

Teddington Direct River Abstraction (TDRA)

Section 51 Advice Log Version: 16 September 2026

This document comprises a record of the s51 advice that has been given by the Planning Inspectorate to the applicant Thames Water Utilities Limited during the pre-application stage. It will be updated by the Planning Inspectorate after every interaction with the applicant within which s51 advice has been given.

The applicant will always be given the opportunity to comment on the Planning Inspectorate's draft record of the s51 advice given before it is published on the relevant project page on the [Find a National Infrastructure Project website](#).

The role of the advice log at the acceptance stage

Section 55(4) of the Planning Act 2008 (PA2008) requires the Planning Inspectorate to consider, amongst other things, the extent to which the applicant has had regard to the s51 advice given by the Planning Inspectorate in connection with the application when deciding if the application can be accepted for examination. Section 51 advice includes:

- advice given about applying for an order granting development consent
- advice given about making representations about an application for an order granting development consent

The applicant will use this advice log as the tool for demonstrating:

- regard to the s51 advice given in connection with the application to the applicant
- regard to any s51 advice given in connection with the application to others

The applicant will submit a final version of this advice log which demonstrates regard to all s51 advice given by the Planning Inspectorate at the pre-application stage as part of the application.

Teddington Direct River Abstraction (TDRA) – Applicant meeting and advice index

Date of meeting	Meeting overview
<u>16 June 2025</u>	• Draft Order limits • Responses to Scoping Opinion • Responses to Scoping Opinion – Preliminary environmental information report (PEIR) • Programme Document • Section 35 Direction • Adequacy of Consultation Milestone (AoCM) • Draft Documents • Issues Tracker • Communication Channels • Draft DCO Submission • EA Flood Risk Data
<u>28 October 2025</u>	Pre-application Prospectus Update
<u>19 November 2025</u>	• Consultation Report • Draft Documents • Issues Tracker • Water Resources Management Plan (WRMP) • AOB
<u>24 March 2026</u>	• Section 46 Notification • Draft Programme Document and Issues Tracker • Land and Negotiations Tracker • Biodiversity net gain (BNG) • Next Steps and Document Preparation
<u>16 September 2026</u>	• Consultation Report • Public Perception • Draft document review • Section 55 Checklist • Biodiversity Net Gain Units

Teddington Direct River Abstraction (TDRA) – Log of s51 advice given to the applicant

Meeting date: 16 June 2025

Topic	s51 advice given	Applicant regard to s51 advice given
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	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.	

	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.	
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 4 Highly Confidential 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	The Inspectorate advised that the ' Order of information submitted with NSIP applications ' 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. The Inspectorate will use the application index to help navigate the documents. Closer to submission, the 5 Highly Confidential 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.	
Meeting date: 28 October 2025		
Topic	s51 advice given	Applicant regard to s51 advice given
Pre-application Prospectus	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. 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. Please note in particular: - 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. - 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.	
Meeting date: 19 November 2025		
Topic	s51 advice given	Applicant regard to s51 advice given
Consultation report	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.	
Draft documents	The Inspectorate advised that the draft document review standard turnaround is six weeks, although they may be completed sooner. 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. 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. 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 7 Highly Confidential and the applicant should confirm if it wishes to proceed on that basis at the time of draft document review.	
Issues tracker	Relating Issues to Consultation Responses 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. Issues Tracker 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. Land Rights Tracker 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.	
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 & Highly Confidential issues, including the status of engagement with the EA and Natural England, at the next project update meeting.	
Meeting date: 24 March 2026		
Topic	s51 advice given	Applicant regard to s51 advice given
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	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. 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. The applicant acknowledged this and confirmed it will be addressed within the Environmental Statement.	
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. 9 Highly	

	Confidential 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. 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. 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.	
Biodiversity net gain (BNG)	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 Government consultation (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. 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. Post-meeting note: the Inspectorate has identified that the applicant on Cambridge Waste Water Plant 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	
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	was examined and decided prior to BNG becoming mandatory.	
Next Steps and Document Preparation	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. 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. 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.	

Meeting date: 16 September 2026		
Topic	s51 advice given	Applicant regard to s51 advice given
Consultation Report	The Inspectorate advised that the government would value the applicant streamlining its Consultation Report, noting that information which does not add clarity or is not proportionate is not required. The Inspectorate further advised that the Consultation Report itself is no longer needed.	
Public Perception	The Inspectorate advised that, in streamlining the presentation of public and community views, the applicant should remain mindful of how changes to consultation requirements may be perceived. The Inspectorate noted the importance of ensuring that communities do not feel unheard or that their views have been disregarded.	
Revised works at Mogden STW	The Inspectorate advised that the ES should describe the design evolution and option selection at Mogden and address the potential for greater adverse effects to sensitive receptors from reconfiguration of the layout. It should identify mitigation as required for any significant adverse effects.	

Draft document review	The Inspectorate advised that, in relation to the draft HRA report, it would not advise on the applicant's conclusions but would highlight any potential risks relevant to Acceptance. The Inspectorate further advised that, should the applicant provide all works plans, land plans and associated plan types, the Inspectorate will review them against the Acceptance tests. The Inspectorate also advised that it may be helpful for the applicant to provide a draft Outline Biodiversity Gain Plan, on which the Inspectorate can offer feedback at the pre-application stage.	
Section 55 Checklist	The Inspectorate advised that prior to BNG becoming mandatory for NSIPs on 2 November 2026, it would publish an updated version of the section 55 checklist to include questions relating to the acceptance test for BNG. to ensure that submitted information is of a satisfactory standard.	
Biodiversity Net Gain Units	The Inspectorate advised that DEFRA published Biodiversity Net Gain for major infrastructure projects – new guidance in late August 2026, which provided further guidance to developers on how	

	implementation of BNG requirements. The Inspectorate advised that for NSIPs subject to BNG, an ExA will require evidence to report to the Secretary of State that the biodiversity value attributable to a development will exceed the pre-development value by at least 10%. Where an applicant proposes to meet the biodiversity gain objective through offsite units, the outline biodiversity gain plan submitted with the DCO application does not have to demonstrate that the units are already secured but should provide a strategy to demonstrate how they would be secured. This should include evidence of unit availability, any agreements with providers to secure or reserve units, or to create units. It is likely that the more units required and/ or the more unique the habitat affected the greater scrutiny there would be from a future ExA about the strategy. The Inspectorate advised that it is not in a position to provide detailed advice on how paragraph 9.8 of the Biodiversity Gain Statement (BGS) for Water Resources would be applied and examined by an ExA as no NSIPs where BNG is mandatory have yet been subject to examination. However, the requirement in paragraph 9.8 relates to the need for applicants to secure as many units as reasonably practicable prior to commencement, only leaving any shortfall	
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	where there is uncertainty remaining about habitats that would be impacted. It is likely that where there is no or minimal uncertainty, or the uncertainty would not affect which habitats were impacted, a future ExA would be seeking evidence that units would be secured earlier in the development programme. The dDCO would have to include a requirement securing at least 10% gain.	
AOB	The Inspectorate advised the applicant that the pre-application service is invoiced semi-annually, usually in April and October, and if their submission were to slip from March 2027 into the next invoicing period, they would be required to fulfil the entire invoice.	

Teddington Direct River Abstraction (TDRA)– Log of s51 advice given to others		
Person s51 advice given to	s51 advice given	Applicant regard to s51 advice given
