
STATUTORY INSTRUMENTS

2014 No. 2384

The Thames Water Utilities Limited
(Thames Tideway Tunnel) Order 2014

PART 1

PRELIMINARY

Citation and Commencement

1. This Order may be cited as the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 and shall come into force on 24th September 2014.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

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- (1) 1961 c.33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c.65). There are other amendments to the 1961 Act which are not relevant to this Order.
- (2) 1965 c.56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c.71). Section 5 was amended by section 67 and 80 of, and Part of 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c.34). Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c.67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act 1971 (c.23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c.15). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c.39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). There are other amendments to the 1965 Act which are not relevant to this Order.
- (3) 1980 c.66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c.22); section 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c.51); section 1(2A) was inserted, and section 1(3) was amended, by section 259 of the Greater London Authority Act 1999 (c.29); sections 1(3A) and 1(5) were inserted by section(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c.71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11), by section 64(1) (2) and (3) of the Transport and Works Act (c.42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c.37). Section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by S.I. 2006/1177. Section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c.51). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c.29) and by section 190(3) of, and Part 1 of Schedule. There are other amendments which are not relevant to this Order.
- (4) 1981 c.66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11). Section 15 was amended by sections 56 and 321(1) of, and schedules 8 and 16 to the Housing and Regeneration Act 2008 (c. 17). Paragraph 1 of schedule 2 was amended by section 76 of and Part 2 of schedule 9 to the Housing Act 1988 (c. 50); section 161(4) of and schedule 19 to the Leasehold Reform, Housing and Urban

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

“the 1990 Act” means the Town and Country Planning Act 1990(6);

“the 1991 Act” means the New Roads and Street Works Act 1991(7);

“the 2008 Act” means the Planning Act 2008(8);

“access plans” means the plans certified as the access plans by the Secretary of State for the purposes of this Order and listed in part 3 of Schedule 2 (*plans*);

“agreed date” means the day agreed for the provision of further information pursuant to paragraph 4(5) of Schedule 17 (*procedure for the discharge of requirements etc. and appeals*);

“ancillary works” means the ancillary works described in Part 2 of Schedule 1 (*authorised project*) and any other works authorised by the Order and which are not development within the meaning of section 32 (*meaning of development*) of the 2008 Act;

“appeal documentation” means a copy of the application submitted to the discharging body and any supporting documentation which the undertaker may wish to provide;

“appeal parties” means the discharging authority, the undertaker, and (where relevant) a requirement consultee;

“approved plans” means the plans listed in Part 4 of Schedule 2 (*plans*) and such revised or supplemental plans as may be approved pursuant to the requirements;

“authorised development” means the development and associated development described in Part 1 of Schedule 1 (*authorised project*) and any other development authorised by articles 21 (*remedial works to buildings, or apparatus or equipment*) and 42 (*statutory undertakers*) of this Order, which is development within the meaning of section 32 of the 2008 Act;

“the authorised project” means the authorised development and the ancillary works;

Development Act 1993 (c. 28); and sections 56 and 321(1) of and schedules 8 and 16 to the Housing and Regeneration Act 2008. Paragraph 3 of schedule 2 was amended by section 76 of and schedule 9 to the Housing Act 1988 and section 56 of and schedule 8 to the Housing and Regeneration Act 2008. Paragraph 2 of schedule 3 was repealed by section 277 of and schedule 9 to the Inheritance Tax Act 1984 (c. 51). There are other amendments to the 1981 Act which are not relevant to this Order.

