



## Department for Transport

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Our Ref: TWA 2/2/175  
Your Ref: W1002A-NPT-LET-CNS-000001

4 May 2021

Via email to: [paul.humphrey@networkrail.co.uk](mailto:paul.humphrey@networkrail.co.uk)

Dear Paul,

**Transport and Works Act 1992**  
**Transport and Works (Applications and Objections Procedure) (England and Wales)**  
**Rules 2006**  
**Proposed Network Rail (Oxford Corridor Phase 2 (Land Only)) Order**

Thank you for your letter dated 26 April 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;
- 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 in your letter 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 be 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 coronavirus restrictions, 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.

We note also your comment about the inability of the libraries of the House of Commons and House of Lords to accept electronic document deposits. We have recently again contacted the parliamentary libraries on this matter, and will inform you if their position has changed.

Yours sincerely,

**Natasha Kopala**