

## **Teddington Direct River Abstraction S.35 Direction**

### **DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35(1) OF THE PLANNING ACT 2008 (AS AMENDED) RELATING TO THE TEDDINGTON DIRECT RIVER ABSTRACTION PROJECT**

By a letter to the Secretary of State dated 02 November 2023 Thames Water Utilities Limited ("the Applicant") formally requested that the Secretary of State exercise the power vested in the Secretary of State under section 35(1) of the Planning Act 2008 (as amended) ("the Planning Act") to direct that the principle elements of the proposed Teddington Direct River Abstraction project and supporting submissions ("the Proposed Project") be treated as development of national significance for which development consent is required.

The Secretary of State requested further information from Thames Water Utilities on 17 November under section 35A(3) of the Planning Act 2008 to inform his decision whether to give the Direction sought. This further information was received by the Secretary of State from Thames Water Utilities by email on 28 November.

The Secretary of State has made a decision within the deadline set out in section 35A(4) of the Planning Act and wishes to convey that decision.

Having considered the Applicant's formal request and the details of the Proposed Project, the Secretary of State is satisfied that:

- The Secretary of State has considered the Proposed Project under section 35 of the Planning Act;
- The Applicant's request constitutes a "qualifying request" in accordance with section 35ZA (1) of the Planning Act:
  - the elements of the Proposed Project that are requested to be development for which development consent is required either are, or are a part of, a project in the field of water;
  - the Proposed Project is within England;
  - no application for consent or authorisation mentioned in section 33(1) or (2) of the Planning Act has been made in relation to the development to which the request relates.
- In coming to these conclusions, the Secretary of State notes that the Proposed Project relates to the construction of new infrastructure for the purposes of water supply and thus sits within one of the qualifying infrastructure fields listed in section 35(2)(a)(i) of the Planning Act, namely water.

The Secretary of State notes that the Proposed Project comprises the following:

- tertiary treatment facilities (TTF) with an output of up to 75Ml/d of recycled water;
- a water transfer pipeline between the TTF and the outfall discharge infrastructure referred to below;

- an outfall connection pipe and outfall discharge structure with an output of up to 75Ml/d located adjacent to and within the riverbank of the River Thames;
- an abstraction intake with an abstraction rate of up to 75Ml/d located adjacent to and within the riverbank of the River Thames; and
- a water transfer pipeline from the abstraction intake referred to above to the existing Thames Lee Tunnel raw water main.

(together, "the Principal Development");

- associated development (within the meaning of section 115(1)(b) of the Planning Act) including, but not limited to: upgrade and improvement works to existing water treatment and supply infrastructure, shafts to support construction and operation, temporary works to support construction, works to support operation and maintenance, site accesses, temporary and permanent utility connections, highway diversions and landscaping, environmental mitigation, enhancement and compensation measures ("the Associated Development"); and
- ancillary matters ("the Ancillary Matters").

The Proposed Project does not include the construction of any dwellings.

The Proposed Project can therefore be summarised as comprising:

- the Principal Development;
- the Associated Development; and
- the Ancillary Matters,

all as detailed or referred to in the Applicant's formal request.

Having considered the details of the Proposed Project, the Secretary of State is of the view that the Principal Development is nationally significant, for the reasons set out in the Annex below.

THE SECRETARY OF STATE HEREBY DIRECTS that the Principal Development is to be treated as development for which development consent is required. Any application for development consent for the Principal Development may also include any matters that may properly be included in a development consent order (in accordance with section 120 of the Planning Act) including ancillary matters (section 120(3)) and associated development (within the meaning of section 115(2) of the Planning Act).

THE SECRETARY OF STATE FURTHER DIRECTS in accordance with section 35ZA(3)(b) of the Planning Act that any proposed application for a consent or authorisation mentioned in section 33(1) or (2) of the Planning Act for the Principal Development is to be treated as a proposed application for which development consent is required.

This direction is given without prejudice to the Secretary of State's consideration of any application for development consent which may be made in relation to all or part of the Proposed Project.

Signed by

A handwritten signature in blue ink, appearing to read 'Steve Barclay', with a stylized, cursive script.

Steve Barclay

Secretary of State

## **ANNEX**

### **REASONS FOR THE DECISION TO ISSUE THE DIRECTION**

The Secretary of State is of the opinion that the proposed development, the Teddington Direct River Abstraction Project, is nationally significant and therefore should be treated as a development of national significance, having in particular taken into account that the project would:

- Be of a substantial physical size and complexity, similar to infrastructure required to deliver schemes that would automatically fall into the Nationally Significant Infrastructure Project thresholds detailed in the Planning Act 2008.
- Require applications to multiple local authorities for numerous secondary licenses and consents and would therefore benefit from being part of the Development Consent planning regime.
- Contribute towards securing a secure water supply for the growing population of London.
- Mitigate the potential economic impacts of severe water restrictions upon London.
- Will require works, and will have impact, across multiple local authority boundaries.