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**Subject:** unique reference number : 10018433  
**Date:** 2 December 2013 17:14:40 GMT  
**To:** Thames Tunnel <[thamestunnel@infrastructure.gsi.gov.uk](mailto:thamestunnel@infrastructure.gsi.gov.uk)>

Dear Jan Bessel,

1. Following my attendance at the Application by Thames Water Utilities Limited for the Thames Tideway Tunnel introductory Session on Carnwath Road Riverside and Alternative drive strategy, followed by Barn Elms and Putney of Monday 11 November 2013 at America Square Conference Centre, and the Open Floor Hearing on Saturday 23 November 2013 at The Queen Elizabeth II Conference Centre, I make the following summaries of my contributions, as requested.

Further to my submissions of 28 Feb 2013, 28 Aug 2013, 4 November 2013, on 11 and 23 November I added:

2. Box 15 Folder A page 3 'Alternatives' of the Application is clear evidence of the Applicant intentionally misrepresenting the Best Technical Knowledge Not Entailing Excessive Cost (BTKNEEC), knowing the Application as made is to the greater private interest of the company and its shareholders and against the public interest in water supply and wastewater treatment. As such it is an abuse of their License as the monopoly water supplier to London. The evidence of BTKNEEC in support of this claim is readily accessible on [bluegreenuk.com](http://bluegreenuk.com), which the Applicant has consistently refused to acknowledge or

engage in meaningful public consultation since December 2010, simply repeating its original assertion that their Tunnel is the only solution.

3. I was interrupted and denied an opportunity to object to the Application on the grounds that the Hearing was unable to hear any evidence on alternatives under instructions from the Minister in his National Policy Statement NPS; it is now clear that the NPS is a piece of legal sophistry being used to avoid compliance. This is ultimately futile; as even if consent is granted, it can only result in 10 years of complaints to the EU Commission as the legal tactic becomes more and more evident on London's streets, as a major and significant political blunder. The continuance of a non compliant Application is alarming in a democratic country, indicating an intention not to abide by the rule of law and impose an unlawful solution by what could be termed corporate feudalism. Evidence for this can unfortunately be found in the wider context of the application and its funding by communist state funds without the benefit of the European rule of law concept.

4. Having pointed to the Presumption in favour of sustainable development in UK planning law; being 'a golden thread running through both plan making and decision taking', I referred to Article 4 of TEU 'Member States are required to do what is necessary to ensure fullfillment of Treaty Obligations and obligations arising under any legislation adopted by the EU such as Directives,

which are binding on Member States...the Court settles disputes... brought by ... individuals.

5. Then Article 191 TFEU on how the Directives are intended to function: 191TFEU s.(1) setting objectives, not just protecting , but improving the quality of the environment and protection of human health, rational use of human resources... to deal with regional and worldwide problems... in particular, Climate Change.

(2) ... Precautionary principle...preventative action...polluter pays.

(3) In preparing (National) Policy (Statements) on environment, (Member States) MUST take into account:

- (a) available scientific and technical data...
- (c) potential benefits or costs of action or lack of action.

6. The EU 6th Action Plan priorities for 2000-2010 included sustainable use of natural resources... for Climate Change reduction, biodiversity, environmental health...ie water.

7. The inadequacy in Box 15 Folder A page 3 'Alternatives' of the Application goes to the credibility of the Application as a whole and its lack of, or omission of an adequate bluegreen study for London. The Applicants own expert, Prof Richard Ashley, having declared the inadequacy of its submitted SUDS study in Putney.

8. I include recent answers to Ofwat's consultation on draft guidance for selecting specified infrastructure projects, thank you for acknowledging receipt.

Yours Sincerely,

Graham Stevens  
Chair, Blue Green Independent Expert Team