
STATUTORY INSTRUMENTS

1992 No. 2902

**TRANSPORT AND WORKS TRANSPORT CANALS
AND INLAND WATERWAYS**

**The Transport and Works (Applications
and Objections Procedure) Rules 1992**

<i>Made</i>	- - - -	<i>19th November 1992</i>
<i>Laid before Parliament</i>		<i>20th November 1992</i>
<i>Coming into force</i>	- -	<i>1st January 1993</i>

The Secretary of State for Transport and the Secretary of State for the Environment, in exercise of the powers conferred on them by sections 6, 7 and 10 of the Transport and Works Act 1992⁽¹⁾, and of all other enabling powers, hereby make the following Rules:—

Citation and commencement

1. These Rules may be cited as the Transport and Works (Applications and Objections Procedure) Rules 1992 and shall come into force on 1st January 1993.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires, references to sections are references to sections of the Transport and Works Act 1992 and—

“the Act” means the Transport and Works Act 1992;

“application” means an application under section 6 or the publication by the Secretary of State of a notice of a proposal to make an order by virtue of section 7 (as the case may be) and
“applicant” means either a person making (or, where the context so requires, proposing to make) such an application or the Secretary of State (as the case may be);

“banks”, in relation to an inland waterway referred to in a category in Schedule 2, 5 or 6 below, has the meaning given in section 72(1) of the Land Drainage Act 1991⁽²⁾;

“the Directive” means Council Directive No.85/337/EEC⁽³⁾;

“environmental statement” means a document or series of documents provided for the purpose of enabling the Secretary of State to make a proper assessment of the likely impact upon the

⁽¹⁾ 1992 c. 42.

⁽²⁾ 1991 c. 59.

⁽³⁾ OJ No. L175, 5.7.85, P. 40.

environment of the implementation of the order applied for and which shall contain both the information specified in paragraph 1 of Schedule 1 below and—

- (a) in so far as it is relevant to the particular characteristics of the application, and
- (b) if the developer may reasonably be required to compile it, having regard to current knowledge and methods of assessment,

the further information set out in paragraphs 2 and 3 of that Schedule;

“local authority” means a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly and a Passenger Transport Executive;

“local planning authority” means a local planning authority within Part I of the Planning Act;

“objection” means a valid objection within the provisions of rule 16 and “objector” shall be construed accordingly;

“occupier” means a person occupying land under a tenancy for a period of more than one month (not being a statutory tenant within the meaning of the Rent Act 1977(4) or the Rent (Agriculture) Act 1976(5)) and includes—

- (a) a statutory undertaker (not being an owner) having a right to keep equipment on, in or over land, and
- (b) a person having the right to construct or maintain, at a specific position on an inland waterway, a mooring post, gangway, landing stage or other erection or installation for a vessel (not being anything which when not in use is normally carried on the vessel);

“operator”—

- (a) in relation to a transport system, means any person carrying on an undertaking which includes the system, or any part of it, or the provision of transport services on the system; and
- (b) in relation to an inland waterway, means the navigation authority and, if different, the conservancy authority within the meaning of section 221(1) of the Water Resources Act 1991(6);

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land (whether in possession or reversion) and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement, the unexpired term whereof exceeds three years;

“pipeline owner” means—

- (a) an owner within the meaning of section 66(1) of the Pipe-lines Act 1962(7) or section 33(3) of the Petroleum and Submarine Pipe-lines Act 1975(8); or
- (b) if no person has been designated as an owner pursuant to the said section 33(3), the person for the time being entitled to operate the pipeline;

“the Planning Act” means the Town and Country Planning Act 1990(9);

“public telecommunications operator” means—

(4) 1977 c. 42. See section 2(1) and Schedule 1, as amended by the Housing Act 1980 (c. 51), sections 76 and 153(2) and Schedule 26, and the Housing Act 1988 (c. 50), section 39(1).

(5) 1976 c. 80. See section 4, as amended by the Rent Act 1977, section 155 and Schedule 23, and the Housing Act 1980, section 76(3).

(6) 1991 c. 57.

(7) 1962 c. 58.

(8) 1975 c. 74.

(9) 1990 c. 8.

- (a) a person authorised by a licence to which section 8 of the Telecommunications Act 1984⁽¹⁰⁾ applies to run a public telecommunications system; or
- (b) a person to whom the telecommunications code has been applied pursuant to section 10 of that Act;

“relevant coastal authority” means, in relation to works situated, or proposed to be carried out, in tidal waters and not lying within the boundary of a local authority in England or Wales—

- (a) in the case of works of a non-linear nature overall, a local planning authority having an administrative boundary within 15 kilometres of the works or, where there is no such authority in respect of a given point on such works, the authority whose administrative boundary is nearest to such a point; and
- (b) in the case of works of a linear nature overall, a local planning authority having an administrative boundary within 15 kilometres of any point on the works or, where there is no such authority in respect of a given point, the authority whose administrative boundary is nearest to such a point;

