

Meeting Note

File reference	WW010001
Status	Final
Author	Mark Wilson

Meeting with	Thames Water (TW)
Meeting date	21 September 2011
Attendees (IPC)	Sir Michael Pitt (IPC Chair) Mark Wilson (Case Leader)
Attendees (non IPC)	Martin Baggs (Thames Water CEO) Victor Freeney (Thames Water Head of Stakeholder Engagement)
Location	CLG Offices, Eland House, London

Meeting purpose	To discuss the proposed Thames Tunnel project.
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Summary of key points discussed and advice given	<p>Thames Water (TW) explained some of the main features of the Thames Tunnel (TT) project, including some of the challenges that the project team were experiencing. In particular, it was noted that the project is a significant undertaking for TW in terms of the engineering and also the financial commitment.</p> <p>The main area of uncertainty for TW is the regulatory regime and the impact this has on the financing of the project. TW also explained the huge effort that is being made to ensure that the communities affected, statutory bodies and others are able to make their views known through the pre application consultation.</p> <p>IPC explained the main features of the Development Consent Order application process that has been established by the Planning Act 2008. In particular, the frontloaded nature of the regime and the need for developers to prepare their applications with the input of communities, statutory bodies and other organisations.</p> <p>IPC commented that it was planning for the project and that they were working with the TW project team to help them navigate the pre application stage in the period before the application is directed to the IPC by the Secretary of State (SoS). IPC colleagues have attended the Thames Tunnel Forum and have taken a keen interest in the pre application consultation being undertaken by TW. TW thanked IPC for the advice they had provided in this area both for the Thames Tunnel and also for the Deephams Sewage Works Upgrade.</p>
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TW explained that the TT goes through 14 London Boroughs. Some of these Boroughs are opposed either to the scheme or its proposed construction sites and it has therefore been more challenging for officers in these Boroughs to engage with the pre application consultation to the same extent as other London Boroughs. The role of the London Mayor has also had to be taken into account.

IPC highlighted that local authorities have a significant role to play in the process and their views are likely to carry significant weight if they are evidence based. However, while it is strongly recommended that local authorities engage with the process even if they are opposed in principle to the scheme, the process cannot be allowed to be delayed by a lack of engagement by local authorities.

TW asked whether the IPC could check the application prior to submission.

IPC confirmed that it already recommends that applicants send their draft DCO to the Commission at least 6 weeks in advance of submission. The DCO is the most important application document and the IPC casework and legal teams can provide advice about the provisions and requirements contained within it. This advice would not extend to advising what the DCO should contain; rather it would flag up any issues with the DCO provisions etc as written.

As a general point, it is vital that applicants get good legal advice about the drafting of the DCO and that it is drafted in a way which frames the proposal at an appropriate level of detail. There is limited opportunity to amend the application once it has been submitted.

The IPC has issued a Guidance Note which provides statutory guidance about the Commission's expectations as regards the preparation and submission of the application. This is supplemented by non statutory best practice Advice Notes which add greater detail about different aspects of the application process.

IPC commented that the experience so far with other projects suggested that they need to be better managed so that the frontloaded nature of the application process is built into project timescales in a realistic way.

TW commented that their experience of the pre application consultation was that the public are generally supportive of the principle behind the need for the scheme and were therefore not as engaged on this and other strategic matters. Understandably, they are generally more interested in how the scheme directly

	<p>impacts on them at the local level. TW further commented that as a result some very valuable and detailed comments have been made which has helped them to understand, and in some cases respond to, local concerns.</p> <p>IPC confirmed that it will continue to work with TW to assist, where possible, to provide advice about the application process before and after the application is directed to the IPC.</p>
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Specific decisions/ follow up required?	IPC to continue to attend Thames Forum and meet with TW as and when necessary and appropriate to do so. IPC to continue to attend Deephams Forum when necessary.
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Circulation List	Attendees