

## Teddington Direct River Abstraction (TDRA)

### Section 51 Advice Log Version: 24 March 2026

There is a statutory duty under ['section 51 \(s51\) of the Planning Act 2008'](#) for The Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by The Planning Inspectorate to the applicant Thames Water Utilities Limited and their consultants during the pre-application stage. It will be updated by The Planning Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on The Planning Inspectorate's draft record of advice before it is published.

The applicant will use this advice log as the basis for demonstrating regard to s51 advice within the application.

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Date of meeting	Meeting overview
<a href="#"><u>16 June 2025</u></a>	<p>Draft Order limits</p> <p>Responses to Scoping Opinion</p> <p>Responses to Scoping Opinion – Preliminary environmental information report (PEIR)</p> <p>Programme Document</p> <p>Section 35 Direction</p> <p>Adequacy of Consultation Milestone (AoCM)</p> <p>Draft Documents</p> <p>Issues Tracker</p> <p>Communication Channels</p> <p>Draft DCO Submission</p> <p>EA Flood Risk Data</p>
<a href="#"><u>28 October 2025</u></a>	Pre-application Prospectus Update
<a href="#"><u>19 November 2025</u></a>	Project update meeting
<a href="#"><u>24 March 2026</u></a>	Project update meeting

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Topic	Meeting date: 16 June 2025
Draft Order limits	The applicant stated that there had been updates to the draft order limits compared to the boundary used in the scoping report. This included an area of highway where works might be required to accommodate abnormal loads. It was agreed to arrange a separate meeting for the applicant to explain the rationale for these changes and any implications for the approach to assessment.
Responses to Scoping Opinion	<p>The applicant clarified its position on several matters in the Scoping Opinion raised by the Environment Agency (EA) and the Inspectorate in relation to construction period duration and consideration of climate change, and confirmation that during operation of the proposed development, water flow would not increase to the River Thames at the existing Mogden Sewage Treatment Works. It stated that the EA was satisfied with its clarification and approach.</p> <p>The Inspectorate advised that it could not amend the Scoping Opinion but it allowed for a refined approach provided that it demonstrates in the Environmental Statement (ES) why likely significant effects would not occur and evidences agreement with relevant stakeholders.</p>
Responses to Scoping Opinion – Preliminary environmental information report (PEIR)	The applicant explained its proposed approach to assessment of major accidents and disasters in the ES. The issues scoped in would be assessed in other aspect chapters such as ground conditions, water resources and transport. The applicant would provide an appendix to the EIA method chapter setting out how risk associated with these issues would be managed. On that basis the applicant did not propose a standalone major accidents and disasters chapter. The Inspectorate advised that this approach was acceptable provided it was clear where the relevant information including assessment and any mitigation was set out in the ES.
Programme Document	The Inspectorate advised that the applicant ensures the project timeline includes past and present milestones, inclusive of project update meetings.
Section 35 Direction	The Inspectorate highlighted that it does not hold a copy of the applicant's validating request for a section 35 direction made to the Secretary of State for the Department for Environment, Food and Rural Affairs (DEFRA) and also

	noted that this should be included within the programme document.
Adequacy of Consultation Milestone (AoCM)	The Inspectorate advised the applicant that the AoCM needs to be submitted at least three months prior to the anticipated DCO submission. The Inspectorate reiterated the importance of leaving enough time to complete this due to the potential for further consultation possibly being required.
Draft Application Documents	The Inspectorate advised that it takes six weeks to review and provide feedback on the applicants draft application documents. The applicant should provide a submission date for this once known for resourcing to be appropriately allocated.
Issues Tracker	The Inspectorate noted that it only contained issues raised by the EA and suggested it should also contain concerns from local authorities and other parties.
Issues Tracker	The Inspectorate found the risk rating useful to demonstrate how much work is needed and to understand the position of other organisations but suggested that the applicant could clarify the red amber green (RAG) status definitions as currently red and amber used the same definition. It could be beneficial to include a little more detail on issues to aid the Inspectorate's understanding of potential areas to focus on during project update meetings. The Inspectorate agreed with the applicant's suggestion to link common issues across different organisations to minimise duplication and increase clarity for readers.
Communication Channels	The applicant queried what communication channels to use to contact the Inspectorate outside of meetings. The Inspectorate advised the applicant to utilise the project mailbox and call the Case Manager where appropriate.
Draft DCO Submission	<p>The Inspectorate advised that the '<a href="#">Order of information submitted with NSIP applications</a>' on the Inspectorates advice pages had been created based off its previous experiences with other applicants. If the applicant believed reordering documents would be beneficial to readers, then it would be permissible providing the revised order was appropriate for the project.</p> <p>The Inspectorate will use the application index to help navigate the documents. Closer to submission, the</p>

	Inspectorate will review the application index to ensure it meets the Inspectorate's requirements.
EA flood risk data	The Inspectorate advised that the EA published updated flood risk data earlier in 2025, which would need to be considered in the applicant's assessment work as relevant.