- (5) 1984 c. 27. Section 32 was amended by section 102 of , and Schedule 17 to the Local Government Act 1983 (c.51) and by section 168 of , and Schedule 8 to the New Roads and Street Works Act 1991 (c.22). There are other amendments which are not relevant to this Order.
- (6) 1990 c.8. Section 55 was amended by sections 13, 14, 31 and 84 of, and Schedules 6 and 19 to, the Planning and Compensation Act 1991 (c.34); sections 49, 118 and 120 of, and Schedules 6 and 9 to, the Planning and Compulsory Purchase Act 2004 (c.5); by regulation 19 of, and Schedule 4 to the Waste Management Licensing Regulations 1994 SI 1994/1956 and by regulation 35 of The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulation 1999 SI 1999/293. Section 150 was amended by section 70 of, and Schedule 15 to, the Planning and Compensation Act 1999 and by section 175 of the Planning Act 2008. Section 198 was amended by sections 31, 32 and 84 of, and Schedule 6, 7 and 19 to, the Planning and Compensation Act 1991; by section 42 of the Planning and Compulsory Purchase Act 2004; and sections 192 and 238 of, and Schedules 6, 8 and 13 to, the Planning Act 2008. Section 211, 212 and 213 were amended by sections 36, 86, 192 and 238 of, and Schedules 2 and 8 to, the Planning Act 2008. Section 264 was amended by section 37 of, and Schedule 5 to, the Transport Act 2000 (c.38). Section 274 was amended by section 31 and 84 to, and Schedules 6 and 19 of the Planning and Compensation Act 1991; section 406 of, and Schedule 17 to, the Communications Act 2003 (c.21; and by article 3 of, and Schedule 1 to, the Postal Services Act 2000 (Consequential Modifications No.1) Order 2001 SI 2001/1149. There are other amendments not relevant to this Order.
- (7) 1991 c.22. Sections 46, 51, 56, 57, 58, 60, 65 to 71, 74, 80, 83 were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18). Sections 54 and 55 were amended by section 49, sections 55 and 58 were amended by section 51, section 56 was also amended by section 43, section 57 was also amended by section 52, section 58A was inserted by section 52, section 64 was amended by section 52, section 72 was amended by section 53 and 58, section 74 was also amended by section 52 and section 79 was amended by section 46 of the Traffic Management Act 2004. Section 64 was also amended by section 81 of, and Schedule 7 to the Road Traffic Act 1981 (c.40). Section 74 was also amended by sections 256 and 274 of the Transport Act 2000 (c.38). Sections 74A and 74B were inserted by section 255, section 75 was amended by section 58, and section 95A was inserted by section 41 of the Transport Act 2000. There are other amendments not relevant to this Order.
- (8) 2008 c.29. Paragraph (o) of subsection (1) of section 14 was amended by articles 2(1) and (2) of the Infrastructure Planning (Waste Water Transfer and Storage Order) 2012/1645. Section 29 was amended by articles 2(3) and 3 of the Infrastructure Planning (Waste Water Transfer and Storage) Order 2012/1645. Section 37 was amended by paragraphs 5(2) and (3) of Part 1 of Schedule 13 to the Localism Act 2011 (c.20) Section 127 was amended by section 128(2) of, and paragraphs 64 (1) and (2) of Part I of Schedule 13 to, the Localism Act 2011 and section 23(2) of the Growth and Infrastructure Act 2013 (c.27). Section 138 was amended subsections (1) and (4) of section 23 of the Growth and Infrastructure Act 2013. There are other amendments which are not relevant to this Order.

“Authority” means the Port of London Authority;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any building, structure or erection or any part of a building, structure or erection;

“business day” means a day other than a Saturday or Sunday or public holiday in England;

“carriageway” has the same meaning as in the 1980 Act;

“city walkway” means a walkway in the City of London declared further to the City of London (Various Powers) Act 1967(9);

“completion of construction” means completion of construction of the authorised development so that the same is complete and has been commissioned pursuant to the relevant construction contract or contracts;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;

“CSO” means a combined sewer overflow;

“discharging authority” means the body responsible for giving any consent, agreement or approval required by a requirement included in this Order or protective provision set out in Schedule 16 to this Order, or further to any document referred to in any requirement, or any licence condition in the deemed marine licence set out in Schedule 15 (*deemed marine licence*), or the local authority in the exercise of functions set out in sections 60 or 61 of the Control of Pollution Act 1974(10);

“environmental statement” means the environmental statement for the authorised project (January 2013) with document reference 6.2 together with the Errata to that environment statement with document references 9.04.01, 9.04.04, 9.04.05 and APP123, and the environmental statement update report (March 2014) with document reference APP208.01, submitted by Thames Water Utilities Limited to support its application for development consent;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“infrastructure provider” means any body designated by the Secretary of State for the Environment, Food and Rural Affairs or by the Water Services Regulation Authority (as the case may be) in respect of the authorised project or part(s) of the authorised project under or by virtue of Section 36D of the Water Industry Act 1991 (as inserted by Section 35 of the Flood and Water Management Act 2010) or any successor under a special administration order or otherwise;

“the land plans” means the plans certified as the land plans by the Secretary of State for the purposes of this Order and listed in part 2 of Schedule 2 (*plans*);

“levels” means the levels shown on the sections;

“limits of deviation” means the limits referred to in article 6;

