

Northumberland Line

Transport and Works Act 1992

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

Rule 10(2)(h)

Waiver Direction



Northumberland
County Council



Department for Transport

George Wilson
Pinsent Masons LLP
30 Crown Place
London
EC2A 4ES

VIA EMAIL

Dear Mr Wilson,

Transport and Works Act 1992
Transport and Works (Applications and Objections Procedure) (England and Wales)
Rules 2006 (“the Rules”)
Proposed Northumberland Line Order

Thank you for your email dated 22 January 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:

- Rule 10(1), which requires three copies to be submitted as part of an application;
- Under rule 10(2), the requirement to submit four copies of the specified documents with the application;
- Under rule 10(8), the requirement to submit an affidavit of compliance with the provisions under rules 13(1), 14(2), 14(5)(e), 14(6), 14(7), 14(10) and 15, to the extent that the requirements in these rules are waived.
- Under rule 13(1), the requirement to deposit the required 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;
- Rule 14(6), which requires notices in the form of Form 2 in Schedule 2 to be placed at publicly accessible locations along the route;
- Under rule 14(7), the requirement to include, as part of the notice in Form 3 in Schedule 2, details of where the application documents may be inspected;
- Under rule 14(10), the requirement to make the application documents available for inspection;
- Under rule 15, the requirement to include, as part of the notice in Form 5 in Schedule 2, details of where the application documents may be inspected;

Your letter also asks that, should the Secretary of State decide not to waive the whole of rule 14(6), the Secretary of State should waive the requirement under rule 14(6) to include, as part of the notice in Form 2 in Schedule 2, details of where the application documents may be inspected.

Natasha Kopala

Head of the Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Direct line: 07866 013025

Email: transportinfrastructure@dft.gov.uk
Web Site: www.dft.gov.uk

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Your Ref: PM-AC.FID4283333

5 February 2021

We note that NCC considers that meeting the aforementioned requirements would be impossible or disproportionately burdensome due to the current COVID-19 restrictions. We further note that the waiver is requested on the condition that these restrictions remain in place upon submission of the application.

The Secretary of State therefore makes the following directions:

- That the aforementioned requirements under rules 10(1) and 10(2) are 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 aforementioned requirements under rules 14(2), 14(5)(e), 14(7), 14(10) and 15 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 COVID-19 restrictions are still in force when the application is submitted, and secondly that Forms 1, 2, 3 and 5 include references to a website where the relevant documents can be inspected.
- That the requirement under rule 14(6) to include, as part of the notice in Form 2 in Schedule 2, details of where the application documents may be inspected, is not to apply. This direction is made on two conditions: firstly that COVID-19 restrictions are still in force when the application is submitted, and secondly that Forms 1, 2, 3 and 5 include references to a website where the relevant documents can be inspected.

The Secretary of State does not consider it necessary to make the direction that any of the requirements under rule 13(1), rule 10(8), or rule 14(6) beyond those waived above, are 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. The Secretary of State is content to accept affidavits which state compliance with the Rules as amended by the above directions, and therefore does not see the need to disapply any of the requirements of rule 10(8). The Secretary of State also does not consider that the placing of notices along the route, per rule 14(6), would be impossible, impractical or unnecessary.

Yours sincerely,



Natasha Kopala