

2015 No. 723

INFRASTRUCTURE PLANNING

**The Thames Water Utilities Limited (Thames Tideway Tunnel)
(Correction) Order 2015**

Made - - - - *12th March 2015*

Coming into force - - *17th March 2015*

The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014^(a) contains correctable errors, as defined in paragraph 1(3) of Schedule 4 to the Planning Act 2008^(b).

Before the end of the relevant period^(c), the Secretary of State received a written request from Thames Water Utilities Limited to correct the correctable errors.

In accordance with paragraph 1(7) of Schedule 4 to the Act^(d), the Secretary of State has informed the relevant local planning authorities^(e) that the request has been received.

The Secretary of State makes this Order in exercise of the power conferred by paragraph 1(4) of Schedule 4 to the Planning Act 2008^(f).

Citation and commencement

1. This Order may be cited as the Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015 and comes into force on 17th March 2015.

Corrections

2. In relation to each of the provisions of the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 specified in the first column of each of the tables in the Schedule, the erroneous text or omission identified in the second column of each table is corrected in accordance with instructions in the third column.

(a) S.I. 2014/2384.
(b) 2008 c. 29.
(c) The relevant period is the period specified in section 118(1)(b) of the Act, in accordance with paragraph 1(6)(a) of Schedule 4. Under paragraph 1(5)(a) of Schedule 4, it is a condition for the exercise of the power to make this Order that the Secretary of State receives a written request to correct the correctable errors from any person.
(d) Paragraph 1(7) of Schedule 4 was amended by the Localism Act 2011 (c. 20), Schedule 13, Part 1, paragraph 70(3).
(e) A relevant local planning authority means a local planning authority for all or any part of the area in which the land to which the decision relates is situated, under paragraph 4 of Schedule 4 to the Act.
(f) Paragraph 1(4) of Schedule 4 was amended by the Localism Act 2011, Schedule 13, Part 1, paragraph 70(3).

Signed by authority of the Secretary of State

12th March 2015

Sarah Fairbrother
Team Leader, Thames Tunnel DCO Decision Team
Department for Environment, Food and Rural Affairs

12th March 2015

Lindsay Speed
Decision Officer, Planning Casework Team
Department for Communities and Local Government

SCHEDULE

Article 2

Table 1

Generic correction

<i>Provision</i>	<i>Erroneous text</i>	<i>Correction</i>
Wherever the erroneous text appears in the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014	“Environmental Statement”	Substitute “environmental statement”.

Table 2

Corrections to articles

<i>Provision</i>	<i>Erroneous text/omission</i>	<i>Correction</i>
Article 2(1) - definition of “environmental statement”	“6.1 and”	Insert before “6.2”.
Article 2(1) - definition of “environmental statement”	“environment statement”	Substitute “environmental statement”.
Article 10(1) and (2)	“other than in respect of specified works subject to the LoPS as applied by the highway authority in whose area the undertaker seeks to carry out such works.”	Omit.
Article 10	“(4A) The provisions of sections 32 to 39 of the Traffic Management Act 2004 apply to any street works carried out under paragraph (1) or (2) to the extent that those works constitute “specified works” as defined in section 32(3) of that Act and which would, notwithstanding the provisions of this article, be subject to LoPS as applied by the highway authority in whose area the undertaker seeks to carry out such works.”	Insert after paragraph (4).

Article 11(1) and (2)	“other than in respect of specified works subject to the LoPS as applied by the highway authority in whose area the undertaker seeks to carry out such works,”	Omit.
Article 11	“(5A) The provisions of sections 32 to 39 of the Traffic Management Act 2004 apply to any street works carried out under paragraph (1) or (2) to the extent that those works constitute “specified works” as defined in section 32(3) of that Act and which would, notwithstanding the provisions of this article, be subject to LoPS as applied by the highway authority in whose area the undertaker seeks to carry out such works.”	Insert after paragraph (5).
Article 16(1)	“, other than in respect of specified works subject to the LoPS as applied by the highway authority in whose area the undertaker seeks to carry out such works”	Omit.
Article 16	“(2A) The provisions of sections 32 to 39 of the Traffic Management Act 2004 apply to any street works carried out under paragraph (1) to the extent that those works constitute “specified works” as defined in section 32(3) of that Act and which would, notwithstanding the provisions of this article, be subject to LoPS as applied by the highway authority in whose area the undertaker seeks to carry out such works.”	Insert after paragraph (2)
Article 42(5)	“paragraph (1)”	Substitute “paragraph (4)”.
Article 60	“Unilateral undertaking”	Substitute “unilateral undertaking”.