“the LoPS” means the London Permit Scheme for Roads and Street Works made pursuant to Part 3 of the Traffic Management Act 2004 (‘TMA’)(11) and the Traffic Management Permit Schemes (England) Regulations 2007(12) and which applies to a highway authority;

(9) 1967 (xlii). Section 11A was inserted by section 12(b) of the City of London (Various Powers) Act 1990. There are other amendments which are relevant to this Order

(10) 1974 c.40. sections 61 and 65 are amended by section 133 of and schedule 17 to the Building Act 1984 (c.55), section 120 of and schedule 24 to the Environment Act 1995 (c.25) and section 162 of and schedule 15 to the Environmental Protection Act 1990 (c.43). There are other amendments not relevant to this Order.

(11) 2004 c.18. There are amendments to this act which are not relevant to this Order.

(12) SI 2007/3372.

“maintain” includes inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct, demolish, replace or improve the authorised project, so that it is fit for the purpose for which it was originally constructed, and “maintaining” and “maintenance” shall be construed accordingly;

“mean high water level” means the level which is half way between mean high water springs and mean high water neaps;

“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used or within the limits of deviation and described in the book of reference;

“Order limits” means the limits shown on the works plans within which the authorised project may be carried out;

“owner” in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(13);

“permissive path” means any permissive path whether created by statute, agreement or otherwise;

“relevant planning authority” means the council of the relevant London Borough and any successors to its function as planning authority for the area in which the land to which the provisions of this Order apply is situated;

“relevant time limits” means the time limits prescribed in Schedule 17 (*procedure for the discharge of requirements etc. and appeals*) or set by the appointed person pursuant to Schedule 17;

“requirement consultee” means any body named in a requirement which is the subject of an appeal as a body to be consulted by the discharging authority in discharging that requirement;

“requirements” means those matters set out in Schedule 3 (*requirements*);

“the river” means so much of the river Thames, the Thames estuary, rivers, streams, creeks, watercourses and the sea as is within the Authority’s limits described in paragraph 2 of Schedule 1 to the 1968 Act (14);

“the Secretary of State” means the Secretary of State as specified in article 62 (*meaning of Secretary of State*) (or their successor);

“the sections” means the sections shown on the works plans;

“special administration” means special administration as defined in the Water Industry Act 1991 Sections 23 to 25 and in relation to an Infrastructure Provider paragraph 7 of Schedule 1 of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013(15);

“start date” means the date on which the appeal parties are notified of the person appointed to determine an appeal made under Schedule 17 (*procedure for the discharge of requirements etc. and appeals*);

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“tree preservation order” has the meaning given in section 198 of the 1990 Act;

(13) 1981 c.67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34).

(14) The Port of London Act 1968 c.xxxii.

(15) S.I. 2013/1582

“Thames Water Utilities Limited” means Thames Water Utilities Limited as the statutory sewerage undertaker licensed under the Water Industry Act 1991(16) and statutory successors or any successor under a special administration order or otherwise;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“undertaker” means the person who has the benefit of this Order in accordance with article 8 (*benefit of Order*) and or 9 (*transfer of benefit of Order*) of this Order;

“watercourse” includes all rivers, creeks, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages, through or in which water stands or flows, except a public sewer or drain; and

“the works plans” means the plans certified as the works plans by the Secretary of State for the purposes of this Order and listed in part 1 of Schedule 2 (*plans*).

(2) References in this Order to the authorised project coming into use mean use of the authorised development for the purpose for which it was designed including commissioning.

(3) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(4) All distances, directions, levels and lengths referred to in this Order are approximate. All distances for scheduled linear works referred to in this Order are measured along the centre line of the limit of deviation for that work. Internal diameters for tunnels and shafts are the approximate internal dimensions after the construction of a tunnel lining. Unless otherwise stated in Schedule 1 (*authorised project*), depths are specified to invert level and are measured from the proposed final ground level.

(5) For the purposes of this Order, all areas described in square metres in the Book of Reference are approximate.

(6) References in this Order to points identified by letters or numbers shall be construed as references to points so lettered or numbered on the plan to which the reference applies.

(7) References in this Order to numbered works are references to the works as numbered in part 1 of Schedule 1 (*authorised project*).

(8) References in this Order to any statute, order, regulation or similar instrument shall be construed as a reference to the statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(16) 1991 c.56, section 106 was amended by sections 36(2) and 99 of the Water Act 2003 (c.37). There are other amendments to this section which are not relevant to this Order.