



Ref: 2530-TDWAY-TTTUN-990-ZZ-CO-700203

Secretary of State for Environment Food and Rural Affairs

Nobel House
17 Smith Square
London
SW1P 3JR

Secretary of State for Levelling Up, Housing and Communities

2 Marsham Street
London
SW1P 4DF

1st September 2022

Dear Secretaries of State,

**The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (SI:2014/2384)¹
Application for a non-material change in relation to the Victoria Embankment Foreshore
(VCTEF) site**

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”).

¹ 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), the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020 (SI:2020/862) 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.

Protectively Marked: Official
Tel. 020 3744 4010

Nature of the Proposed Amendment

The proposed amendment relates to the Victoria Embankment Foreshore (VCTEF) site and seeks consent to allow the Tattershall Castle (a floating bar and restaurant) to remain moored in its current location at the Junction of Victoria Embankment and Horse Guards Avenue. The amendment also seeks consent for the permanent removal of the service mooring which was located to the east of the junction of Horse Guards Avenue and Victoria Embankment and which has been temporarily removed during construction of the works.

Amendments are proposed to: the description of the approved works set out in Schedule 1 Part 1; seven drawings referred to in the DCO; amendments to Schedule 2 Part 4 (Approved Plans) and Schedule 3 (Requirements) to revise the drawing numbers of the amended plans; Schedule 5 (Streets Subject to Alteration of Layout) where reference is made to two locations for the vessel.

The Need for the Non-Material Amendment

The current consent allows for the Tattershall Castle to be relocated from its original location to a temporary mooring and then moved again to a new permanent mooring, and for the service mooring east of the junction of Victoria Embankment and Horse Guards Avenue to be temporarily removed and then reinstated.

The service mooring has been removed and City Cruises Limited who previously used the mooring have relocated their business. City Cruises Limited and the Crown Estate, freeholder of the riverbed at this location and owner of the mooring, have confirmed that they have no need for the mooring to be reinstated at this location. This provides an opportunity for the Tattershall Castle to remain in its current location. Retaining the vessel in its current location would avoid the need for intrusive works to the riverbed to accommodate the vessel in a new mooring location and the need to disrupt the Tattershall Castle business while the vessel is relocated.

An amendment to the DCO is required to enable the vessel to remain at its current mooring.

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 3 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 amendment would allow the Tattershall Castle to remain at its current mooring and would avoid the need to undertake the construction works required to create a new mooring for the relocated vessel. Whilst the impact of these works was considered acceptable when the Order was made, retaining the vessel in its current location would avoid the need to undertake further intrusive works to the riverbed and the listed river wall minimising impacts on these assets. Noise associated with these works and the works required on the highway (footpath) to create a new access to the vessel would also be avoided minimising disruption in the area. Retaining the vessel where it is will benefit the Tattershall Castle business as it will not be necessary to close the business while the vessel is relocated.

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.”

Four 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. The fourth amendment approved amendments to the approved drawings at the VCTEF and Blackfriars Bridge Foreshore (BLABF) sites. At VCTEF an amendment was required to the Site works parameter plan to correct an anomaly on the approved plan which prevented the works from being constructed as originally intended; at BLABF amendments were required to the Site works parameter plan, the Extent of loss of listed river wall plans and the Demolition and site clearance plans to enable the design solution for the flow diversion works from the Low Level Sewer No.1 to be implemented.

In considering the materiality of the current application we have taken into consideration the four previous non-material amendments to the DCO. The amendments approved at BESTW, FALPS, KEMPF, VCTEF and BLABF 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.

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:

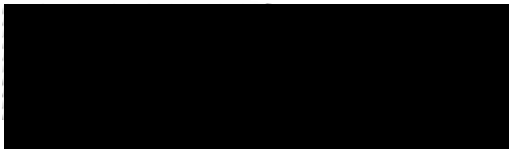
- An Application Statement which details the proposed changes, environmental information in respect of the proposed changes and details of engagement with stakeholders in respect of the proposed changes;
- A Draft Amendment Order which sets out the amendments required to the DCO to provide development 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 Thursday 1st September 2022 edition.

The fee of £6,891 for the application has been be paid to the Department for Environment, Food and Rural Affairs under invoice No 326642.

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, 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), the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020 (SI:2020/862) 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	Amendment to the description of the work in Work No 16c (xi) and 16c (xii) of Schedule 1 Part 1 (Authorised Development); Substitution with revised versions of: <ul style="list-style-type: none"> • Demolition and site clearance (sheet 2 of 2) - DCO-PP-16X-VCTEF-180007 Rev2 • Site Works Parameter plan - DCO-PP-16X-VCTEF-180008 Rev4 • Proposed Site Features Plan - DCO-PP-16X-VCTEF-180011 Rev1 • Proposed Landscape Plan (sheet 1 of 2) - DCO-PP-16X-VCTEF-180012 Rev2 • Proposed Landscape Plan (sheet 2 of 2) - DCO-PP-16X-VCTEF-180013 Rev1 • Proposed mooring access details - DCO-PP-16X-VCTEF-180027 Rev1 • As existing and proposed river elevation impact on listed structure (sheet 1 of 2) - DCO-PP-16X-VCTEF-180047 Rev1 Revision of the references to these plans in Part 4 of Schedule 2 of the DCO; Revision of the references to these plans in Requirements VCTEF 3, VCTEF 4, VCTEF, 7,

	<p>VCTEF 10 and VCTEF 15 in the Table at paragraph 16 of Schedule 3 (Requirements); Revision to the Requirement title of VCTEF 3 and VCTEF 11 to remove references to temporary and permanent; Amendment to the Description of alteration in column 3 of Schedule 5 (Streets Subject to Alteration of Layout) for the VCTEF site</p>
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.
<p>A statement that the applicant is either:</p> <ul style="list-style-type: none"> (a) the person who applied for the development consent order to which the application relates or a successor in title; (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>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. Thames Water Utilities Limited was the applicant for the DCO to which this application relates.</p>
The consultation and publicity statement referred to in regulation 7A	Document reference 2530-TDWAY-TTTUN-990-ZZ-RG-704433 is included with the application.
Details of the applicant's interest in the land	Not applicable.
Three paper copies of the application and other supporting plans and documents	3 no. hard copies of the application will be provided if requested.

