Dear Sirs,

TRANSPORT AND WORKS ACT 1992:
APPLICATION FOR THE PROPOSED SWANAGE RAILWAY ORDER

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the application made on 13 February 2014 by your client, the Swanage Railway Company Limited (“SRCL”), for the Swanage Railway Order (“the Order”) to be made under sections 1 and 5 of the Transport and Works Act 1992 (“TWA”).

2. The Order, if made, would authorise Network Rail Infrastructure Limited (“Network Rail”) to transfer to SRCL 4.7 kilometres of the existing branch line which links Network Rail’s Poole to Weymouth railway with SRCL’s railway from Norden to Swanage, along with all statutory powers and obligations relating to the branch line. The Order would also authorise SRCL to operate the branch line and to transfer to another person with the consent of the Secretary of State the powers and obligations relating to the line.

3. The Order would not authorise the construction of any works or provide for any development requiring planning permission. Your client did not, therefore, submit an environmental statement with its application or apply for deemed planning permission.

Summary of the Secretary of State’s decision

4. For the reasons given in this letter, the Secretary of State has decided to make the Order.

The Order application

5. In making this application, SRCL has complied with the publicity requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. This included serving copies of the application and the accompanying documents...
on the persons specified in those Rules and making the documents available for public inspection. As also required by those Rules, SRCL published notices giving information about the application and how to make representations.

6. In response to the application, the Secretary of State received two letters of support, including one from Purbeck District Council, and a representation from the Office of Rail Regulation (“ORR”). In its representation the ORR said that it had no objection in principle to the proposed transfer of the branch line, but sought clarification about the arrangements for safeguarding the future use of the line by passenger and goods traffic and drew attention to other regulatory processes that would apply once the Order had come into effect. The ORR subsequently confirmed on 16 April 2014 that SRCL had adequately responded to the questions in its representation. The application is, accordingly, unopposed.

Purposes of the Order

7. The applicant explained in the statement of aims submitted with the application that the purpose of the Order was to enable SRCL to operate a community rail service along the entirety of the Swanage branch line, connecting the town of Swanage with the national railway network at Wareham. The part of the branch line to which the Order relates is the final link between SRCL’s railway and the national railway network. To facilitate SRCL’s aims, Network Rail had agreed to sell to Dorset County Council the freehold of 4.7 kilometres of the branch line which it owns, while the Order would enable Network Rail to transfer its statutory powers to operate that part of the line to SRCL.

Secretary of State’s consideration

8. The Secretary of State has considered the information contained in SRCL’s application and the responses to it. He is satisfied that, taking into account SRCL’s operation of its existing railway, SRCL has the capacity to assume responsibility for the additional length of railway to which the Order relates. He notes in this regard that the ORR has no objection to the proposed transfer and that SRCL will need to secure a number of regulatory consents from the ORR and Network Rail to extend its operations to Wareham.

9. The Secretary of State notes that the aim of reconnecting Swanage to the national railway network is supported by the Bournemouth, Poole and Dorset Local Transport Plan and by the Purbeck Local Plan. In support of this objective, Dorset County Council and Purbeck District Council have contributed £3.2 million towards Network Rail’s Poole to Wool resignalling scheme to allow for the retention of the Swanage Branch connection.

10. The Secretary of State notes that there are no costs directly associated with the implementation of the Order by SRCL since it would not authorise the compulsory acquisition of land or the construction of works. He is, nonetheless, satisfied that with the financial support of Dorset County Council and Purbeck District Council referred to above and the £1.469 million Coastal Communities Fund grant towards the costs of re-instating rail services between Swanage and Wareham, SRCL’s objectives in applying for the Order are achievable.

11. While the Secretary of State recognises that statutory powers to operate the railway to which the Order relates are already in place, he is satisfied that SRCL has given due
consideration to the potential impacts of its proposed operations on the part of the Dorset Heathlands RAMSAR site through which the railway runs. In this regard, he notes that SRCL’s ecological survey has established that there are no potential adverse impacts associated with the proposed operations and that Natural England has made no comment on the survey report.

12. The Secretary of State is satisfied that SRCL has adequately consulted with local authorities, environmental bodies, and residents, businesses and landowners in the vicinity of the railway to which the Order relates. None of those consulted has objected to the proposals in the Order.

Secretory of State’s overall conclusions and decision

13. The Secretary of State has concluded that for all these reasons, and taking into account the anticipated benefits to the local and wider community of reinstating rail services between Swanage and Wareham, it is in the public interest to authorise the transfer to SRCL of the part of the branch line to which the Order relates. He is satisfied also that all the provisions in the Order are appropriate.

14. The Secretary of State has, accordingly, decided to make the Order, subject to a number of minor drafting amendments which do not make a substantial change in the proposals such as would require notification to affected persons under section 13(4) of the TWA.

15. This letter constitutes the Secretary of State’s notice of his determination to make the Order for the purposes of section 14(1)(a) and section 14(2) of the TWA. Your client is required to publish a newspaper notice of the determination in accordance with section 14(4) of the TWA.

Challenge to decision

16. The circumstances in which the Secretary of State’s decision may be challenged are set out in the Annex to this letter.

17. Copies of this letter are being sent to those who made representations on the application.

Yours faithfully,

Martin Woods
RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, on the ground that –

- it is not within the powers of the TWA; or
- any requirement imposed by or under the TWA or the Tribunals and Inquiries Act 1992 has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 42 days from the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within three working days of the date of this decision letter.

A person who thinks they have grounds for challenging the decision to make the Order is advised to seek legal advice before taking action.