<b>Teddington Direct River Abstraction (TDRA) - s51 Advice Library</b>	
<b>Topic</b>	<b>Advice Date (Email): 28 October 2025</b>
<b>Pre-application Prospectus</b>	<p>The Inspectorate has advised that, following a 6-month review of our services, our Pre-application Prospectus has been updated: 2024 Pre-application Prospectus. The update log at the bottom of the page summarises the changes and clarifications that have been applied.</p> <p>Applicants with a live project at the pre-application stage of the process, please familiarise yourself with the update and consider how it might affect your pre-application programme and interaction with our services.</p> <p>Please note in particular:</p> <ul style="list-style-type: none"> <li>the establishment of land and rights negotiations tracking as a primary service feature – this means it is now expected for all applicants to develop and share a land and right negotiations tracker in 1 of 2 available templates, irrespective of the service tier they have subscribed to.</li> <li>clarified expectations of applicants when preparing to interact with the Inspectorate at meetings – including clarified rights for the Inspectorate to delay or refuse service where pre-meeting expectations are not upheld e.g. an updated programme document or 9 issues tracker is not provided, on time, to inform a meeting agenda.</li> </ul>

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<b>Topic</b>	<b>Meeting Date: 19 November 2025</b>
Consultation report	<p>The applicant shared a draft structure of its consultation report. The Inspectorate noted that the compliance with EIA regulations content list included a section on habitats regulations assessment (HRA) and queried what would be presented. The applicant confirmed it would be a high level summary of engagement with more detail in the HRA report.</p>
Draft documents	<p>The Inspectorate advised that the draft document review standard turnaround is six weeks, although they may be completed sooner.</p> <p>The Inspectorate advised that documents should be submitted as PDFs. All hyperlinks must be correct, and the document type must allow the Inspectorate to download the files. The Inspectorate advised that they are able to set up a SharePoint site to allow for the sharing of draft documents.</p> <p>The Inspectorate advised that for standard tier projects, it can review the draft HRA report and queried if the applicant would like to add this report to its draft document list. The applicant responded that their HRA report may not be ready at the time they intend to submit their draft documents. The Inspectorate encouraged the applicant to submit the draft HRA report if possible within its programme.</p> <p>The Inspectorate sought clarification as to which ES chapters the applicant proposed to submit, noting that as part of the standard tier service it could review the draft ES project description. The Inspectorate advised that the prospectus sets out that if there are no or minimal HRA issues, an additional ES aspect chapter can be reviewed in substitute for the draft HRA report. The applicant confirmed it would submit the draft ES introduction, alternatives and project description. Noting the discussion about need and alternatives, the Inspectorate advised that it may be beneficial to review the alternatives chapter</p>

	and the applicant should confirm if it wishes to proceed on that basis at the time of draft document review.
Issues tracker	<p><b>Relating Issues to Consultation Responses</b> Where possible, the applicant should demonstrate how identified issues link to responses received during consultation. This includes showing how feedback, particularly from statutory consultees, has been addressed within the Consultation Report.</p> <p><b>Issues Tracker</b> The Inspectorate advised that sharing the issues tracker, including the status of engagement with environmental bodies, would be helpful to enable the Inspectorate to understand outstanding issues. The Inspectorate noted that it is a requirement of the pre-application prospectus to share the issues tracker prior to pre-application meetings. the applicant stated that its intention is to be share the draft issues tracker with stakeholders first to ensure alignment, and once agreed issue it to the Inspectorate.</p> <p><b>Land Rights Tracker</b> The Inspectorate encouraged the applicant to submit a land rights tracker. The applicant confirmed that this tracker is in its early stages of development. The Inspectorate advised that any questions regarding the tracker should be directed to the case team.</p>
Water Resources Management Plan (WRMP)	The Inspectorate acknowledged the NPS description of the Water Resources Management Plan (WRMP) role in the infrastructure needs case, and advised that the planning case for the project submitted with the application identifies that context, and how the project subject to the DCO application fits with the Strategic Resource Option(s) identified in the WMRP. The application would also be expected to draw from the context provided by the WRMP in any assessment of alternatives provided, to assist the examination process.
AOB	The Inspectorate requested that the applicant provide a detailed update on key environmental

