European Union legislation

The European Union is a very important driver in the regulatory framework surrounding the decision to build the Thames Tunnel.

The Urban Wastewater Treatment Directive (UWWTD) came into force in 1991 and requires that wastewater should be properly collected and treated before discharge, other than after ‘exceptional’ conditions such as unusually heavy rainfall.

The Water Framework Directive (WFD) also aims to maintain and improve the aquatic environment in the European Union by 2027.

The European Commission initiated ‘infraction’ proceedings against the UK in relation to the Thames Tideway as long ago as 2004 and has repeatedly made clear its intention to enforce the UWWTD. Any delay in compliance makes infraction proceedings more likely. The case has now been referred to the European Court of Justice.

If the court finds against the UK, the Government is at risk of substantial fines if the Thames Tunnel is not completed as quickly as possible.

Fines are calculated using equations that consider the ‘duration’ and ‘seriousness’ of the infringement and the individual Member State’s capacity to pay.

The maximum daily penalty payment that could currently be imposed on the UK is £620,000 per day. The minimum size of a lump sum payment that could currently be imposed on the UK is £8,500,000 and there is no maximum lump sum payment.

Ofwat

The Water Services Regulation Authority, known as Ofwat, is the economic regulator of the water and sewerage companies in England and Wales. Its remit is to make sure that these companies provide households with good quality service and value for money.

Ofwat scrutinises capital expenditure programmes so that bill payers can be assured that they are not paying for unnecessary costs or unnecessary projects. It then decides how much water companies can charge to pay for the work.

Ofwat has given the go-ahead for Thames Water to undertake further development work on the Thames Tunnel.
Regulatory framework

Environment Agency

The Environment Agency (EA) has an important role in the development of the Thames Tunnel project, as it is Thames Water’s environmental regulator.

The project team has been working with representatives from the EA to make certain that the Thames Tunnel reduces the amount of untreated sewage which enters the River Thames by targeting all unsatisfactory combined sewer overflows.

Statutory consultees

Statutory consultees are organisations that we must consult with prior to submitting an application to the Infrastructure Planning Commission.

Their feedback is valuable on a range of issues, including environmental heritage and habitats.

Different types of major projects have different statutory consultees. For the Thames Tunnel project, we need to consult all the local authorities through which the tunnel passes, as well as their neighbours.

We also need to consult bodies such as English Heritage, the EA, the Port of London Authority, Natural England, and Transport for London.

For further information see our website: www.thamestunnelconsultation.co.uk or call us on 0800 0721 086.

Phase two consultation (Autumn 2011)