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STATUTORY INSTRUMENTS

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**2020 No. 268**

**INFRASTRUCTURE PLANNING**

**The Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020**

*Made - - - - 10th March 2020*

*Coming into force in accordance with article 1(1)*

The Secretary of State for Housing, Communities and Local Government in whom the power conferred by paragraph 2(1) of Schedule 6 to the Planning Act 2008<sup>(1)</sup> (“the 2008 Act”) is now vested<sup>(2)</sup> together with the Secretary of State for Environment, Food and Rural Affairs (together referred to as the “Secretary of State”)<sup>(3)</sup> make this Order in exercise of that power.

An application has been made under paragraph 2 of Schedule 6 to the 2008 Act, and in accordance with Part 1 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011<sup>(4)</sup>, for a non-material change to the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014<sup>(5)</sup> (“the 2014 Order”).

In accordance with paragraph 2 of Schedule 6 to the 2008 Act, the Secretary of State has had regard to the effect of the change, together with the previous changes made under that paragraph, on the 2014 Order as originally made, and is satisfied that the change to the 2014 Order is not material.

**Citation, commencement and interpretation**

**1.—(1)** This Order may be cited as the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020 and comes into force on the day after the day on which it is made.

(2) In this Order, “the 2014 Order” means the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014.

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- (1) 2008 c. 29; paragraph 2 of Schedule 6 was amended by paragraph 4(6)(a) of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23), by paragraph 72(3) to (7) of Schedule 13, and by Part 20 of Schedule 25, to the Localism Act 2011 (c. 20), and by section 28(2) of the Infrastructure Act 2015 (c. 7).
- (2) S.I. 2018/378 makes provision for, and in connection with, the transfer of functions from the Secretary of State for Communities and Local Government to the Secretary of State for Housing, Communities and Local Government.
- (3) Article 62 of the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (“the 2014 Order”) provides insofar as relevant to this Order that “the Secretary of State shall mean the Secretary of State for Communities and Local Government and the Secretary of State for Environment, Food and Rural Affairs”.
- (4) S.I. 2011/2055; relevant amending instruments are S.I. 2012/635 and 2015/760.
- (5) S.I. 2014/2384, amended by S.I. 2015/723, 2017/659 and 2018/1262.

## **Amendment of the 2014 Order**

- 2.**—(1) The 2014 Order is amended as follows.
- (2) In article 2(1), for the definition of “the book of reference” substitute—
- ““the book of reference” means—
- (a) the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order, and
- (b) the addendum to that book dated January 2020 certified by the Secretary of State for the purposes of this Order;”.
- (3) In article 6(1), in the words before sub-paragraph (a), for “and 20” substitute “, 20 and 24aa”.
- (4) In Schedule 1, in Part 1—
- (a) in column (1) of Table 1, for “and 24a” substitute “24a and 24aa.”.
- (b) after the entry for Work No. 24a insert—
- “\*Work No.24aa: North East Storm Relief connection tunnel – A tunnel between the King Edward Memorial Park CSO drop shaft (Work No.24a) and the main tunnel (east) (Work No.1d).”.
- (5) Schedule 2 is amended as set out in the table in the Schedule to this Order, where—
- (a) column 1 sets out the provision to be amended,
- (b) column 2 sets out the current text, and
- (c) column 3 sets out the text to be substituted for the current text.

## **Certification of substituted plans, etc.**

- 3.**—(1) The undertaker must, as soon as practicable after the making of this Order, submit copies of—
- (a) the addendum to the book of reference dated January 2020, and
- (b) the substituted plans referred to in the third column of the table in the Schedule
- to the Secretary of State for certification in accordance with paragraph (2).
- (2) The Secretary of State may certify copies submitted under paragraph (1) as true copies of the plan or document.
- (3) A plan or document so certified by the Secretary of State is admissible in any proceedings as evidence of the contents of the document of which it is a copy.
- (4) In paragraph (1), “undertaker” has the same meaning as in article 2(1) of the 2014 Order<sup>(6)</sup>.

For and on behalf of the Secretary of State

*Kirstin Green*  
Deputy Director, Water Quality  
Department for Environment, Food and Rural  
Affairs

10th March 2020

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<sup>(6)</sup> Article 2(1) defines “undertaker” as the person who has the benefit of the 2014 Order in accordance with articles 8 and 9 of that Order.

For and on behalf of the Secretary of State

10th March 2020

*Steve Quartermain*  
Chief Planner (Director)  
Ministry of Housing, Communities and Local  
Government

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## SCHEDULE

Article 2(5)

## Amendments to Schedule 2 to the 2014 Order

<i>Provision to be amended</i>	<i>Current text</i>	<i>Text to be substituted for the current text</i>
Schedule 2, Part 1 (Works Plans) Table 1, column 3	“DCO-WP-000-ZZZZZ-010050”	“DCO-WP-000-ZZZZZ-010050-rev 1”
Schedule 2, Part 1 (Works Plans) Table 1, column 3	“DCO-WP-000-ZZZZZ-010051”	“DCO-WP-000-ZZZZZ-010051-rev 1”
Schedule 2, Part 2 (Land Plans) Table 1, column 3	“DCO-LP-000-ZZZZZ-030040-rev 2”	“DCO-LP-000-ZZZZZ-030040-rev 4”(7)

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I 2014/2384) (“the 2014 Order”) granted development consent within the meaning of the Planning Act 2008 (c. 29).

Following an application made under paragraph 2 of Schedule 6 to the Planning Act 2008, this Order makes the following non-material changes to the 2014 Order—

- (a) article 2 is amended so that the book of reference includes the additional plots to be included within the Order limits;
- (b) article 6 is amended so that the limits of the deviation apply to the connection tunnel between the King Edward Memorial Park Foreshore combined sewer overflow drop shaft and the main tunnel;
- (c) Part 1 of Schedule 1 is amended to provide consent for the connection tunnel;
- (d) Part 1 of Schedule 2 is amended to make amendments to two of the Works Plan and Section drawings for the main tunnel to show the revised tunnel alignment, new connection tunnel and associated limits of deviation and Order limits, and related revisions to the plan references;
- (e) Part 2 of Schedule 2 is amended to make amendments to the Land Plan to show the revised limits of deviation for the main tunnel and the additional plots to be included within the Order limits, and the related revision to the plan reference.

A copy of the substituted plans and of the addendum to the book of reference dated January 2020 mentioned in this Order and certified in accordance with article 3 of this Order (certification of plans, etc.) may be inspected free of charge during working hours at the offices of Tower Hamlets Council, Mulberry Place, 5 Clove Crescent, London, E14 2BG.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

(7) This plan and those referred to above may be inspected free of charge during working hours at the offices of Tower Hamlets Council, Mulberry Place, 5 Clove Crescent, London, E14 2BG.

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