	issues, including the status of engagement with the EA and Natural England, at the next project update meeting.
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<b>Topic</b>	<b>Meeting date: 24 March 2025</b>
Section 46 Notification	The Inspectorate advised that the applicant should provide their Section 46 notification information to the Planning Inspectorate in advance of their targeted consultation. This is necessary to ensure compliance with statutory requirements and to support transparency in pre-application activity.
Draft Programme Document and Issues Tracker	<p>The Inspectorate advised that the NPS for Water Resources encourages (where applicants wish to parallel track DCO and environmental permit applications) submission of environmental permit applications 6 months prior to DCO application submission. The Inspectorate also advised that an Examining Authority (ExA) would be likely to ask questions regarding water licences and environmental permits. The applicant was advised that a lack of supporting evidence on these matters may lead to additional written questions by an appointed ExA during Examination. The applicant confirmed it has commenced engagement with the EA. It would not be parallel tracking the DCO and environmental permit applications by submitting permit applications prior to DCO application submission but is seeking a formal written submission from the EA confirming an acceptance in principle. It stated that the EA agreed to this approach.</p> <p>The Inspectorate highlighted that the NPS for Water Resources places important consideration on rail and water-borne transport options as “preferred” over road transport options and the applicant should take this into consideration when reviewing options for mitigation. The applicant was advised to review section 4.14 of the NPS.</p> <p>The applicant acknowledged this and confirmed it will be addressed within the Environmental Statement.</p>
Land and Negotiations Tracker	The Inspectorate advised that if the applicant includes landowners’ names within the tracker, a redacted version will also need to be supplied for publication.

	<p>The applicant expressed concerns with duplication between the Land and negotiations tracker and the Book of Reference in regard to categorisation of affected parties. The Inspectorate advised that the applicant could use Categories 1, 2 and 3 but may structure this as they see fit. However, the approach must remain clear and compliant with statutory guidance.</p> <p>The Inspectorate advised that plot listings can easily become confusing. The applicant should ensure clear separation of plots where necessary and a transparent explanation regarding these plots in term of land being acquired and/or rights over land.</p> <p>The Inspectorate advised that Columns 7–12 of the tracker should be completed by the applicant. The applicant must maintain an accurate log of all references, should the application be accepted, with documents submitted during the pre-examination and throughout the Examination.</p>
<p>Biodiversity net gain (BNG)</p>	<p>In the absence of Government guidance, the Inspectorate confirmed that it could not provide advice on the requirements at acceptance to demonstrate how offsite BNG units or credits would be secured (with May 2026 being the current date for BNG to become mandatory for NSIPs). The Inspectorate advised that guidance is expected imminently. In the interim, the applicant may wish to review the <a href="#">Government consultation</a> (including annex 1), which provides a possible indication of the policy direction with the caveat that this may change. This documentation suggests that a biodiversity gain plan would be an application documentation requirement, and suggests that a requirement should be included in the dDCO securing a final version with proof of credit purchase prior to commencement.</p> <p>The Inspectorate advised that the Government consultation suggests that an applicant may need to justify purchase of credits and demonstrate why onsite or offsite delivery of BNG is not possible.</p> <p>Post-meeting note: the Inspectorate has identified that the applicant on <a href="#">Cambridge Waste Water Plant</a> voluntarily committed to 20% BNG, for which it had a shortfall on river units that one option to address was through a commitment to purchase offsite credits. The made DCO includes a requirement for an updated biodiversity gain statement with confirmation of the final method for achieving the river units, with confirmation of unit purchase as relevant. The Inspectorate advises that this as an example approach but caveats that the case was examined and decided prior to BNG becoming mandatory.</p>

<p>Next Steps and Document Preparation</p>	<p>The Inspectorate advised that, when explaining documents or submission structures, the applicant must clearly explain why certain information has (or has not) been provided and why any departures from the APFP Regulations have occurred.</p> <p>The Inspectorate confirmed that combining plan sets is acceptable provided that the documents are not confusing to members of the public, file sizes remain manageable and open without issue and sample plans show adjacent sheets placed next to each other to enable overlaying. On that basis, the Inspectorate advised the applicant it could show water bodies, statutory and non-statutory features of nature conservation and historic environment on the same plan set.</p> <p>The Inspectorate confirmed that the Applicant can submit the Adequacy of Consultation Milestone (AoCM) Report in advance of the 3 months prior to application submission timeframe. Local authorities can be consulted on the AoCM following statutory consultation and prior to any subsequent targeted consultation that may be required.</p>
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