



Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

T: 03459 33 55 77 or
08459 33 55 77
helpline@defra.gsi.gov.uk
www.gov.uk/defra

[Requester name redacted]

Your ref:
Our ref: RFI 6725
Date: 10 September 2014

Dear [Requester name redacted],

**REQUEST FOR INFORMATION: THAMES TIDEWAY TUNNEL PROJECT
PREPARATORY WORKS NOTICE**

Thank you for your request for information about a range of issues relating to the Thames Tideway Tunnel project, which we received on 3 July 2014. As you know, we have handled your request under the Environmental Information Regulations 2004 (EIRs). I apologise for not responding earlier.

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA). However, requests made under the FOIA and EIRs should be for recorded information that is held by government and not questions about policy matters, or government views or intentions about a given issue, that are handled as routine correspondence.

Accordingly, your questions 1, 3, 6, 13, 14, 15, 16(b – you had two 16s), and 18 have been assessed as complying with EIRs criteria, and will be answered below. The remainder of the questions in your letter will be dealt with separately as routine correspondence.

Taking each of the above questions in turn:

1. Following the issue on 4th June 2014 by the Secretary of State of The Thames Tideway Tunnel Project Preparatory Works Notice, please provide a breakdown of the £1.4Bn the Secretary of State permits or requires Thames Water to spend including acquisition of land.

The most recent breakdown of the estimated costs of the Thames Water Preparatory Works that the Department holds is as follows:

Development	£575 million
Land	£166 million
Capital expenditure	£700 million
Total:	£1,441 million



The Department does hold a more detailed breakdown of the estimated costs for capital expenditure, but as these figures are for elements which are currently the subject of procurement we are withholding this information as it falls under the exception in regulation 12(5)(e) of the EIRs.

Regulation 12(5)(e) applies where disclosure of the information would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided by law to protect a legitimate economic interest. This information is commercial in nature and is subject to a duty of confidentiality in law. Having consulted with Thames Water Utilities Limited, we are satisfied that disclosure of this confidential information would harm their legitimate economic interests in relation to ongoing procurements which the confidentiality is designed to protect.

The above exception is a qualified one, and so it is necessary to consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosure. Regulation 12(2) also provides that public authorities shall apply a presumption in favour of disclosure.

On the one hand, we recognise that there is a public interest in the disclosure of information which would further the public's understanding of the proposed Thames Tideway Tunnel project. Disclosure would also serve to help facilitate both the accountability and the transparency of Government decision-making in respect of the proposed project.

On the other hand, there is a strong public interest in withholding this information. It is clear from the views expressed by Thames Water in this case that disclosure of this information would cause harm to their legitimate economic interests in relation to ongoing procurements that would not result in best value for money for Thames Water and ultimately neither for customers and taxpayers. There is also an inherent public interest in preserving commercial confidences since otherwise third parties would be discouraged from confiding in public authorities if they did not have some assurance that confidences would be respected. In this case, the Department is working closely with Thames Water to ensure that customers' and taxpayers' interests are properly protected, and the preservation of this relationship to that end serves the public interest. Disclosure of commercially-sensitive information provided as part of this would damage the relationship with Thames Water.

We have therefore concluded that, in all the circumstances of the case, the more detailed capital expenditure breakdown information should be withheld. However, it will be available once the procurements in question are complete, expected in mid-2015.

3. The reports and recommendations of the IPC Inspectors (PINS) examination report and recommendations were due to be issued to the Secretary of State on 16th June 2014, 12 days after the issue of The Thames Tideway Tunnel Project Preparatory Works Notice. The issue of the above notice implies that the Secretary of State has preempted those reports and recommendations and intends to ignore them. Please therefore confirm that the reports and recommendations will be released into the public domain forthwith. Please forward a copy.

The Examining Authority's report on the application for development consent for the Thames Tideway Tunnel was received by the Secretaries of State for DCLG and Defra on 12 June 2014. As joint decision makers both Secretaries of State are considering the report.

However, the information that you have requested falls under one of the exceptions to the right of access to information in the EIRs: regulation 12(4)(e) which states that a public authority may refuse to disclose information to the extent that the request involves the disclosure of internal communications. To grant your request for a copy of the Examining Authority's report would involve the disclosure of an internal communication.

