



# Department for Transport

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Our Ref: TWA/17/APP/02/OBJ/27  
Your Ref:

4 May 2017

Dear Sir,

**TRANSPORT AND WORKS ACT 1992 (TWA):  
APPLICATION FOR THE PROPOSED NETWORK RAIL (FELIXSTOWE BRANCH  
LINE LEVEL CROSSINGS CLOSURE) ORDER**

1. Thank you for your letter of 4 May 2017 on behalf of Forest Heath District Council to the Secretary of State for Transport objecting to this application. We shall take this into account in considering the application and shall send a copy of it to the applicants for the Order as required by the TWA procedure Rules. Please note that the Rules enable us to let others have a copy (including any personal information contained in it) if they ask for one.

2. I enclose for your information a brief guide to TWA Orders. This explains the procedure for considering order applications and how you can take part in the process if you wish to do so.

3. Part 3 of the guide (page 13) explains that where there are objections to a scheme we may decide to hold a public inquiry or a hearing, or to deal with them by an exchange of written representations. A decision on this will normally be made within 28 days of the end of the objection period.

4. It is not clear from your letter of objection whether it has been ratified by the whole Council in accordance with the procedures set out in section 239 of the Local Government Act 1972. That section, although originally concerned only with local authorities promoting or opposing a Bill in Parliament, has been applied by section 20 of the TWA to local authorities applying for, or objecting to, a TWA Order. This means that, for a local authority to make a valid objection, it has to have been endorsed by a majority of the whole number of the authority's members at a meeting of the authority, held after the requisite notice of that meeting has been given.

5. If it has not been possible for you to bring this matter before a full meeting of your Council within the statutory objection period, we are prepared nevertheless to accept your Council's representation as a holding objection, provided that it is endorsed by the full Council as soon as reasonably possible. Similarly, if it is the case that you were not aware that section 239 of the 1972 Act applied to TWA Order applications

and objections, we are prepared provisionally to accept the objection pending the passing of the relevant resolution.

6. If your Council has already passed the section 239 resolution, please could you confirm that and provide a certified copy of the resolution. If, however, your Council has still to pass the resolution, please advise us when the full Council meeting is to be held and the outcome of the debate.

7. To help us to decide which procedure to follow please let me know within two weeks from the date of this letter if you wish to speak or be represented at an inquiry or hearing, if one is held. Part 4 of the guide (page 18) explains what is involved in giving evidence at an inquiry. If you do not wish to speak at an inquiry, you may still send further written evidence to the Inspector, preferably before any inquiry opens.

8. At question 12, the guide explains that certain types of objector are classed as 'statutory objectors' and have certain additional rights. If you are a statutory objector and wish to exercise the right to have your objection heard, please inform us when letting us know that you wish to take part in any inquiry or hearing.

9. If we do not hear from you, we shall assume that you are content to rely on the comments that you have already made. Your objection will, as required by the TWA procedure Rules, be sent to the Inspector appointed to conduct any inquiry or hearing.

10. Please let me know if you require any further advice about these procedures and please keep the brief guide available, as we shall refer to it when writing to you again.

Yours faithfully,

Caroline O'Neill

**Caroline O'Neill**