STATUTORY INSTRUMENTS

2022 No. 1242

INFRASTRUCTURE PLANNING

The Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2022

Made - - - -	*23rd November 2022*
Coming into force - -	*24th November 2022*

The Secretary of State for Levelling Up, Housing and Communities in whom the power conferred by paragraph 2(1) of Schedule 6 to the Planning Act 2008(**a**) ("the 2008 Act") is now vested(**b**) together with the Secretary of State for Environment, Food and Rural Affairs (together referred to as the "Secretary of State")(**c**) make this Order in exercise of that power.

An application has been 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(**d**) for a non-material change to the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014(**e**) ("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regard to the effect of the change, together with the previous changes made under that paragraph, on the 2014 Order as originally made, and is satisfied that the change to the 2014 Order is not material.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 and Commencement

1.—(1) This Order may be cited as the Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2022 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.

(**a**) 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 section 28(2) of the Infrastructure Act 2015 (c. 7).

(**b**) 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 and S.I. 2021/1265 makes provision for, and in connection with, the transfer of functions from the Secretary of State for Housing, Communities and Local Government to the Secretary of State for Levelling Up, Housing and Communities.

(**c**) 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".

(**d**) S.I. 2011/2055; relevant amending instruments are S.I. 2012/635, 2015/760 and 2020/1534.

(**e**) S.I. 2014/2384, amended by S.I. 2015/723, 2017/659, 2018/1262, 2020/268 and 2020/862.

Amendment of the 2014 Order

2. Schedule 1, Schedule 2, Schedule 3 and Schedule 5 to the 2014 Order are amended as set out in the tables in Schedules 1, 2, 3 and 4 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 any revised or substituted plans referred to in—

(a) the third column of the table in Schedule 2, and

(b) the third column of the table in Schedule 3,

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 substituted plans.

(3) A plan or document so certified by the Secretary of State shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

(4) In paragraph (1), the "undertaker" has the same meaning as in article 2(1) of the 2014 Order.

For and on behalf of the Secretary of State

Amira Amzour
Deputy Director, Water Quality
23 November 2022 Department for Food, Environment and Rural Affairs

For and on behalf of the Secretary of State

Joanna Averley
Chief Planner
23 November 2022 Department for Levelling Up, Housing and Communities

SCHEDULE 1

Article 2

Amendments to Schedule 1 to the 2014 Order

Provision to be amended	*Current text*	*Text to be substituted for the current text*
Schedule 1, Part 1 ("Authorised Development") Work No. 16c (xi)	"(xi) removal of existing mooring for the Tattershall Castle attached to listed wall (and associated access ramps), construction and use of a new temporary and permanent mooring (over listed wall) for a vessel to the south of Work No. 16c(ii), and means of access for both attached to the listed wall including access brows, gangways, guide piles, mooring chains and anchors fixed to the river bed, construction dredging and associated sheet piling to accommodate the relocated vessel in both the permanent and temporary locations for the vessel;"	"(xi) removal of existing mooring for the Tattershall Castle attached to listed wall (and associated access ramps), construction and use of a new mooring (over listed wall) for a vessel to the south of Work No. 16c(ii), and means of access attached to the listed wall including access brows, gangways, guide piles, mooring chains and anchors fixed to the river bed, construction dredging and associated sheet piling to accommodate the relocated vessel;"
Schedule 1, Part 1 ("Authorised Development") Work No. 16c (xii)	"(xii) temporary removal and then reinstatement of the service mooring / service pontoon to the east of the junction of Victoria Embankment and Horse Guards Avenue including guide piles;"	"(xii) permanent removal of the service mooring / service pontoon to the east of the junction of Victoria Embankment and Horse Guards Avenue including guide piles;"

