the Non-Material Amendment**

At VCTEF, an amendment is required to the Site works parameter plan to correct an anomaly on the approved plan which prevents the works from being constructed as originally intended. It is not required as a result of any changes to the design of the works authorised under the DCO.

At BLABF the amendment is required to enable the design solution for the flow diversion works from the Low Level Sewer No.1 to be implemented.

Further details of the proposals are set out in the enclosed Application Statement.

## **Materiality of the Proposed Amendment**

Schedule 6 of the Planning Act 2008 makes provision for the Secretary of State to grant both material and non-material changes to a DCO. The 2008 Act and the 2011 Regulations do not, however, provide any definition of a material or non-material change. The 'Guidance on Changes to Development Consent Orders' (published by the former DCLG in December 2015) states that, given the range of infrastructure projects that are consented through the 2008 Act whether a change is material or non-material will depend on the circumstances of the specific case. The guidance does provide examples of four characteristics that might indicate that a change may be more likely to be treated as material. Importantly, these are noted as examples and provide a starting point for assessing the materiality of any proposed changes.

Each of the four examples provided in the DCLG Guidance are considered below, and for the reasons set out we believe that the changes proposed in this application are not material.

### **1 Environmental Statement**

The DCLG Guidance states that a change should be treated as material if it would require an updated Environmental Statement (from that provided at the time the original Development Consent Order was made) to take account of new or materially different likely significant effects on the environment.

The proposed amendments in this application are localised in nature and for the reasons set out in section 4 of the enclosed Application Statement, will not give rise to any new or materially different

environmental effects from those assessed in the original ES for the consented scheme. No update to the Environmental Statement submitted with the original DCO application is required.

## **2 Habitats and Protected Species**

The DCLG Guidance indicates that a change is likely to be material if it would invoke a need for a Habitats Regulations Assessment, or the need for a new or additional licence in respect of a protected species.

The changes do not require a Habitats Regulations Assessment and will not result in the need for any European Protected Species licences.

## **3 Compulsory Acquisition**

The DCLG Guidance states that a proposed change should be considered material if it would authorise the compulsory acquisition of any land, or an interest in or rights over land that was not authorised through the existing DCO.

No additional compulsory acquisition powers are necessary or being sought as part of this amendment application.

## **4 Impact on Business and Residents**

The potential impact of the proposed changes on local people will also be a consideration when determining whether a change is material. The DCLG Guidance acknowledges that in some cases these impacts may already have been identified, directly or indirectly, in terms of likely significant effects on the environment. The guidance recognises that there may be other situations where this is not the case such as changes to visual amenity arising from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic which were not considered at the time of the original application.

The proposed amendments are required to correct an anomaly on an approved drawing (in the case of the VCTEF amendment), and to provide for minor adjustments to the area within the existing site boundary where works can take place (in the case of the BLABF amendment). The works for which these amendments relate are below ground works with no changes required or proposed to any of the surface works or permanent above ground structures at VCTEF or BLABF.

The amendment proposed at BLABF would increase the overall area of the listed river wall approved for permanent removal, but this additional loss would not change the significance of the effects assessed in the Environmental Statement. The Heritage Statement submitted with the original DCO application concluded that the main heritage impact of the proposals at BLABF related to changes to the setting of the listed buildings, being both the river wall and those listed buildings around the site. The effect of the works was not considered to amount to substantial harm to the setting of the listed buildings. The proposed amendment would affect below ground works only and would not introduce any new visual impacts or changes to the setting of the listed buildings.

As set out in 1-3 above the changes are very limited when considered in the context of the Project overall. They do not give rise to any new or materially different environmental or habitat issues and no additional compulsory purchase powers are being sought.

### **Previous Amendments to the DCO**

Paragraph 2 (2) of Schedule 6 of the 2008 Act states that:

*“In deciding whether a change is material, the Secretary of State must have regard to the effect of the change, together with any previous changes made under this paragraph, on the development consent order as originally made.”*

Three previous non-material amendments to the DCO have been approved. The first approved changes to the location and depth of the inlet and outlet shafts and siphon tunnel to be constructed within the Beckton Sewage Treatment Works (BESTW). The second was required to remove ambiguities on the approved Site works parameter plan for the Falconbrook Pumping Station (FALPS) site which had the effect of removing the flexibility required to enable the works to be constructed as originally intended at the site. The third amendment approved the realignment of the main tunnel to the south of the shaft in the vicinity of the King Edward Memorial Park (KEMPF) site and provided consent for the construction of a short connection tunnel between the shaft and the main tunnel. The works approved by this amendment affected below ground works at subsoil level only.