Table 3

Corrections to Schedule 3

<i>Provision</i>	<i>Erroneous text/omission</i>	<i>Correction</i>
Table in paragraph 2, Excavated material and waste, Ref PW12 – third column	“(document reference 6.3)”	Insert after “Habitats Regulations Assessment No Significant Effects Report”.
Table in paragraph 3, Contaminated land, Ref	(1) “a.”	(1) Insert before “a preliminary risk assessment”.

ACTST3 – third column, sub-paragraph (1)	(2) “b.”	(2) Insert before “a remediation strategy”.
	(3) “the results of the site investigation”	(3) Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 4, Contaminated land, Ref HAMPS2 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 5, Contaminated land, Ref BAREL3 – third column, sub-paragraph (1)	(1) “the results of the site investigation”	(1) Insert on a new line after “a remediation strategy which includes—”.
	(2) sub-headings (i)-(iv) in b.	(2) Omit.
Table in paragraph 6, Contaminated land, Ref PUTEF10 – third column, sub-paragraph (1)	(1) “a.”	(1) Insert before “a preliminary risk assessment”.
	(2) “b.”	(2) Insert before “a remediation strategy”.
	(3) “the results of the site investigation”	(3) Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 7, Contaminated land, Ref CARRR3 – third column, sub-paragraph (1)	(1) “a.”	(1) Insert before “a preliminary risk assessment”.
	(2) “b.”	(2) Insert before “a remediation strategy”.
	(3) “the results of the site investigation”	(3) Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 8, Contaminated land, Ref DRMST3 – third column, sub-paragraph (1)	(1) “a.”	(1) Insert before “a preliminary risk assessment”.
	(2) “b.”	(2) Insert before “a remediation strategy”.
	(3) “the results of the site investigation”	(3) Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 9, Contaminated land, Ref KNGGP3 – third column, sub-paragraph (1)	(1) “a.”	(1) Insert before “a preliminary risk assessment”.
	(2) “b.”	(2) Insert before “a remediation strategy”.
	(3) “the results of the site investigation”	(3) Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 10, Contaminated land, Ref FALPS2 – third column, sub-paragraph (1)	(1) “a.”	(1) Insert before “a preliminary risk assessment”.
	(2) “b.”	(2) Insert before “a remediation strategy”.
	(3) “the results of the site investigation”	(3) Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 11, Contaminated land, Ref	(1) “a.”	(1) Insert before “a preliminary risk assessment”.

CREWD6 – third column, sub-paragraph (1)	(2) “b.”	(2) Insert before “a remediation strategy”.
Table in paragraph 13, Contaminated land, Ref KRTST2 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 14, Contaminated land, Ref HEAPS5 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 15, Contaminated land, Ref ALBEF11 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 16, Contaminated land, Ref VCTEF13 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 17, Contaminated land, Ref BLABF16 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 18, Contaminated land, Ref SHTPS3 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 19, Contaminated land, Ref CHAWF6 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 20, Contaminated land, Ref EARPS3 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 21, Contaminated land, Ref DEPCS 5 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 22, Contaminated land, Ref GREPS7 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 23, Contaminated land, Ref KEMPF9 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 24, Contaminated land, Ref BEKST3 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 25, Contaminated land, Ref ABMPS3 – third column, sub-paragraph (1)	“the results of the site investigation”	Insert on a new line after “a remediation strategy which includes—”.
Table in paragraph 26, Contaminated land, Ref	“the results of the site investigation”	Insert on a new line after “a remediation strategy which

BESTW2 – third column, sub-paragraph (1)

includes—”.

Table 4

Corrections to Schedule 16, Part 2

<i>Provision</i>	<i>Erroneous omission</i>	<i>Correction</i>
Paragraph 3 – definition of “scour and accretion monitoring and mitigation strategy”	“in accordance with the principles set out in the four-way legal agreement between Thames Water Utilities Limited, the Port of London Authority, the Environment Agency and the Marine Management Organisation dated 3rd March 2014 (as amended 7th August 2014) (APP183)”	Insert after the words “submitted to the Authority”.

