



Department for Transport

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Our Ref: TWA/APP/20/05

28 July 2021

Dear XXXXXX,

TRANSPORT AND WORKS ACT 1992 APPLICATION FOR THE PROPOSED NETWORK RAIL TEDDINGTON STATION ACCESS FOR ALL ORDER

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the application made on 5 October 2020 by your client, Network Rail (“the Applicant”) for the proposed Order (“the Order”) to be made under sections 1 and 5 of the Transport and Works Act 1992 (“TWA”).
2. The Order as applied for and if made, would permit the Applicant to acquire land, and interests in land, on both a permanent and temporary basis. The Order would also authorise the stopping up of the highway on both a permanent and temporary basis. Those powers are sought to facilitate the delivery of the accessibility improvement works at the station.

Summary of the Secretary of State’s decision

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

Procedural Matters

4. The Applicant applied for a waiver direction on 21 August 2021, under rule 18 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 Rules (“the Rules”) to disapply the requirement of rule 10(2) which requires four copies of all relevant documents to be submitted with the application because of COVID 19 restrictions and the significant costs from producing hard copies. The Secretary of State replied on 18 September 2020 setting out that he was content for the relevant documents to be submitted electronically.
5. In addition, the Applicant applied for a waiver direction under rule 18 of the Rules to disapply the requirement of rule 14 which requires the Applicant to make application

documents publicly available for inspection. This was because the COVID-19 pandemic imposed movement restrictions and meant that public buildings were not open for the display of documents. On 18 September 2020, the Secretary of State sent a letter to the Applicant setting out that he was content with this waiver direction if the application documents were available on the Applicant's website and a telephone number was provided when the application was publicised, which members of the public could call and request a physical copy of the application documents free of charge. The Secretary of State notes the application was publicised in the Richmond and Twickenham Times on 1 and 8 October 2020 and in the London Gazette on 5 October 2020 which set out the relevant details in the prescribed forms.

6. The Secretary of State notes a consultation was undertaken by the Applicant and that a summary of the consultation accompanied the application in accordance with rule 10(2)(d) of the Rules. Consultation was undertaken in respect of the planning application for the scheme, and with statutory consultees and landowners and parties with an interest in the land. The Secretary of State is therefore satisfied that the Applicant has fulfilled the requirements of the Rules and associated guidance as to consulting and publicising the proposals of the Order.
7. The application resulted in 4 letters of support and 1 objection to the Secretary of State. The objection came from the Dawes Family who objected to the compulsory purchase powers and temporary access provisions because of the detrimental impact on its business "Bud Office Plants Ltd". After negotiations with the Applicant, solicitors representing the Dawes family withdrew their objection on 5 May 2021. Those supporting the application noted the benefits the scheme would have on the elderly and those with restricted mobility.

Background to and aims of the Order application.

8. The station is located in Teddington, South West London in the borough of Richmond. The Applicant is committed to improving accessibility of its stations. Teddington station has been identified as a station which would benefit from accessibility improvements. It has been included as part of the Access for All Programme, which aims to provide obstacle free accessible routes to and between the platforms at stations. Planning permission has already been granted by the Local Planning Authority the London Brough of Richmond, for the installation of two lift shafts to connect to the existing footbridge and introduce into the station a step-free link between the two platforms.

Case for Compulsory Acquisition Powers including Funding

9. The Secretary of State has considered Network Rail's reasons for making the application and is satisfied that compulsory acquisition of the land subject to the Order is required to facilitate the installation of the two lift shafts. The Secretary of State notes from the Funding Statement accompanying the application that the estimated final cost of delivering the improvements is approximately £3.6 million. This includes the cost of carrying out the physical improvement works and the cost of any compensation. Funding for these works is available as part of the Department for Transport's Access for All Programme which forms part of the Applicant's Control Period 6 enhancements funding which has received Ministerial approval. The Secretary of State is therefore satisfied, having regard to the Ministry of Housing, Communities and Local Government

guidance (Critchel Down Rules) on the compulsory purchase process (as updated in July 2019) that all necessary funding is available to meet all costs associated with the Order, that there is no impediment to the scheme going ahead and that for the reasons summarised in this letter there is a compelling case in the public interest for the compulsory acquisition powers in the Order which justifies interfering with the human rights of those with an interest in the land that would be the subject to those powers.

The Secretary of State's consideration and decision

10. The Secretary of State notes that accessibility improvement work at the station is in line with the Government's inclusive transport strategy. Making the station more accessible benefits everyone – including people with health conditions or impairment, people with children, those carrying heavy luggage and those with restricted mobility. The Secretary of State also notes that there are no objections outstanding. Therefore, the Secretary of State has decided to make the Order, subject to a number of minor drafting amendments which do not make a substantial change in the proposals so as to require notification to affected persons under section 13(4) of the TWA.

11. The minor drafting amendments referred to in paragraph 10 include:

- in article 2(1) (interpretation), the definition of “electronic transmission” has been amended to reflect the Secretary of State's position for this definition;
- article 3 (disapplication of legislative provisions) has been amended so as to incorporate a reference to the Neighbourhood Planning Act 2017 (with the consequential the removal of article 27);
- in article 11(1)(a)(ii) (temporary use of land for construction works), the reference to “Order land” has been removed as it is not a defined term and has been replaced by “any other land within Order limits”;
- in article 11(3), the text has been slightly reworked to ensure clarity;
- in article 11(6) (and other corresponding provisions), the Secretary of State has become aware that the current drafting is deficient. The drafting has been amended to include the words “is to be determined as though the dispute was a dispute to be determined under Part 1 of the 1961 Act”.

Notice of determination

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

Challenge to decision

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

Yours sincerely,

Ros Wall

ANNEX

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 grounds 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 beginning with 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 may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking any action.