



Meeting note

Status	Final
Author	Mark Wilson
Date	10 August 2016
Meeting with	Eight20 / Thames Tideway
Venue	Temple Quay House, Bristol
Attendees	Jon Barker – Eight20 Jessie Gerwien – Eight20 Steve Wilkinson – Thames Water Utilities Limited Ian Fletcher – Tideway Claire Beedle - Tideway Mark Wilson – PINS Richard Hunt - PINS
Meeting objectives	To discuss a proposed application to make changes to the Thames Tideway Tunnel DCO
Circulation	All attendees

Summary of key points discussed and advice given:

Where this note refers to the developer, it means Thames Water Utilities Ltd and Eight20.

The developer was made aware of the Planning Inspectorate's openness policy, that any advice given will be recorded and placed on the Planning Inspectorate's website under s51 of the Planning Act 2008 (PA2008) once formal steps were taken to make an application. Any advice does not constitute legal advice on which the developer or others can rely.

The Proposed Change

The developer explained the changes that were being considered at Beckton Sewage Treatment Works (Work 27 in schedule 1 of the DCO) and which would form the basis of an application to the Secretary of state for a non material change under s153 of the Planning Act 2008.

In summary the physical changes to Work 27 are as follows:

- Inlet Shaft – reduction in depth from 32m to 24m; increase in diameter from 9m to 10.5m
- Outlet Shaft - decrease in depth from 31m to 23 m
- Culvert – reduction in length from 35m to 15m

- Tunnel – reduction in outside diameter from 4m (780m long) to 3.7m (805m long)
- Drain Down Pipes – reduction from 2 to 1
- Flow Transfer pipeline – reduction from 2 to 1
- Changes to the limits of horizontal deviation for the tunnel and shafts
- Changes to the limits of vertical deviation for the tunnels and shafts

The developer explained that all of the proposed changes would take place within the existing DCO (red line) boundary. The change proposed to the Outlet Shaft would take the shaft outside of the existing limits of deviation for the Outlet Shaft, but within the overall DCO boundary.

The developer also explained that, as drafted, DCO Article 6 – Limits of Deviation, should be amended to include Work 27. It was considered that Work 27 should have been included in the Article and it was erroneous that it had not been. This may have been a drafting error.

PINS enquired about the impact of the proposed change on the Environmental Statement (ES). The developer discussed the potential changes to each topic chapter of the ES and confirmed that although some effects may increase, the proposals would not result in a change to the overall assessment of residual significant effects. Where increases in effect were predicted the developer stated that an additional assessment would be provided as part of the application material. The developer displayed an example damage assessment contour plan settlement contour plan that the developer intends to submit as part of the application documentation. Although the proposed tunnel is shallower, the diameter of the proposed tunnel is smaller, and therefore the settlement contours are very similar. However the tunnel has been relocated further north and away from the Sewage Treatment Works boundary. A National Grid pylon and gas pipelines were also noted to be potentially affected and the developer agreed to consider the potential effect of the changes on protective provisions.

The developer proposed to make the application at the end of August. PINS commented that the developer should build-in a couple of weeks to their programme to allow the Inspectorate to comment on their draft application documents and the draft publicity/consultation notice.

PINS commented that, on the basis of the information presented at the meeting, it was reasonable at this stage to regard the changes as non material. However, a more considered view on materiality would be provided in any advice given in relation to any draft application documents provided to PINS by the developer.

The Application Process

The Inspectorate briefly described the non material change application process set out in the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended). Attention was also drawn to DCLG Guidance on Changes to DCOs (Dec 2015). In particular, the guidance in paras 12 to 16 that sets down the circumstances when a change is more likely to be considered as material.

The Inspectorate's role in the non material change process is to provide advice to applicants and others and also to administer the handling of the application once it is submitted. It is for secretaries of State (DEFRA and DCLG) to make the decision. The

application documents should be submitted to PINS and we will forward them onto the Secretaries of State.

PINS advised that at least 1 paper copy (incl full size plans for approval) and 3 electronic copies (on a data stick) should be submitted. PINS to advise further after discussions with DEFRA / DCLG. (Post meeting note – following discussion with DEFRA please provide 2 paper copies of the application and 3 data sticks)

PINS advised that the application fee is payable directly to the SoS DEFRA. They should ensure that they have the necessary bank details to be able to pay the fee in advance of or at the same time as the application is submitted.

Consultation

The application will include a draft consultation statement (which sets out the scale and methodology of the consultation under Reg 6). PINS can provide advice on the scale and nature of the consultation proposed.

PINS advised the developer to take a reasonable and proportionate approach to consultation under Reg 7. Previous applicants have used natural and physical features to define an area in which to consult residents and businesses.

The applicant should also consult all those persons who were notified about the accepted application under s56 of the Planning Act 2008 when the original application was made. The applicant should take a precautionary approach if it is intended to not consult certain persons that were notified under s56. However, it would be reasonable to consider which s56 bodies are most relevant to the more localised nature of this proposed application.

PINS explained that it was not necessary to consult all interested parties to the original application and that the public and others who were not sent the notice directly would have the opportunity to make representations in response to the publicity under Reg 6.

The notice that the developer will need to publicise the application (Reg 6) will need to contain an email address for respondents to send their representations to. This is already set up – thamestunnel@pins.gsi.gov.uk

PINS advised that the application documents will be published on the Thames Tideway Tunnel project page of the National Infrastructure Planning website here:

<https://infrastructure.planninginspectorate.gov.uk/projects/london/thames-tideway-tunnel/>

Next Steps

- Developer to advise PINS of a revised application submission date, building in 2 weeks for PINS to comment on draft application documents and provide advice as necessary.
- PINS to contact DEFRA and DCLG to advise them of the meeting and to ask whether or not they would each want a paper copy of the application.
- Developer to make arrangements to publicise the proposed application in accordance with Reg 6 and in line with any revised submission date - and advise PINS accordingly.
- Developer to ensure it has the correct bank details to pay the fee.

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