“river” means any river (including any part thereof which is tidal or which has been canalised), lake, stream, ditch, culvert, drain, dyke, sluice, weir or any other passage by which water drains, other than a sewer or pipe used primarily for the drainage of a building and premises appurtenant thereto or a street, but does not include—

- (a) a canal or inland navigation which is not a canalised part of a river;
- (b) any part of the river Tweed (as defined in section 2(7) of the Water Resources Act 1991);
- (c) any part of the river Esk or river Sark at a point where either of the banks of the river is in Scotland;
- (d) any part of any tributary stream of the river Esk or river Sark at a point where either bank of such tributary stream is in Scotland;

“statutory undertaker” means—

- (a) any person authorised by an enactment to carry on a railway, tramway, trolley vehicle, guided transport, road transport, water transport, canal, inland navigation, harbour, pier, lighthouse, gas or electricity supply, hydraulic power, sewerage or water undertaking;
- (b) a pipeline owner;
- (c) a public telecommunications operator;
- (d) the Post Office;
- (e) the British Airports Authority; and
- (f) the Civil Aviation Authority;

“tidal waters” means such part of—

- (a) the territorial sea adjacent to the United Kingdom, and
- (b) the internal waters of the United Kingdom in so far as they are tidal or constitute part of the sea,

as lie within the English area (within the meaning of Article 1(2) of the Civil Jurisdiction (Offshore Activities) Order 1987⁽¹¹⁾);

“transport system” means a railway, tramway or trolley vehicle system or a system using a mode of guided transport prescribed by an order made under section 2;

⁽¹⁰⁾ 1984 c. 12.

⁽¹¹⁾ S.I.1987/2197.

“the Trinity House” has the meaning given in section 742 of the Merchant Shipping Act 1894(12);

“waiver direction” has the meaning given by rule 6(1) below;

“works affecting” means works proposed to be carried out in, upon, under, over or adjacent to the land specified in the relevant category in Schedule 2, 5 or 6 below.

(2) Where notice is required by these Rules to be given in a form prescribed herein, it means notice in that form (or as nearly in that form as circumstances permit) duly completed and signed.

Preliminary consultation and notification

3.—(1) An applicant shall, before making an application for an order authorising the carrying out of any works or the change of use of any land, consult every local planning authority having responsibility for the area or areas in which the proposed works or change of use are to be carried out for the purpose of obtaining the statement of views referred to in rule 5(6) below and, in the event of a local planning authority failing to provide such a statement within 42 days of the applicant making a written request therefor, the Secretary of State may (upon being requested to do so by the applicant) direct that local authority to supply such a statement.

(2) Where an applicant proposes to make an application for an order which, if made, would authorise the works or make provision for the matters specified in any of the categories in column (1) of the table in Schedule 2 below, the applicant shall, not later than 28 days before making an application, serve upon each person named against such category in column (2) of that table a notice in the form of Form 1 in Schedule 3 below.

(3) Save where an absolute waiver direction has been given under rule 6 below, the applicant shall, not later than 28 days before making an application, serve a notice in the form of Form 1 in Schedule 3 below upon—

- (a) every local authority in whose area a transport system, inland waterway or other works to which the proposed application relates are, or are to be, situated or every relevant coastal authority, as the case may be;
- (b) in the case of an application affecting land or tidal waters in, or adjacent to, England, the Nature Conservancy Council for England and the Countryside Commission; and
- (c) in the case of an application affecting land or tidal waters in, or adjacent to, Wales, the Countryside Council for Wales.

Form of application

4.—(1) Every application shall state the name of the applicant, shall give the address to which all requests for further information, notices or other documents required to be served upon the applicant under the Act or these Rules are to be sent and shall be signed by the applicant or, where the applicant is a body corporate, a director or the secretary or clerk of that body.

(2) In paragraph (1) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of that body.

(3) The Secretary of State may, where he is satisfied that an applicant is likely to make regular applications, and upon receiving a request in writing to that effect, direct that a person or persons other than those specified in paragraph (1) above may be authorised to sign on behalf of that applicant.