In considering the materiality of the current application we have taken into consideration the three previous non-material amendments to the DCO. The amendments approved at BESTW, FALPS and KEMPF were all localised in nature and did not result in any new significant environmental effects. The cumulative impact of the approved amendments and the amendments proposed in this application are not considered to result in any material change to the consented scheme.

For the reasons detailed in this letter and the Application Statement the changes proposed in this application are considered to be non-material and can be dealt with as a non-material change.

To support the Secretaries of State’s consideration of the materiality of the proposed application we attach one electronic copy of our application. An electronic copy has also been emailed to [thamestunnel@planninginspectorate.gov.uk](mailto:thamestunnel@planninginspectorate.gov.uk).

Tideway’s application for a non-material change is supported by the information required by Regulation 4 of the 2011 Regulations. Appendix 1 of this letter contains the relevant details.

A full list of the application documents is provided at Appendix 2. These documents include:

- An Application Statement which details the proposed changes, environmental information in respect of the proposed changes and details of engagement with stakeholders in respect of the proposed changes;
- A Draft Amendment Order which sets out the amendments required to the DCO to provide development consent for the changes proposed;
- A Consultation and Publicity Statement that provides details of the consultation and publicity that will be undertaken as required by Regulations 6 and 7 of the 2011 Regulations;

- Existing and proposed plans. Appendix 3 identifies those plans which are submitted for approval and those which are provided for information;

Notice of the application will be placed for two consecutive weeks in the London Evening Standard commencing 21<sup>st</sup> May 2020 edition.

The fee of £6,891 for the application will be paid to the Department for Environment, Food and Rural Affairs on receipt of their invoice for this amount.

If you have any questions in relation to this application, please contact Liz Wood-Griffiths on 0800 030 8080 or by email at [info@tideway.london](mailto:info@tideway.london), or by post to Tideway, Cottons Centre, Cottons Lane, London SE1 2QG.

Yours sincerely,



Liz Wood-Griffiths  
Head of Consents Authority

**Appendix 1**  
**Details Required under Regulation 4 of the 2011 Regulations, as amended**

Details Required	Applicant Response
Name and address of the applicant	Bazalgette Tunnel Limited Cottons Centre Cottons Lane London SE1 2QG
Name and address of agent, if appointed	Not applicable.
The Secretaries of State's reference for the development consent order to which the application relates	The Thames Water Utilities Limited (Thames Tideway Tunnel) Order (SI:2014/2384) as amended by the Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015 (SI:2015/723), the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2017 (SI:2017/659), the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2018 (SI:2018/1262), the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020 (SI:2020/268) and the Notice of Variation No.1 (17 March 2015) and Notice of Variation No. 2 (17 August 2017) in respect of the deemed Marine Licence.
Details of change being applied for	Substitution with revised version of: <ul style="list-style-type: none"> <li>• the Site works parameter plan for the VCTEF site;</li> <li>• the Site works parameter plan for the BLABF site;</li> <li>• the Extent of loss of listed river wall plans at BLABF sheets 1 and 2; and</li> <li>• the Demolition and site clearance plans at BLABF sheets 2 and 3 (of 5)</li> </ul> Revision of the references to these plans in Part 4 of Schedule 2 of the DCO, and, in the case of the Extent of loss of listed river wall plans, the references in Requirement BLABF 11 – Details of works to listed buildings.
Any documents or plans considered necessary to support the application	See Appendix 2 for the list of documents and plans considered necessary to support the application.
A statement that the applicant is either: (a) the person who applied for the development consent order to which the application relates or a successor in title;	Bazalgette Tunnel Limited has the benefit of the development consent order by virtue of a transfer of powers by Thames Water Utilities Limited dated 24 August 2015 made pursuant to Article 9 of the DCO.