Table 5

Corrections to Schedule 16, Part 4, Section 1

<i>Provision</i>	<i>Erroneous text/omission</i>	<i>Correction</i>
Paragraph 3(1)	(1) “under the powers” (2) “or under” (3) “acquire or enter upon, take or use whether temporarily or permanently or acquire any new rights over”	(1) Substitute “in the exercise of the powers”. (2) Omit. (3) Substitute “prevent or hinder pedestrian or vehicular access to any”.
Paragraph 3(2)	Existing wording	Substitute— “The provisions of article 56 (application, disapplication and modification of legislative provisions) and article 57 (amendment of local legislation) of, and Schedule 19 (miscellaneous controls) to, this Order shall apply to land, works, apparatus and equipment to which this Part of this Schedule applies insofar as those provisions would not be inconsistent with the provisions of this Part of Schedule 16.”
Paragraph 3	“3A(1). The undertaker shall not in the exercise of the powers conferred by or under this Order, without the consent of the protected person, acquire or enter upon,	Insert after paragraph 3.

take or use whether temporarily or permanently or acquire any new rights over protected property.

(2) The undertaker shall not exercise the powers under article 22 above or the powers under section 11(3) of the 1965 Act in respect of any protected property, except with the consent of the protected person.”.

Table 6

Corrections to Schedule 16, Part 4, Section 2

<i>Provision</i>	<i>Erroneous text/omission</i>	<i>Correction</i>
Paragraph 3(1)	Existing wording	Substitute— “The undertaker shall not in the exercise of the powers in this Order, without the consent of the LRSL, prevent or hinder pedestrian or vessel or emergency vehicular access to the piers.”.
Paragraph 3(2)	Existing wording	Substitute— “The provisions of article 56 (application, disapplication and modification of legislative provisions) and article 57 (amendment of local legislation) of, and Schedule 19 (miscellaneous controls) to, this Order shall not apply to land, works, apparatus and equipment to which this Part of this Schedule applies insofar as those provisions would be inconsistent with the provisions of this Part of Schedule 16.”.
Paragraph 3	“3A(1). The undertaker shall not in the exercise of the powers conferred by this Order, without the consent of the LRSL, acquire or enter upon, take or use (whether temporarily or permanently) or acquire any new rights over the	Insert after paragraph 3.

piers.

(2) The undertaker shall not exercise the powers under article 22 above, or the powers under section 11(3) of the 1965 Act in respect of the piers, except with the consent of the LRSL.”.

Table 7

Corrections to Schedule 16, Part 4, Section 3

<i>Provision</i>	<i>Erroneous text/omission</i>	<i>Correction</i>
Paragraph 3(1)	Existing wording	Substitute— “The undertaker shall not in the exercise of the powers conferred by this Order, without the consent of TfL, prevent or hinder pedestrian or vehicular access to any protected property.”.
Paragraph 3(2)	Existing wording	Substitute— “The provisions of article 56 (application, disapplication and modification of legislative provisions) and article 57 (amendment of local legislation) of, and Schedule 19 (miscellaneous controls) to, this Order shall not apply to land, works, apparatus and equipment to which this Part of this Schedule applies insofar as those provisions would be inconsistent with the provisions of this Part of Schedule 16.”.
Paragraph 3	“3A(1). The undertaker shall not in the exercise of the powers conferred by this Order, without the consent of TfL, acquire or enter upon, take or use whether temporarily or permanently or acquire any new rights over protected property. (2) The undertaker shall not exercise the powers under article 22 above or the powers under section 11(3) of	Insert after paragraph 3.

the 1965 Act in respect of any protected property, except with the consent of TfL.”.

Table 8

Corrections to Schedule 16, Part 4, Section 4

<i>Provision</i>	<i>Erroneous text</i>	<i>Correction</i>
Paragraph 2(1) – definition of “designated works”	“Part 5 (for the protection of major highways structures)”	Substitute “Section 3 of Part 4 (protection for highways structures)”.
Paragraph 2(4)	Existing wording	Omit.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order corrects errors and omissions in the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), a development consent order made under the Planning Act 2008 (c. 29), following a request made under paragraph 1(5)(a) of Schedule 4 to that Act.

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