As with all EIR exceptions, this is a qualified exception, and we have therefore applied the public interest test to this information to determine whether the public interest in maintaining the exception outweighs the public interest in disclosing the information. Disclosure at this stage would be likely to lead to further representations being made and having to be considered, which would cause a delay in making the final decision and potentially undermine the efficiency and fairness of the planning process which would not be in the public interest. There is no compelling wider public interest in disclosure of the Examining Authority's report ahead of the Secretaries of State decision being made.

The Secretaries of State for Defra and DCLG will use the report to make a joint decision on the application on or before 12 September 2014. The report will be published at the same time as the decision, so the information contained in it will be made available to the public in an accessible form then. At this stage we cannot comment on the recommendation or on the merits, or otherwise, of what is still a live application for development consent.

Specifying the Tunnel project and issuing a Preparatory Works Notice to Thames Water under the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 is an entirely separate process from the planning decision to provide for the project to be delivered by an Infrastructure Provider. It does not pre-empt or undermine the DCO decision process, but runs parallel to it. This delivery model was part of Thames Water's DCO application submission.

6. Please provide:-

(i) a breakdown of the £0.5Bn costs to December 2013 referred to in the NAO publication

(ii) confirmation of who in Defra audited those costs or if they have been audited by Ofwat, and (iii) please provide up to date costs.

The Department does not hold the information you request on the £0.5bn costs to December 2013, or the costs up to date. However, this information will have been provided by Thames Water to Ofwat as part of the Price Review process, and you should contact Ofwat accordingly.

13. Since the TTT is not defined as a sewer but as a detention tank, designed to detain about 1.5 million m³ of water until the sewage treatment works can cope with flows, the cost of creation of that detention capacity is, according to the (sic) government, £4.2Bn divided by 1.5 million which is £2,800 per m³. Independent costing indicates a cost of an intensive green roof with 150mm of growing medium (soil) as a fraction of the TT cost. Please provide the governments comparative costs for other forms of detention in £ per m³.

The Department does not hold this information, since once the initial assessment of alternatives concluded that only a full-length tunnel solution would meet the environmental standards for the Tideway, further detailed assessment of alternatives was not continued.

14. The Secretary of State has delayed for 4 years instigation and implementation of the Sustainable Drainage Regulations. The effect of instigation and implementation of the Sustainable Drainage Regulations is to reduce the number and quantities of discharges from Thames Water's sewers to the Thames Tideway. Please confirm the government's estimate of those reductions over the next 10, 20 and 30 years.

The Department does not hold this information. No decision has been made on the implementation of Schedule 3 of the Flood and Water Management Act. Estimates of the impact of the different options for implementation have not been undertaken with specific reference to the London tideway.

15. In view of reductions of the number of discharges and the quantities of those discharges that will result from the instigation and implementation of the Sustainable Drainage Regulations, please provide a copy of the government's calculations of when those discharges will reach an average of 4 a year; as the Environment Agency require.

The Department does not hold this information, for the same reasons as set out in response to question 14 above.

16 (b - sic). In view of the fact that the TTT will become redundant before the NAO assumption of a 50-100 year useful life/payment period, please confirm the government's estimate of the cost for demolition and decommissioning of the TTT at today's cost.

The Department does not hold this information. The Government's view is that the Tunnel will not become redundant given the projected increase in water volumes going into the potable supply beyond 2026, and by inference commensurately increased volumes of waste water entering the sewer network. Figures published by Thames Water¹ show that water supply volumes are predicted to increase steadily from 2026 to levels greater than at present by about 2040, and with a corresponding increase in base-flow waste water volumes, there will be no reduced need for the Tunnel and consequently there are no plans to decommission or demolish it.

18. Please confirm Defra's strategy, programme and estimated cost for surface waters to reach "good" status in the Thames Tideway.

There is currently a well-established programme for delivering water quality improvements through the River Basin Management Plan process. Currently, the second round of actions for improvement of water bodies is being developed by the Environment Agency, and the actions and draft River Basin Management Plan for the Thames will be published for consultation in autumn 2014. The estimated costs for delivery of the plan are being derived at present, and will be available when the plans are published for consultation.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you. Annex B gives contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the address below.

Yours sincerely

[Official's name redacted]
Defra FOIA and EIRs Team
InformationRequests@defra.gsi.gov.uk

¹ Figure 9-2 in the Thames Water preferred programme of the Revised Draft Water Resource Management Plan 2015-2040: [http://www.thameswater.co.uk/tw/common/downloads/wrmp/Section_9 - Preferred Programme.pdf](http://www.thameswater.co.uk/tw/common/downloads/wrmp/Section_9_-_Preferred_Programme.pdf)

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF