



Department for Transport

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Dear Sirs,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED NORTHAMPTON AND LAMPORT LIGHT RAILWAY (AMENDMENT) ORDER

1. I am directed by the Secretary of State for Transport (“the Secretary of State”) to say that consideration has been given to the application made on 15 August 2023 by your clients, Northampton Steam Railway Limited (“the Applicant”), for the proposed Northampton and Lamport Light Railway (Amendment) 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 make provision for consequential amendments to the Northampton and Lamport Light Railway Order 1995 (“the 1995 Order”) reflecting an extension to the railway the Applicant is authorised to operate and maintain. The Order as applied for would also authorise the Applicant to temporarily restrict the use of a public footpath that runs over the extended railway to operate a level crossing. This will enable the level crossing that has been constructed to come into use to accommodate the passage of a train when the railway is operation. The Order does not authorise the carrying out of any works or the acquisition of land (whether compulsorily or by agreement) and accordingly rules 7, and 14(4) and (5) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (“the Rules”) do not apply.

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 under rule 10 of the Rules. The application documents were available for inspection upon request from the Applicant. The local newspaper, the Northampton Chronicle and Echo, gave notice of the application on 10 August 2023, and the London Gazette on 16 August 2023.
5. A screening decision under rule 7 of the Rules was requested on 25 May 2022 to determine whether an Environmental Impact Assessment (“EIA”) was required in respect of the proposed extension to the Applicant’s Railway which would amend the existing Northampton and Lamport Light Railway Order 1995. The Secretary of State concluded on 6 July 2022, in accordance with rule 7(13) that an EIA was not required in relation for the proposed Order.
6. In response to the application, no objections, representations or letters of support have been received.

Purposes of the Order

7. The main purpose of the proposed Order is to amend the Northampton and Lamport Light Railway Order 1995 (S.I. 1995/1300) to authorise the operation and maintenance of the extension of the railway operated by the Applicant. The Applicant operates the railway under the authority of the 1995 Order, which authorised the Applicant to construct, maintain and operate a former railway of the British Railways Board. The 1995 Order transferred all rights and obligations to the Applicant from the Northamptonshire County Council (now West Northamptonshire Council). The Railway defined in Schedule 1 to the 1995 Order extends from south of Pitsford and Brampton Station to Spratton Road.
8. Works to extend the railway and reinstate it were carried out under the authority of previous planning permissions granted in 1987 and 1990 by Daventry District Council (Application no. DA/86/0768, DA/80/0130). The Applicant has now reinstated a further section of railway of approximately 750m (under the aforementioned planning permissions and an additional permission obtained in 2007, application no. DA/2007/0763) but needs authority to operate and maintain the newly constructed section. The proposed amendment Order would amend the description of the railway in Schedule 1 to the 1995 Order to cover that additional section.
9. The proposed Order would, also authorise the operation of the railway over a public footpath. A level crossing has been constructed and the powers sought in the proposed Order would allow for the operation of this level crossing, which would permanently restrict the use of the public footpath (public right of way CC4) which crosses the additional section of railway. In practice, use of the public footpath would be restricted only during such times as the level crossing gates were closed to allow the passage of trains. The Company has already constructed the required level crossing, under the Planning Consents referenced in paragraph 8.

Funding

10. The Secretary of State notes the Applicant's Estimate of costs & funding statement that accompanied the Application. The Secretary of State is content that the Applicant has sufficient funds to fully implement the amendments in the proposed Order and that the appropriate level of assurance has been provided to allow the Secretary of State to be sufficiently confident that there is appropriate funding to ensure the effective and continued operation of the extended railway in terms of the Order.

The Secretary of State's consideration and decision

11. The Secretary of State notes that the stated purpose of the application for the draft Order is to amend the 1995 Order to extend the Applicant's operations and maintenance powers over a recently constructed southern extension of the Railway approximately 750m long. The extension intends to add to the enjoyment and attractiveness of the Railway as a tourist destination by increasing existing journey times. It also provides for an amendment to article 7 of the 1995 Order to allow for the restriction in the use of the public footpath by way of operating the level crossing to allow the passage of trains. As noted above, the physical works associated with the southern extension have already been undertaken, permitted by separate planning permissions granted by Daventry District Council.
12. During the objection period, the Applicant notified the Secretary of State that there was an error in the submitted draft Order. The error related to an incorrect address in article 2 necessitating 'Brampton Lane', to replace 'Brampton Road'. The Secretary of State can confirm that the change being sought is of a minor technical nature and is satisfied that whilst not consulted on, this change would cause no substantial impact to anyone.
13. The Secretary of State notes that there are no outstanding objections to the application. The Secretary of State agrees with the reasons for the amendment to the original Order as set out above. The Secretary of State is satisfied that it is in the public interest to amend the Order allowing the operation and maintenance of the extension of the Railway, including the operation of the level crossing. The Secretary of State has therefore decided to make the order, subject to modifications which do not make substantial changes in the proposals so as to require notification to affected persons under section 13(4) of the TWA.

Proposed modifications to the Order

14. There are two modifications that have been made to the proposed Order. The first modification to the proposed Order in relation to the powers under which the proposed Order is to be made. Section 1 of the TWA authorises the operation of the extension to the Railway (including the operation of the level crossing in relation to the public footpath). Section 5 of, and paragraph 1 of Schedule 1 to, the TWA authorises the maintenance of the extension to the Railway. The second modification is to the insertion of the new paragraph (1A) into article 7 of the 1995 Order where the word 'construct' has been replaced by 'operate'.

Notice of determination

15. 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 (2) of the TWA. Your

client is required to publish newspaper notices 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.

Yours sincerely,

Natasha Kopala

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.