Documents accompanying applications

- 5.—(1) Every application shall be accompanied by—
- (a) a draft of the proposed order;
 - (b) a concise memorandum explaining the powers sought, and the other matters for which provision is to be made in the proposed order;
 - (c) a declaration as to the status of the applicant if not an individual or a company regulated by the Companies Act 1985(13);
 - (d) evidence by affidavit of compliance with the provisions of paragraphs (2) and (3) of rule 3 above (if they apply);
 - (e) a list of all consents, permissions or licences required under other enactments for the purposes of the powers sought in the application, which at the date of the application are being sought or which have been obtained or refused, specifying for each relevant consent, permission or licence—
 - (i) the name of the person from whom the consent, permission or licence is required;
 - (ii) the date of the application, or of the grant or refusal of the consent, permission or licence (as the case may be); and
 - (iii) the reference number (if any) of such application;
 - (f) the fees prescribed by rule 14 below;
 - (g) an environmental statement, a copy of a waiver direction or both (as the case may be);
 - (h) a copy of any direction made under rule 12;
 - (i) three copies of the application and of every document required by these Rules to be submitted with it.
- (2) In the case of an application of a kind described in paragraph (3) below, it shall be accompanied by—
- (a) such of the plans and sections described in paragraphs (1) and (2) of rule 7 below as are relevant thereto;
 - (b) an estimate of the cost of implementing the proposed order, which shall, in so far as it relates to any of the matters included in Schedule 4 below, be in the form set out in that Schedule or as nearly in that form as circumstances permit;
 - (c) concise details of the applicant's proposals for funding the cost of implementing the order and, in particular, for funding the cost of acquiring land which is blighted land within the meaning of section 149 of the Planning Act;
 - (d) an estimate of the time required to complete the works for which provision is made in the draft order.
- (3) Paragraph (2) above applies to an application for an order providing for—
- (a) the construction of a transport system or inland waterway (or a part thereof);
 - (b) the carrying out of works of a kind described in section 3(1)(b);
 - (c) the alteration or demolition (in whole or in part) of a transport system, an inland waterway or works of a kind described in section 3(1)(b);
 - (d) works consequential upon the abandonment or neglect of a transport system, inland waterway or works of a kind described in section 3(1)(b) (or of a part thereof); or

(13) 1985 c. 6, to which there are amendments not relevant to these Rules.

- (e) the construction, alteration, demolition or removal of a building, road, path or watercourse, or the carrying out of other works ancillary to the construction or operation of a transport system, inland waterway or works of a kind described in section 3(1)(b).

(4) In the case of an application for an order authorising the compulsory acquisition of land, or the right to use land, or the compulsory extinguishment of easements and other private rights over land (including private rights of navigation over water), it shall be accompanied by the plans and the book of reference respectively described in paragraphs (3), (4), (5) and (6) of rule 7 below.

(5) In the case of an application for an order providing for the extinguishment or diversion of rights of way over a public footpath, bridleway, cycle track or byway open to all traffic, it shall be accompanied by a map of a scale of not smaller than 1:2500 on which the path, way or track concerned, and in the case of a diversion, the new path, way or track, is clearly delineated.

(6) In the case of an application for an order of the type described in rule 3(1) above, it shall be accompanied by a statement from every local planning authority required to be consulted thereunder giving its view as to—

- (a) whether the matters for which provision is made in the draft order are consistent with the provisions of the development plan (within the meaning of section 336(1) of the Planning Act) for the area of that authority; and
- (b) whether planning permission is required for works or other matters for which provision is made in the draft order,

and providing details of all relevant planning permissions which have been granted.

(7) Where the applicant seeks a direction from the Secretary of State, under section 90(2A)(14) of the Planning Act, that planning permission shall be deemed to be granted for all or some of the development proposed in the application, the application shall be accompanied by—

- (a) a request in writing specifying the development for which planning permission is sought;
- (b) such further maps, plans, drawings and documents as have not otherwise been submitted with the application and which are necessary to support the request for planning permission;
- (c) a statement as to whether it is intended that any of the following matters, namely details of—
 - (i) siting;
 - (ii) design;
 - (iii) external appearance;
 - (iv) means of access;
 - (v) landscaping of the site;

shall be reserved for subsequent approval by the local planning authority.

(8) Where the applicant seeks a direction from the Secretary of State, under section 12(2A) of the Planning (Hazardous Substances) Act 1990(15), that hazardous substances consent shall be deemed to be granted, the application shall be accompanied by—

- (a) an application for hazardous substances consent in either Form 1 or Form 2 of the forms prescribed in Schedule 2 to the Planning (Hazardous Substances) Regulations 1992(16), as the case may require;
- (b) the information and documentation specified in such one or more of regulations 5(1)(b), 5(2)(b) and 5(3)(b) of those Regulations as the case may require.

(14) Subsection (2A) was inserted by section 16(1) of the Transport and Works Act 1992.

(15) 1990 c. 10. Section 12(2A) was inserted by section 18 of the Transport and Works Act 1992.

(16) S.I. 1992/656.

(9) As soon as practicable after the date of an application, the applicant shall submit to the Secretary of State evidence by affidavit of compliance with the provisions of rules 8, 9 and 10 below.

Environmental statements: provision of information and directions given by the Secretary of State

6.—(1) An applicant may submit a request in writing to the Secretary of State for a direction (herein referred to as a “waiver direction”) that a proposed application need not be accompanied by an environmental statement or by such part of the environmental statement as is specified in the request.

