



DEPARTMENT FOR TRANSPORT

June 2021

TRANSPORT AND WORKS ACT 1992

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2006**

NETWORK RAIL (CAMBRIDGE SOUTH INFRASTRUCTURE ENHANCEMENTS) ORDER

WAIVER DIRECTIONS GIVEN UNDER RULE 18

Rule 10(2)(h)



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Department for Transport

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VIA EMAIL

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Our Ref: TWA 2/2/181
Your Ref: PM-AC.FID4283333

12 March 2021

Dear Paul,

Transport and Works Act 1992
Transport and Works (Applications and Objections Procedure) (England and Wales)
Rules 2006 ("the Rules")
Proposed Network Rail (Cambridge South Infrastructure Enhancements) Order

Thank you for your email dated 25 February 2021, in which you request a direction under rule 18 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ("the Rules"), regarding the above proposed application.

You are seeking a direction to disapply the following requirements:

- Under rule 10(2), the requirement to submit four copies of the specified documents with the application;
- Under rule 13(1), the requirement to serve copies of the required documents onto each local authority in which the works are proposed to be situated, and to deposit these documents in the libraries of the House of Commons and the House of Lords;
- Under rule 14(2), the requirement to include, as part of the notice in Form 1 in Schedule 2, details of where the application documents may be inspected;
- Rule 14(5)(e), which requires the notice served under rule 14(4) to give details of places where a copy of the application and accompanying documents can be inspected free of charge at all reasonable hours until the expiry date for objections;
- Under rule 14(10), the requirement to display information as to where the application documents are available for inspection and how they may be obtained;

Your letter refers to the serving of documents upon the local planning authority. You should note that the Rules require the applicant to serve documents upon every *local authority* (not local planning authority) in whose area the works are proposed to be situated.

We note that Network Rail considers that meeting the requirements under 10(2) and 13(1) would be prohibitively costly, in part due to the current COVID-19 restrictions. We further note that Network Rail considers the depositing of documents for public inspection is impossible to guarantee given the ongoing COVID-19 pandemic.

The Secretary of State therefore makes the following directions:

- That the aforementioned requirement under rule 10(2) is not to apply in relation to this application, on the grounds that it would be unnecessary to submit multiple copies of the application documents as they will be submitted electronically. This direction is

made on the conditions that one copy of the relevant documents is submitted electronically, and that further copies should be made immediately available to the Secretary of State upon request at any time before a decision on this application is issued, for example should a Public Inquiry be necessary;

- That the requirement under 13(1) to serve a hard copy of the relevant documents to local authorities is not to apply in relation to this application. This direction is made on the condition that one copy of the relevant documents is submitted electronically.
- That the aforementioned requirements under rules 14(2), 14(5)(e) and 14(10) are not to apply in relation to this application, on the grounds that it would be impossible to display the relevant information as to how copies of the application may be obtained at every place at which copies are made available for inspection. This direction is made on two conditions: firstly that, should local libraries and community centres open before the application date, Network Rail makes reasonable endeavours to secure a location where the documents may be accessed in electronic or physical form and submits proof of doing so with its affidavit, and secondly that Form 1 includes a reference to a website where the relevant documents can be inspected and a telephone number and email address via which hard copies of the documents may be ordered.

We note that, under the current plan to ease restrictions (published 22 February and entitled 'COVID-19 Response – Spring 2021'), libraries and community centres are planned to be allowed to open on 12 April at the earliest. However, we note that libraries' and community centres' reopening may be delayed, and that those that do open may be operating a reduced service and therefore may be unable to accept documents for inspection. The Secretary of State considers that, given these factors, it may be impractical to secure a deposit location, and he is content to issue the above directions on rules 14(2), (5)(e) and (10) on the conditions outlined above.

The Secretary of State does not consider it necessary to make the direction that the requirement under rule 13(1) to deposit documents at the libraries of the House of Commons and the House of Lords is not to apply. The libraries of the House of Commons and the House of Lords have confirmed that they wish to receive hard copies of the application documents; our correspondence on this is attached. The Secretary of State does not therefore consider that there is any reason the requirements of rule 13(1) could not be complied with.

Yours sincerely,

Natasha Kopala