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Your Ref: GOOD/TW901/3

Our Ref:

Date: 12 June 2012

Dear James

Thames Tunnel – the meaning of offshore development

Further to our meeting of 8th June and your letter of 1st June, I thought it would be useful to clarify a number of the points we discussed in relation to the above.

Our letter of 18 May 2012 provided s51 advice which suggested one approach to complying with Regulation 4 (2) (d) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 relating to publicity for "offshore development".

You have now provided legal submissions to substantiate the argument that the proposed Thames Tunnel does not constitute "offshore development" and therefore your view is that publicity in accordance with Regulation 4 (2) (d) of the APFP Regulations will not be required.

The submissions you make are persuasive and reasonable and (in the absence of any statutory definition or case law authority) we do not have any further s51 advice to give which would contradict your proposed approach.

We would also like to reiterate the s51 advice previously given, namely that even if the view were taken that the Thames Tunnel constitutes "offshore development" for the purposes of Regulation 4 (2) (d) this does not mean that the development would necessarily therefore have transboundary effects. The proposed development will in due course (following commencement of the s14 Order) be screened when appropriate for transboundary effects.

Please do not hesitate to contact me if you have any further queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Wilson', with a long horizontal flourish extending to the right.

Mark Wilson
Principal Case Manager

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.