(2) Such a request shall be accompanied by—

- (a) a plan sufficient to identify the land affected (if any);
- (b) a brief description of the nature and purposes of the proposed order to be sought by the applicant and of its possible effects on the environment;
- (c) a statement of the reasons for making the request; and
- (d) such other information and representations as the applicant wishes to provide or make.

(3) The Secretary of State shall, not later than 28 days after receiving such a request, notify an applicant in writing of any matters on which he considers that the information provided pursuant to paragraph (2) above is insufficient to enable him to determine whether to give or refuse to give a waiver direction and the applicant shall provide such further information on these matters as the applicant is reasonably able to.

(4) The Secretary of State shall determine whether to give or refuse to give a waiver direction not later than 42 days after either the date of the request or (if applicable) the date when the further information requested by the Secretary of State has been provided and any direction given may be either—

- (a) absolute; or
- (b) conditional, in accordance with paragraphs (7) and (8) below.

(5) The Secretary of State may give an absolute waiver direction in respect of a class of applications for orders which provide only for matters specified in such direction where it appears to him that it is impossible or unnecessary for the applicant to submit an environmental statement with applications of that class.

(6) The Secretary of State shall not give an absolute waiver direction if the proposed order would, if made, authorise a works or other project falling within either—

- (a) one of the classes listed in Annex I to the Directive; or
- (b) one of the classes listed in Annex II to the Directive where the project, by virtue of its nature, size or location, is likely to have significant effects on the environment.

(7) If the Secretary of State is satisfied that it is impossible or impracticable for the applicant to provide the information specified in Schedule 1 below (hereinafter in this rule referred to as the “prescribed information”), or a part thereof, at the date of the application, he may give a waiver direction upon the following conditions, namely that—

- (a) the application is accompanied by such part of the prescribed information as the Secretary of State is satisfied can be provided at that time, and
- (b) the remainder of the prescribed information is submitted to him not later than a date specified in the direction and being not more than 42 days after the date of the application.

(8) A conditional waiver direction shall include such of the further conditions specified in paragraph (13) below as appear to the Secretary of State to be appropriate.

(9) Where, in the opinion of the Secretary of State, the applicant has failed to provide any part of the prescribed information, the Secretary of State shall direct the applicant (who shall comply with such direction as soon as reasonably practicable) to supply that part and such direction shall—

- (a) specify the form in which the said information is to be supplied, and
- (b) include such of the conditions specified in paragraph (13) below as appear to the Secretary of State to be appropriate.

(10) Subject to paragraph (11) below, where an applicant has, pursuant to paragraph (2) or (3) of rule 3 above, served notice upon a person named in rule 3(3) or in column (2) of Schedule 2 below—

- (a) that person shall, if requested in writing by the applicant and subject to his being reimbursed the reasonable cost of so doing, provide to the applicant any information which that person has and which either he or the applicant considers relevant to the preparation of the environmental statement; and
- (b) in the event of that person failing to provide such information within 28 days of such request the Secretary of State may (upon being requested to do so by the applicant) direct that person to provide the information and he shall upon receipt of such a direction provide it forthwith.

(11) Paragraph (10) above shall not require the disclosure by any person of confidential information.

(12) The applicant may submit to the Secretary of State a document containing new information which is additional to, or which corrects or clarifies, the environmental statement or any part thereof but in any such case the applicant shall comply with rule 8 below as if it applied to that document and as if a reference to the submission of the document were substituted for the reference therein to the making of the application, provided that, where the Secretary of State has given notice of his intention to hold a public inquiry, no such information may be submitted to the Secretary of State under the provisions of this paragraph after the date upon which the applicant is obliged, by rules made under section 9 of the Tribunals and Inquiries Act 1992⁽¹⁷⁾, to serve upon the Secretary of State a full statement of the case he intends to put to the inquiry.

(13) The conditions referred to in paragraphs (8) and (9) above are conditions as to—

- (a) the service upon other persons of any document containing any part of the prescribed information (including such service as would otherwise have been required under rule 8 below), and
- (b) the publication or service of notices as to the submission of any part of the prescribed information (including notices in the London Gazette and local newspapers).

(14) Where an applicant requests the Secretary of State to give a waiver or other direction under the provisions of this rule and the proposed order would, if made, authorise 2 or more projects which are not interdependent, the Secretary of State may, if he considers it expedient, treat each such project separately for the purposes of paragraphs (3) to (13) above and the references above to an application or proposed application shall be construed as relating to such an individual project rather than to the application as a whole.

Plans, sections and books of reference

7.—(1) The plans referred to in rule 5(2)(a) above are—

- (a) a plan drawn to a suitable scale not smaller than 1:2500 showing clearly, in relation to existing features, the works described, or for which provision is made, in the draft order (but subject nevertheless to the provisions of paragraph (6) below);

(17) 1992 c. 53.

