



Marine Management Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
F +44 (0)191 0376 2681
www.gov.uk/mmo

Mark Sneesby
Chief Operating Officer
Thames Water Utilities Ltd

Reference: DCO/2013/00025

Via e-mail only

17 August 2017

Dear Mr Sneesby,

THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) ORDER 2014 – VARIATION 2 OF DEEMED MARINE LICENCE

On 12 September 2014 the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Communities and Local Government (“the Secretary of State”) made the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (“the Order”) which included in Schedule 15 a deemed marine licence (“DML”) in accordance with Section 149A of the Planning Act 2008 (“the 2008 Act”). The DML was subsequently varied on 17 March 2015.

The MMO then received a further request from Bazalgette Tunnel Limited (BTL) on 4 July 2017 to amend the DML by removing Condition 10 (Part 2 of the DML) in relation to concrete and cement mixing and washing within 10 metres of any watercourse. The MMO sought clarification with BTL and on 28 July 2017 it was confirmed that only removal of the second part (second sentence) of condition 10 was required. The first part (first sentence) of the condition would remain.

The MMO notes that the variation request applies to a number of sites which are outside the scope of the DML (as specified by Article 1 of the DML), namely Barn Elms, Falconbrook Pumping Station, Earl Pumping Station and Deptford Church Street. While this has not affected the MMO’s consideration of the DML variation request, BTL should consider whether a wider variation is required outside the MMO’s remit.

During its consideration of the request, the MMO consulted with the Environment Agency (EA) and the Port of London Authority (PLA) in their capacity as other river regulators. Both parties responded with no comments. As part of our determination process we have notified the Department for Communities and Local Government, the Department for Environment, Food and Rural Affairs and the Planning Inspectorate of the request and our intention to vary the DML.

In its consideration of the variation request and the supporting evidence put forward by BTL, namely that the matters sought to be controlled by Condition 10 were also covered by the Code of Construction Practice Part A for the project and the requirement for an



approved Water Management Plan (paragraph 11 (1)c Schedule 16 of the DCO), the MMO is content that there are adequate controls in place and therefore the DML has been varied as requested.

Please find enclosed a notice of variation and a copy of the DML as varied for ease of reference. This version ("Variation 2", dated 17 August 2017) supersedes the variation undertaken on 17 March 2015. This documentation is publicly available on the MMO's website at

<https://www.gov.uk/government/collections/marine-licensing-nationally-significantinfrastructure-projects>.

The MMO has therefore made the following variation to the DML in exercise of the powers conferred by section 72(3)(d) of the Marine and Coastal Access Act 2009:

- 1) In Condition 10, removal of second sentence as below:

Original text

"The licence holder shall ensure that no waste concrete slurry or wash water from concrete or cement is discharged into the marine area. Concrete and cement mixing and washing areas must be sited at least 10 metres from any watercourse or surface water drain to minimise the risk of run off entering a watercourse."

Replacement text

"The licence holder shall ensure that no waste concrete slurry or wash water from concrete or cement is discharged into the marine area."

In accordance with Regulation 3 of The Marine Licensing (Notices Appeals) Regulations 2011, you may appeal the notice of variation to the First-tier Tribunal. If you wish to appeal then in accordance with Rule 22(1)(b) of the Tribunal Procedure (First-tier Tribunal)(General Regulatory Chamber) Rules 2009 (SI 2009/1976) you have 28 days from the date of the sending of the notice of variation to send or deliver a notice of appeal to the First-tier Tribunal.

Please do not hesitate to contact the undersigned if you wish to discuss the content of this correspondence further.

Yours sincerely,



Tim Fay
Marine Licensing Case Manager

D +44 208 026 5510

E tim.fay@marinemanagement.org.uk