SCHEDULE 2

Article 2

Amendments to Schedule 2 to the 2014 Order

Provision to be amended	*Current text*	*Text to be substituted for the current text*
Schedule 2, Part 4 ("Approved Plans") Table 1, column 3	"DCO-PP-16X-VCTEF-180007 - rev 2"	"DCO-PP-16X-VCTEF-180007 – rev 3"
Schedule 2, Part 4 ("Approved Plans") Table 1, column 3	"DCO-PP-16X-VCTEF-180008- rev 4"	"DCO-PP-16X- VCTEF-180008- rev 5"
Schedule 2, Part 4 ("Approved Plans") Table 1, column 3	"DCO-PP-16X-VCTEF-180013- rev 1"	"DCO-PP-16X- VCTEF-180013- rev 2"
Schedule 2, Part 4 ("Approved Plans") Table 2, column 3	"DCO-PP-16X- VCTEF-180027- rev 1"	"DCO-PP-16X-VCTEF-180027- rev 2"
Schedule 2, Part 4 ("Approved Plans") Table 2, column 3	"DCO-PP-16X-VCTEF-180047- rev 1"	"DCO-PP-16X-VCTEF-180047- rev 2"

SCHEDULE 3

Article 2

Amendments to Schedule 3 to the 2014 Order

Provision to be amended	*Current text*	*Text to be substituted for the current text*
Schedule 3, paragraph 16 Table, Requirement VCTEF3, column 1	"Location of moorings (temporary and permanent)"	"Location of moorings"
Schedule 3, paragraph 16 Table, Requirement VCTEF11, column 1	"Use of replacement mooring (temporary and permanent)"	"Use of replacement mooring"
Schedule 3, paragraph 16 Table, Requirement VCTEF3, column 3	"The replacement moorings shall be constructed as shown on the Proposed site features plan (Drawing No. DCO-PP-16X-VCTEF-180011 – rev 1) and the Proposed landscape plan (Drawing No. DCO-PP-16X-VCTEF-180013 – rev 1), unless otherwise approved by the relevant planning authority in consultation with the Port of London Authority, HBMCE, Transport for London and the Environment Agency."	"The replacement moorings shall be constructed as shown on the Proposed site features plan (Drawing No. DCO-PP-16X-VCTEF-180011 – rev 2) and the Proposed landscape plan (Drawing No. DCO-PP-16X-VCTEF-180013 – rev 2), unless otherwise approved by the relevant planning authority in consultation with the Port of London Authority, HBMCE, Transport for London and the Environment Agency."
Schedule 3, paragraph 16 Table, Requirement VCTEF4, column 3, paragraph 3	"(3) The proposed amenity kiosks shown on the Proposed landscape plans (Drawing No. DCO-PP-16X-VCTEF-180012 – rev 2) shall not be brought into use until planning permission is granted for their use by the relevant planning authority and details of refuse storage and servicing are approved."	"(3) The proposed amenity kiosks shown on the Proposed landscape plans (Drawing No. DCO-PP-16X-VCTEF-180012 – rev 3) shall not be brought into use until planning permission is granted for their use by the relevant planning authority and details of refuse storage and servicing are approved."
Schedule 3, paragraph 16 Table, Requirement VCTEF7, column 3, paragraph 1	"(1) Works to the listed embankment wall shall not commence until details of those works, which shall accord with the Proposed landscape plan (Drawing No. DCO-PP-16X-VCTEF-180013 – rev 1), Proposed listed structure interface – foreshore structure (Drawing No. DCO-PP-16X-VCTEF-180025), As existing and proposed listed structure interface weir structure (Drawing No. DCO-PP-16X-VCTEF-180026 – rev 1), the indicative features on the Proposed mooring access details (Drawing No. DCO-PP-16X-VCTEF-180027 – rev	"(1) Works to the listed embankment wall shall not commence until details of those works, which shall accord with the Proposed landscape plan (Drawing No. DCO-PP-16X-VCTEF-180013 – rev 2), Proposed listed structure interface – foreshore structure (Drawing No. DCO-PP-16X-VCTEF-180025), As existing and proposed listed structure interface weir structure (Drawing No. DCO-PP-16X-VCTEF-180026 – rev 1), the indicative features on the Proposed mooring access details (Drawing No. DCO-PP-16X-VCTEF-180027 – rev