- (b) if 3 or more sheets of the plan described in sub-paragraph (a) above are provided, a key plan drawn to a suitable scale showing clearly the relationship between such sheets; and
- (c) a plan drawn to a suitable scale not smaller than 1:50,000 (and which may be the plan described in sub-paragraph (b) above) showing clearly the general location of any works and, in particular—
 - (i) the general line of route of a transport system, inland waterway or other works of a linear nature overall (or any part thereof) which exceeds 3 kilometres in length between its termini, and
 - (ii) the general location, in relation to the coast or river bank, of works of a kind described in section 3(1)(b),

where provision is made for such works in the draft order; and all such plans shall contain a reference to the National Grid base or, where this is not practicable, to the latitude and longitude of the site of the proposed works.

(2) The sections referred to in rule 5(2)(a) above are sections having a suitable vertical scale not smaller than 1:500 and showing, by reference to Ordnance Survey or Chart datum (but subject to the provisions of paragraph (6) below)—

- (a) on the same horizontal scale as the plan described at paragraph (1)(a) above, the levels of the intended works, including in particular where relevant—
 - (i) ground levels;
 - (ii) the height of every intended bridge, viaduct, aqueduct, embankment and elevated guideway;
 - (iii) the depth of every intended cutting and tunnel;
 - (iv) the levels of the bed of any tidal waters or inland waterway in which any works are intended to be situated; and
 - (v) the height of every structure or device (including a cable) intended to be erected above, on or below the surface of, or on or beneath the bed of, tidal waters or an inland waterway;
- (b) on a horizontal scale not smaller than 1:500, the span and vertical clearance of every intended bridge, viaduct, aqueduct, gantry and other structure or device (including a cable) described, or for which provision is made, in the draft order; and
- (c) in cross-section, on a horizontal scale not smaller than 1:500—
 - (i) the depths and water levels of every inland waterway;
 - (ii) the profile of every tunnel; and
 - (iii) the proposed gradient of the carriageway on either side of every level crossing, bridge, tunnel or underpass carrying the same;described, or for which provision is made, in the draft order.

(3) The plan referred to in rule 5(4) above is a plan drawn to a suitable scale not smaller than 1:2500 (and which may be the plan described in paragraph (1)(a) above) showing clearly the land—

- (a) over which it is proposed to acquire powers of compulsory acquisition or rights of use;
- (b) over which it is proposed that easements and other private rights (including private rights of navigation over water) shall be extinguished;
- (c) of which the applicant is the sole owner and occupier;
- (d) in which there subsists a Crown or Duchy interest (within the meaning of section 25(2)) whether or not there are other interests in such land.

(4) Where it is proposed in the draft order to acquire the power to make lateral deviation from the line of any proposed works, the limits of such deviation shall be clearly shown upon the plan described at paragraph (1)(a) above and the plan described at paragraph (3) above shall show clearly all land within the said limits of deviation which it is proposed shall be subject to powers of compulsory acquisition or rights of use or over which it is proposed that easements or other private rights (including private rights of navigation over water) shall be extinguished.

(5) The book of reference referred to in rule 5(4) above is a book which refers to the plan described at paragraph (3) above and which (subject to the provisions of paragraph (7) below)—

- (a) contains the names of all the persons who were, at the beginning of a period of 28 days ending on the date of the application, the owners and occupiers of the land which it is proposed shall be subject to powers of compulsory acquisition or rights of use and of all the persons who were, at the beginning of the said period, entitled to enjoy easements and other private rights over land (including private rights of navigation over water) which it is proposed shall be extinguished; and
- (b) where there is a Crown interest in land, specifies the owner of that interest; and
- (c) specifies land—
 - (i) the acquisition of which is subject to special parliamentary procedure; or
 - (ii) which is Green belt land within the meaning of section 2 of the Green Belt (London and Home Counties) Act 1938(18); or
 - (iii) for which other land is to be given in exchange; or
 - (iv) which is such exchange land;

provided that, where the applicant has made all reasonable enquiries necessary to obtain the foregoing information, the application shall not be invalidated by reason only of an error in, or the omission of information from, the book of reference.

(6) Where provision is made in a draft order for any works which are—

- (a) proposed to be formed or constructed for the accommodation of an owner or occupier of land adjacent to an intended transport system or inland waterway, or
- (b) ancillary to an intended transport system, inland waterway or works of a kind described in section 3(1)(b),

and the applicant is unable to show the detailed form or the precise position of such works at the date of the application, he shall not be obliged to show them as required by paragraph (1) or (2) above but shall give such indication of them as is reasonably practicable.

(7) Where the name of an owner or occupier of land or a person enjoying rights over land cannot be ascertained after reasonable enquiry, the applicant shall not be obliged to specify such information in the book of reference but shall indicate clearly in the book of reference that this information has, or might have, been omitted therefrom.