<p>(b) a person with an interest in the land to which the development consent order relates; or  (c) any other person for whose benefit the development consent order has effect.</p>	<p>Thames Water Utilities Limited was the applicant for the DCO to which this application relates.</p>
<p>The consultation and publicity statement referred to in regulation 7A</p>	<p>Document reference 2530-TDWAY-TTTUN-990-ZZ-RG-704431 is included with the application.</p>
<p>Details of the applicant's interest in the land</p>	<p>Not applicable.</p>
<p>Three paper copies of the application and other supporting plans and documents</p>	<p>3 no. hard copies of the application will be provided if requested.</p>

## Appendix 2 Schedule of Application Documents

Document	Description
Application Statement (2530-TDWAY-TTTUN-990-ZZ-RG-704430)	This document demonstrates and confirms that the proposed amendments are not material and will not result in any new, or materially different, significant environmental effects.
Draft DCO Amendment Order	This document sets out the proposed changes to the DCO.
Existing Site works parameter plan for the VCTEF site Existing Site works parameter key plan for the VCTEF site Permanent works layout plan for the VCTEF site Existing Site works parameter plan for the BLABF site Existing Site works parameter key plan for the BLABF site Existing Extent of loss of listed river wall plan sheets 1 and 2  Existing Demolition and site clearance plan sheets 2 and 3 (of 5)	Site works parameter plan DCO-PP-16X-VCTEF-180008 - rev 3 Site works parameter key plan DCO-PP-16X-VCTEF-180009 - rev 2 Illustrative Permanent works layout plan DCO-PP-16X-VCTEF-180010-rev 2 Site works parameter plan DCO-PP-17X-BLABF-190010 – rev 2 Site works parameter key plan DCO-PP-17X-BLABF-190011 - rev 1 Extent of loss of listed river wall plan Sheet 1 of 2 DCO-PP-17X-BLABF-190022 - rev 1 Extent of loss of listed river wall plan Sheet 2 of 2 DCO-PP-17X-BLABF-190023 Demolition and site clearance plan Sheet 2 of 5 DCO-PP-17X-BLABF-190006 – rev 1 Demolition and site clearance plan Sheet 3 of 5 DCO-PP-17X-BLABF-190007 - rev 2
Updated Plans See Appendix 3 for details.	Revised Site works parameter plan DCO-PP-16X-VCTEF-180008 – rev 4 Updated Site works parameter key plan DCO-PP-16X-VCTEF-180009 - rev 3 Revised Site works parameter plan DCO-PP-17X-BLABF-190010 - rev 3 Updated Site works parameter key plan DCO-PP-17X-BLABF-190011 - rev 2 Revised Extent of loss of listed river wall plan Sheet 1 of 2 DCO-PP-17X-BLABF-190022 - rev 2 Revised Extent of loss of listed river wall plan Sheet 2 of 2 DCO-PP-17X-BLABF-190023 - rev 1 Revised Demolition and site clearance plan Sheet 2 of 5 DCO-PP-17X-BLABF-190006 - rev 2 Revised Demolition and site clearance plan Sheet 3 of 5 DCO-PP-17X-BLABF-190007 - rev 3
Consultation and Publicity Statement (2530-TDWAY-TTTUN-990-ZZ-RG-704431)	Statement setting out details of the steps that have been taken by the applicant to comply with the requirements of regulations 6 and 7 of the 2011 Regulations, including

	a copy of the notice prepared in accordance with regulation 6.
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**Appendix 3**  
**Schedule of Updated Plans**

Plan Number (DCO)	Plan Title	Plan Number (substituted)
DCO-PP-16X-VCTEF-180008 - rev 3	Site works parameter plan	DCO-PP-16X-VCTEF-180008 - rev 4 <b>For Approval</b>
DCO-PP-16X-VCTEF-180009 - rev 2	Site works parameter key plan	DCO-PP-16X-VCTEF-180009 - rev 3 <b>For Information</b>
DCO-PP-17X-BLABF-190010 - rev 2	Site works parameter plan	DCO-PP-17X-BLABF-190010 - rev 3 <b>For Approval</b>
DCO-PP-17X-BLABF-190011 - rev 1	Site works parameter key plan	DCO-PP-16X-BLABF-190011 - rev 2 <b>For information</b>
DCO-PP-17X-BLABF-190022 - rev 1	Extent of loss of listed river wall plan Sheet 1 of 2	DCO-PP-17X-BLABF-190022 - rev 2 <b>For Approval</b>
DCO-PP-17X-BLABF-190023	Extent of loss of listed river wall plan Sheets 2 of 2	DCO-PP-17X-BLABF-190023 - rev 1 <b>For Approval</b>
DCO-PP-17X-BLABF-190006 - rev 1	Demolition and site clearance plan Sheet 2 of 5	DCO-PP-17X-BLABF-190006 - rev 2 <b>For Approval</b>
DCO-PP-17X-BLABF-190007 - rev 2	Demolition and site clearance plan Sheet 3 of 5	DCO-PP-17X-BLABF-190007 - rev 3 <b>For Approval</b>