	1) and the design principles for this site, and the maximum temporary and permanent extent of loss of listed buildings/structures are submitted to and approved by the relevant planning authority in consultation with the HBMCE."	2) and the design principles for this site, and the maximum temporary and permanent extent of loss of listed buildings/structures are submitted to and approved by the relevant planning authority in consultation with the HBMCE."
Schedule 3, paragraph 16 Table, Requirement VCTEF10, column 3, paragraph 1	"(1) Construction of the permanent replacement mooring shall not commence until details of the design (including external appearance and materials), which shall accord with the design principles for this site, the Proposed site features plan (Drawing No. DCO-PP-16X-VCTEF-180011 – rev 1), the Proposed landscape plan (Drawing No. DCO-PP-16X-VCTEF-180013 – rev 1), the indicative features of the Proposed mooring access details (Drawing No. DCO-PP-16X-VCTEF-180027 – rev 1) and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority."	"(1) Construction of the permanent replacement mooring shall not commence until details of the design (including external appearance and materials), which shall accord with the design principles for this site, the Proposed site features plan (Drawing No. DCO-PP-16X-VCTEF-180011 – rev 2), the Proposed landscape plan (Drawing No. DCO-PP-16X-VCTEF-180013 – rev 2), the indicative features of the Proposed mooring access details (Drawing No. DCO-PP-16X-VCTEF-180027 – rev 2) and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority."
Schedule 3, paragraph 16 Table, Requirement VCTEF15, column 3, paragraph 1	"(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord with the Proposed site features plan (Drawing No. DCO-PP-16X-VCTEF-180011 – rev 1), Proposed landscape plans (Drawing Nos. DCO-PP-16X-VCTEF-180012 – rev 2 and DCO-PP-16X-VCTEF-180013 – rev 1), Kiosk design intent (Drawing No. DCO-PP-16X-VCTEF-180021) and the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and TfL (in respect of street trees)."	"(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord with the Proposed site features plan (Drawing No. DCO-PP-16X-VCTEF-180011 – rev 2), Proposed landscape plans (Drawing Nos. DCO-PP-16X-VCTEF-180012 – rev 3 and DCO-PP-16X-VCTEF-180013 – rev 2), Kiosk design intent (Drawing No. DCO-PP-16X-VCTEF-180021) and the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and TfL (in respect of street trees)."

SCHEDULE 4

Article 2

Amendments to Schedule 5 to the 2014 Order

Provision to be amended	*Current text*	*Text to be substituted for the current text*
Schedule 5, column 3 (City of Westminster, Victoria Embankment, Victoria Embankment Foreshore)	"Works to facilitate the temporary and permanent provision of access to boat moorings"	"Works to facilitate the provision of access to boat moorings"

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) Part 1 of Schedule 1 is amended to make changes to Work No 16c (xi) and Work No 16c (xii) to remove reference to temporary and permanent moorings and refer only to a permanent mooring for the Tattershall Castle, and to provide for the permanent removal of the service mooring previously used by City Cruises Limited;

(b) Part 4 of Schedule 2 is amended so as to—

(i) revise the Demolition and site clearance plan (sheet 2 of 2) to show the permanent removal of the service mooring;

(ii) revise the area within which certain permanent works can take place under the Site works parameter plan;

(iii) revise the Proposed site features plan and Proposed landscape plan (sheet 2 of 2) to show only one vessel mooring location;

(iv) remove the vessel mooring from the Proposed landscape plan (sheet 1 of 2);

(v) remove the note below 'Detail Section' on the Proposed mooring access details plan;

(vi) revise the location of the relocated vessel and remove the maximum permanent extent of loss of listed river wall on the As existing and proposed river elevation impact on listed structure plan (sheet 1 of 2).

(c) Schedule 3 is amended to amend the drawing numbers referred to in site specific Requirements VCTEF3, VCTEF4, VCTEF7, VCTEF10 and VCTEF15, and amend the titles of VCTEF3 and VCTEF11 for the Victoria Embankment Foreshore site;

(d) Schedule 5 is amended to remove reference to temporary and permanent moorings and refer only to a new mooring for the Tattershall Castle.

A copy of the substituted plans 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 Westminster City Council, 64 Victoria Street, London, SW1E 6QP.

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.

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£6.90

http://www.legislation.gov.uk/id/uksi/2022/1242

ISBN 978-0-34-824174-7