Deposit of copy application, etc, with other persons

8.—(1) The applicant shall serve a copy of the application and of every document (save for those specified in rule 5(1)(f) and (i) above) which is required by these Rules to accompany it, together with a statement containing the information set out in paragraph (5)(h) below, upon—

- (a) every local authority in whose area a transport system, inland waterway or other works to which the application relates is (or is to be) situated or, where the application relates only to a part of such system, waterway or works, upon every local authority in whose area such part is (or is to be) situated; and

(b) every relevant coastal authority.

(2) Where the application relates to works of a kind described in section 3(1)(b), the applicant shall serve a copy of the application and of every document (save for those specified in rule 5(1)(f) and (i) above) which is required by these Rules to accompany it, together with a statement containing the information set out in paragraph (5)(h) below, upon the Trinity House.

(3) In the case of an application for an order authorising the works or other matters specified in any of the categories in column (1) of the table in Schedule 5 below, the applicant shall serve upon each person named against such category in column (2) of that table a copy of the application and copies of the relevant documents, provided that the applicant shall not be obliged by virtue of this paragraph or paragraph (1) above to serve upon any of the said persons more than one copy of the same document.

(4) All documents required to be served upon any person by virtue of this rule shall be so served forthwith after the making of the application.

(5) In this rule, “relevant documents” means—

- (a) the draft of the proposed order;
- (b) the memorandum required by rule 5(1)(b) above;
- (c) a copy of any direction given under rule 12;
- (d) in the case of categories 1 to 6 (inclusive), 8 and 14 to 21 (inclusive) in the table in Schedule 5 below, the environmental statement and any waiver direction relating to it;
- (e) in the case of category 10 in the table in Schedule 5 below, the map referred to in rule 5(5) above;
- (f) in the case of categories 1 to 4 (inclusive), 7 and 9 to 11 (inclusive) in the table in Schedule 5 below, the estimate referred to in rule 5(2)(d) above;
- (g) such of the plans and sections described in rule 7 above as are required by these Rules to accompany the application and are relevant to the category of the table in Schedule 5 below under which the copy application is served; and
- (h) a statement specifying the capacity (or, if there is more than one, the capacities) in which the recipient is served, the period within which an objection to the application may be made and the address to which an objection is to be sent.

Publicity for application

9.—(1) The applicant shall, forthwith after the application has been made, publish in the London Gazette and, where the application relates to works of a kind referred to in section 3(1)(b), in Lloyd’s List a notice of the application, which shall state—

- (a) the name of the applicant and the address given pursuant to rule 4(1) above;
- (b) the name and address of the department to whose Secretary of State the application has been made;
- (c) concise particulars of the provisions contained in the draft order; and
- (d) the date of expiry of the period within which objections must be made.

(2) The applicant shall publish, in the newspapers prescribed by paragraph (3) below, a notice containing the information specified in paragraph (6) below, such notice to be published on 2 separate occasions, the first publication to be not more than 14 days before, and not later than, the date of the application and the second to be not more than 7 days after such date.

(3) The newspapers referred to in paragraph (2) above are—

- (a) in the case of an application relating to works situated, or proposed to be carried out, in tidal waters and not lying within the boundary of a local authority, a local newspaper circulating in the area of each relevant coastal authority; and
- (b) in every other case, a local newspaper circulating in each area in which the proposals contained in the application are intended to have effect.

(4) In the case of an application for an order authorising the works or other matters specified in any of the categories in column (1) of the table in Schedule 6 below, the applicant shall, forthwith after the application has been made, serve upon each person respectively named against such category in column (2) of that table a notice containing the information specified in paragraph (6) below, and every notice served under the provisions of this paragraph shall state the capacity (or, if there is more than one, the capacities) in which the recipient of the notice is served.

(5) Where the matters for which provision is made in the draft order are likely to have an impact on the environment (that is, on any of the things listed in paragraph 1(c) of Schedule 1 to these Rules) in, or in the waters adjacent to,—

- (a) Scotland, Northern Ireland, the Channel Islands or the Isle of Man (hereinafter in this paragraph referred to as “the Home Territories”), or
- (b) a foreign state which is a Contracting Party to the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention)⁽¹⁹⁾,

the applicant shall publish, in such national or local newspapers circulating, respectively, in the relevant part of the Home Territories or in that foreign state as the Secretary of State may direct, a notice containing the information specified in either paragraph (1) or paragraph (6) of this rule as required by that direction.

(6) The information referred to in paragraphs (2), (4) and (5) above is—

- (a) the name of the applicant;
- (b) the name and address of the department to whose Secretary of State the application is being or has been made;
- (c) a concise summary of the matters for which provision is, or is to be, made in the draft order (including, in a case to which paragraph (7) or (8) of rule 5 applies, a statement that deemed planning permission or hazardous substances consent, as the case may be, is being applied for);
- (d) where applicable, a statement that a waiver direction has been given;
- (e) the names of all places, within the relevant area (or as close as reasonably possible to that area), where a copy of the application and of the documents (other than those specified in rule 5(1)(f) and (i) above) which are required by these Rules to accompany it may be inspected free of charge at all reasonable hours during a period specified in the notice, being a period of not less than 42 days from the date of the application (or intended application); and
- (f) a statement that, within the said period, any person may object to the making of the order by notice in writing given to the Secretary of State at the address of his department (which shall be specified) and stating the grounds of objection;

provided that, in the case of a notice required to be published in a local newspaper (whether in England and Wales or elsewhere), it shall not be necessary for the notice to give any information pursuant to sub-paragraph (c) or (e) above concerning a proposal contained in the application which is not relevant to the area in which such newspaper circulates.

