

2018 No. 1262

INFRASTRUCTURE PLANNING

**The Thames Water Utilities Limited (Thames Tideway Tunnel)
(Amendment) Order 2018**

Made - - - - *29th November 2018*

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 (“the 2008 Act”)(a) 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 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(d), for a non-material change to the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (“the 2014 Order”)(e).

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to the effect of the change, together with the previous changes made under that paragraph(f), on the 2014 Order as originally made, and is satisfied that the change to the 2014 Order is not material.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 2018 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.

Amendment of the 2014 Order

2. The 2014 Order is amended as set out in the table in the Schedule to this Order, where—

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- (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 to the Localism Act 2011 (c. 20), 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.
 - (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.
 - (e) S.I. 2014/2384, relevant amending instruments are S.I. 2015/723, 2017/659.
 - (f) Previous relevant amendments to S.I. 2014/2384 were made by S.I. 2017/659.

- (a) column 1 sets out the provision to be amended;
- (b) column 2 sets out the text to be omitted;
- (c) column 3 sets out the text to be substituted.

Certification of substituted plan

3.—(1) The undertaker must, as soon as practicable after the making of this Order, submit copies of the substituted plan 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 substituted plan.

(3) A plan 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(a).

For and on behalf of the Secretary of State

27th November 2018

Shaun Gallagher
Director General, Strategy Delivery
Department for Environment, Food and Rural Affairs

For and on behalf of the Secretary of State

29th November 2018

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

(a) Article 2(1) defines “undertaker” as the person who has the benefit of the 2014 Order in accordance with article 8 and or 9 of that Order.

SCHEDULE

Article 2

Amendment to the 2014 Order

<i>Provision to be amended</i>	<i>Text to be omitted</i>	<i>Text to be substituted</i>
Schedule 2, Part 4 (approved plans), Table 1, Column 3 (drawing number)	“DCO-PP-10X-FALPS-120006 – rev 1”	“DCO-PP-10X-FALPS-120006 – rev 2”(a)

EXPLANATORY NOTE

(This note is not part of the Order)

The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (“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 change to the 2014 Order. Schedule 2, Part 4 of the 2014 Order is amended to resolve ambiguities identified on the Site works parameters plan for the Falconbrook Pumping Station Site and to allow the works to be constructed as proposed in the original application for development consent.

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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