Appendix 2
Schedule of Application Documents

Document	Description
Application Statement (2530-TDWAY-TTTUN-990-ZZ-RG-704432)	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.
<p>Existing Location plan</p> <p>Existing Demolition and site clearance plan (sheet 2 of 2)</p> <p>Existing Site works parameter plan</p> <p>Existing Site works parameter key plan</p> <p>Existing Proposed Site features plan</p> <p>Existing Proposed Landscape plan (sheet 1 of 2)</p> <p>Existing Proposed Landscape plan (sheet 2 of 2)</p> <p>Existing Proposed mooring access details plan</p> <p>Existing As existing and proposed river elevation impact on listed structure plan (sheet 1 of 2)</p>	<p>Location plan - DCO-PP-16X-VCTEF-180001 Rev 1</p> <p>Demolition and site clearance (sheet 2 of 2) - DCO-PP-16X-VCTEF-180007 Rev 2</p> <p>Site works parameter plan - DCO-PP-16X-VCTEF-180008 Rev 4</p> <p>Site works parameter key plan - DCO-PP-16X-VCTEF-180009 Rev 3</p> <p>Proposed Site features plan - DCO-PP-16X-VCTEF-180011 Rev 1</p> <p>Proposed Landscape plan (sheet 1 of 2) - DCO-PP-16X-VCTEF-180012 Rev 2</p> <p>Proposed Landscape plan (sheet 2 of 2) - DCO-PP-16X-VCTEF-180013 Rev 1</p> <p>Proposed mooring access details plan- DCO-PP-16X-VCTEF-180027 Rev 1</p> <p>As existing and proposed river elevation impact on listed structure plan (sheet 1 of 2) - DCO-PP-16X-VCTEF-180047 Rev 1</p>
<p>Updated Plans</p> <p>See Appendix 3 for details.</p>	<p>Revised Location plan - DCO-PP-16X-VCTEF-180001 Rev 2</p> <p>Revised Demolition and site clearance (sheet 2 of 2) - DCO-PP-16X-VCTEF-180007 Rev 3</p> <p>Revised Site works parameter plan - DCO-PP-16X-VCTEF-180008 Rev 5</p> <p>Revised Site works parameter key plan - DCO-PP-16X-VCTEF-180009 Rev 4</p> <p>Revised Proposed Site features plan - DCO-PP-16X-VCTEF-180011 Rev 2</p> <p>Revised Proposed Landscape plan (sheet 1 of 2) - DCO-PP-16X-VCTEF-180012 Rev 3</p> <p>Revised Proposed Landscape plan (sheet 2 of 2) - DCO-PP-16X-VCTEF-180013 Rev 2</p> <p>Revised Proposed mooring access details plan- DCO-PP-16X-VCTEF-180027 Rev 2</p> <p>Revised As existing and proposed river elevation impact on listed structure plan (sheet 1 of 2) - DCO-PP-16X-VCTEF-180047 Rev 2</p>

<p>Consultation and Publicity Statement (2530-TDWAY-TTTUN-990-ZZ-RG- 704433)</p>	<p>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.</p>
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Appendix 3
Schedule of Updated Plans

Plan Number (DCO)	Plan Title	Plan Number (substituted)
DCO-PP-16X-VCTEF-180001 Rev 1	Location plan	DCO-PP-16X-VCTEF-180001 Rev 2 For Information
DCO-PP-16X-VCTEF-180007 Rev 2	Demolition and site clearance plan (sheet 2 of 2)	DCO-PP-16X-VCTEF-180007 Rev 3 For Approval
DCO-PP-16X-VCTEF-180008 Rev 4	Site works parameter plan	DCO-PP-16X-VCTEF-180008 Rev 5 For Approval
DCO-PP-16X-VCTEF-180009 Rev 3	Site works parameter key plan	DCO-PP-16X-VCTEF-180009 Rev 4 For Information
DCO-PP-16X-VCTEF-180011 Rev 1	Proposed Site features plan	DCO-PP-16X-VCTEF-180011 Rev 2 For Approval
DCO-PP-16X-VCTEF-180012 Rev 2	Proposed Landscape plan (sheet 1 of 2)	DCO-PP-16X-VCTEF-180012 Rev 3 For Approval
DCO-PP-16X-VCTEF-180013 Rev 1	Proposed Landscape plan (sheet 2 of 2)	DCO-PP-16X-VCTEF-180013 Rev 2 For Approval
DCO-PP-16X-VCTEF-180027 Rev 1	Proposed mooring access details plan	DCO-PP-16X-VCTEF-180027 Rev 2 For Approval
DCO-PP-16X-VCTEF-180047 Rev 1	As existing and proposed river elevation impact on listed structure plan (sheet 1 of 2)	DCO-PP-16X-VCTEF-180047 Rev 2 For Approval