(7) In the case of an application for an order providing for any of the matters specified in rule 5(3) above the applicant shall, forthwith after the application has been made, post a notice in the

⁽¹⁹⁾ Cm. 1645.

form of Form 2 in Schedule 3 below upon, or as close as reasonably practicable to, the site of any proposed works so as to be accessible to the public and, where the proposed order makes provision for a transport system or inland waterway of a linear nature overall and exceeding 5 kilometres in length, such a notice shall be posted at intervals of not more than 5 kilometres.

- (8) In the case of an application for an order authorising—
- (a) the extinguishment of a public right of way; or
 - (b) the stopping-up or diversion of a street or the restriction on the use of a street by any persons or traffic where it is proposed that such stopping-up, diversion or restriction shall be permanent or (in a case where the street is specifically named in the draft order) temporary;

the applicant shall, forthwith after the application has been made, post a notice in the form of Form 3 in Schedule 3 below, upon the street at, or as close as reasonably practicable to, each point of extinguishment, stopping-up, diversion or restriction.

(9) In the case of an application for an order providing for the discontinuance of all railway passenger or tramway services from any station, or upon any line, to which the provisions of sections 54 and 56 of the Transport Act 1962(20) apply, the applicant shall, forthwith after the application has been made, post a notice in the form of Form 4 in Schedule 3 below at every station to be closed and every station directly served by the line to be closed to passenger services.

(10) The applicant shall use his best endeavours to maintain every notice posted under the provisions of paragraphs (7), (8) and (9) above for a period of 42 days.

(11) Copies of the draft order, the memorandum referred to in rule 5(1)(b) above and the environmental statement (or such parts of it as have been submitted either with the application or subsequently) shall be made available for sale at a reasonable price as soon as reasonably practicable after the date of the application and information as to how these documents may be purchased shall be displayed at every place at which the application and the said documents are made available for inspection.

(12) Subject to the payment of a reasonable charge therefor, the applicant shall supply to any person who so requests a copy or copies of any document (other than those referred to in paragraph (11) above) required by these Rules to accompany the application.

Notices to owners and occupiers

10.—(1) Not later than the date of the application the applicant shall serve upon every person, other than the applicant, named in the book of reference described in rule 7(5) a notice in the form of Form 5 in Schedule 3 below.

(2) In every case to which the provisions of rule 7(7) above apply, the applicant shall not later than the date of the application serve a notice in the said form in the manner provided in section 66(4).

Minor additions to, and amendments of, documentation after application made

11.—(1) Subject to paragraphs (2) and (3) below, the applicant may submit to the Secretary of State after the date of the application—

- (a) a document containing information additional to that submitted with the application, or
- (b) a document amending a document submitted with the application.

(2) Paragraph (1) above does not apply—

(20) 1962 c. 46. Section 56 was amended by the Transport Act 1968 (c. 73), sections 55(5) and 165(a) and Schedule 18, Part I; the Transport Act 1962 (Amendment) Act 1981 (c. 32), section 1(2); and the London Regional Passengers' Committee is an Area Committee by virtue of section 41(1) of the London Regional Transport Act 1984 (c. 32).

- (a) to any document to which rule 6(12) above applies; or
 - (b) where the amending or additional document contains, expressly or by implication, a proposal to authorise the compulsory acquisition of land or the right to use land or the compulsory extinguishment of easements or other private rights over land (including private rights of navigation over water) which was not contained in the application in question; or
 - (c) where the amending or additional document contains, expressly or by implication, proposals which would, in the opinion of the Secretary of State, materially alter the character of the matters for which provision is made in the draft order.
- (3) Where the Secretary of State has given notice of his intention to hold a public local inquiry, no amending or additional document may be served under the provisions of this rule after the date upon which the applicant is obliged, by rules made under section 9 of the Tribunals and Inquiries Act 1992, to serve upon the Secretary of State a full statement of the case he intends to put to the inquiry.
- (4) Where an applicant submits a document under paragraph (1) above, he shall comply with rule 8 above as if it applied to that document and as if a reference to the date of submission of the document were substituted for the reference therein to the making of the application.

Waiver of requirements in relation to applications

12.—(1) An applicant may, at any time before or after making an application, submit a request in writing to the Secretary of State for a direction that any provision contained in rules 3, 4, 5 (except paragraph (1)(f) and (g) thereof), 7 to 10 (inclusive) and 11(4) shall not apply (or shall apply in part only) to an application he has made or proposes to make.

