

East West Rail Consortium

11th September 2018

Agenda Item : 4 Response to Transport and Works Act Order Application

Recommendation: It is recommended that the meeting:

- a) Note the next steps following the submission of the TWA Order Application to the Department for Transport on 27 July 2018.
- b) Approve the draft letter of support from the Strategic Board for submission to the Secretary of State
- c) Consider whether they wish Board representative(s) to appear as expert witnesses in support of the application at the public inquiry

1. Transport and Works Act Order Application.

- 1.1 TWA Order Application submitted 27 July 2018
- 1.2 A six week objection period follows from this date during which objections to the scheme may be received. These objections must be received by the Secretary of State before the end of the objection period which in this case is 7 September 2018.
- 1.3 Similarly support for the TWA order application can be made in exactly the same way as an objection.
- 1.4 If there is no opposition to the application, the Secretary of State can proceed to give his or her decision. If an application has opposition, the Secretary of State must decide, **within 28 days of the end of the objection period**, whether to hold a public inquiry or a hearing, or whether to carry out 'exchanges of written representations' between everyone involved.
- 1.5 As it happens the Secretary of State has already notified on 7 August that there will be a public inquiry. The applicant will therefore in due course advertise the date, time and venue of the public inquiry in local newspapers.
- 1.6 At Annexe B the estimated timelines from now until the decision of the Secretary of State are shown. It must be emphasised that these timelines are a DFT best case scenario. However it is encouraging to note that DFT has already notified the applicant that there will be an inquiry contrary to the DFT's own guidance as per paragraph 1.4 above.

2. Public Inquiry

- 2.1 A public inquiry, before an inspector, is a way of allowing everyone involved to present their cases orally, and to test the arguments of other people, within a structured framework.

- 2.2 Anyone who has submitted an objection or comment will be asked if they would like to appear at the inquiry. If they wish to attend they will be asked to provide a written statement of case within 6 weeks. (or any longer period that the Secretary of State may allow).
- 2.3 A statement of case is a written statement containing full details of the case to be presented to the inquiry. Any comments on anyone's statement of case can be made at any time **up to 6 weeks** before the inquiry opens.
- 2.4 Where a TWA inquiry is likely to run for some time, the inspector will probably wish to hold a pre-inquiry meeting. This is usually held at the same venue as the inquiry, and normally takes place **about a couple of months before the inquiry opens, although this can vary.**
- 2.5 Once the inspector has formally closed the inquiry, he or she writes a report to the Secretary of State. This summarises the arguments presented and gives the inspector's conclusions and recommendations. **There is no hard and fast rule for how long it takes an inspector to write a report**, as this depends on factors like how complicated the case is and how long the inquiry lasted.

3. Decision of the Secretary of State

- 3.1 The decision stage is when:
- the inspector has reported to the Secretary of State following an inquiry or hearing; or
 - the written representations procedure has ended; or
 - all objections have been withdrawn,
- and the Secretary of State is in a position to consider what decision to take on the TWA order application.
- 3.2 At that stage, the Secretary of State should usually have enough information before him or her to decide the application (and any associated request for a planning permission). If so, he or she comes to a decision and sets out the reasons for it in a decision letter. This is sent to the applicant and to other people who are interested in the outcome. If a public inquiry has been held, copies of the inspector's conclusions and recommendations are sent with the decision letter. A full copy of the inspector's report is sent to anyone who asks for it **within 4 weeks of the date of the decision.**
- 3.3 Once the decision letter has been issued, a notice of the decision is published in the London Gazette, and the applicant arranges for a notice to go in local newspapers. The TWA order is then signed, a process known as 'making' the order. If the Secretary of State decides to grant planning permission for the proposed development, he or she issues a planning direction when the order is made. The planning direction is likely to include conditions. The TWA **order usually comes into force 3 weeks** after it is made.

Please refer attached Annexes

- A. Draft Letter of Support from the EWR Strategic Board
B. TWAO Process Timelines