(2) A request made under paragraph (1) above shall state the reasons why it is made.

(3) The Secretary of State may, where he is satisfied that it is impossible, impracticable or unnecessary for the applicant to comply with any relevant provision, and subject to the provisions of paragraph (4) below, direct that such provision shall not apply (or shall apply in part only) to the application.

(4) Where—

- (a) the application in respect of which a request has been made is an amended application;
- (b) the Secretary of State has not at the date of the request made a determination in respect of the earlier application;
- (c) it appears to the Secretary of State that the applicant, in making the earlier application, has complied in all material respects with the relevant provision in relation to the amended application; and
- (d) the Secretary of State is satisfied that it is appropriate to do so;

the Secretary of State shall direct that such provision shall not apply to the amended application.

(5) Where the Secretary of State makes a direction under paragraph (3) above, he may impose on the applicant a condition that he shall comply with the relevant provision (in whole or in part) at such later date as may be specified in the direction.

(6) In this rule—

“amended application” means an application which relates to substantially the same subject-matter as an application made earlier by the same applicant, but which contains amended proposals, and “earlier application” shall be construed accordingly;

“relevant provision” means a provision which is the subject of a request made under paragraph (1) above.

Compliance with rules which would not otherwise apply

13.—(1) The Secretary of State may, where he considers it appropriate to do so, give general directions or directions applicable to a specified class of application requiring an applicant to comply with all or any of the provisions of rule 3 above, which, by virtue of that rule, would not otherwise apply to the applications in question.

(2) The Secretary of State may, in any case where he considers it appropriate to do so, by notice in writing served upon an applicant not later than 42 days after the date of the application, require the applicant to comply with such of the provisions contained in rules 5, 7, 8, 9 and 10 above as may be specified in the notice notwithstanding that the applicant would not otherwise be obliged to comply with such provisions.

(3) A notice served under the provisions of paragraph (2) above shall state the reasons why the requirement is made.

(4) Where a requirement imposed under the provisions of paragraph (2) above involves the submission or service of a document or the service, publication or posting of a notice, the applicant shall comply with such requirement within such reasonable time as may be specified in the notice served under paragraph (2).

Fees for applications

14. The fees payable upon the making of an application are fees calculated in accordance with Schedule 7 below.

Orders made by the Secretary of State under section 7

15.—(1) The foregoing rules shall apply to a proposal by the Secretary of State to make an order under the provisions of section 7 with the following modifications.

(2) The following rules shall not apply—

- rule 4;
- sub-paragraphs (c), (d), (e) and (f) of rule 5(1);
- sub-paragraphs (b) and (c) of rule 5(2);
- rule 5(9);
- paragraphs (1), (2), (3) and (9) of rule 6;
- paragraphs (1), (2), (3) and (5) of rule 12; and
- rule 13.

(3) In rule 6(4), for the words from “42 days” to “has been provided”, there shall be substituted the words “the date of the application”.

(4) In rule 11(3), for the words from “after the date” to “intends to put to” there shall be substituted the words “less than 14 days before the date of”.

(5) For paragraphs (1) to (3) of rule 12 there shall be substituted—

“(1) The Secretary of State may, where he is satisfied that it is impossible, impracticable or unnecessary for such a provision to be complied with, and subject to the provisions of paragraph (4) below, direct that any provision contained in rules 3, 4, 5 (except paragraph (1) (g) thereof), 7 to 10 (inclusive) and 11(4) shall not apply (or shall apply in part only) to his application.”

(6) A notice of a proposal to make an order published by the Secretary of State pursuant to section 7(3)(b) shall contain the address to which all objections, notices and other correspondence

relating to the proposal are to be sent and a reference number to be quoted in all communications relating to such proposal.

Objections and representations: general

16.—(1) Subject to paragraph (2) below, no objection shall be valid unless—

- (a) it is made not later than 42 days after the date of the application;
- (b) it is in writing addressed to the Secretary of State;
- (c) it states the grounds of objection; and
- (d) it contains the objector's name and address.

(2) Where an objection relates to information supplied or documents submitted after the application pursuant to rule 6, 11(1) or 13(2) above an objection will be valid if it is made not later than 42 days after the date upon which the information is supplied or the document submitted to the Secretary of State.

(3) Any person other than the applicant may submit representations other than objections to the Secretary of State not later than 42 days after the date of the application.

(4) In this rule and in rules 17 to 20 below, a reference to an objection or representations includes a reference to any document submitted therewith.

Notice of objections and other representations

17.—(1) The Secretary of State shall, as soon as reasonably practicable after an objection has been made, or representations made pursuant to rule 16(3) have been received, serve a copy thereof upon the applicant.

(2) As soon as reasonably practicable after the expiry of the period allowed for the making of objections the Secretary of State shall serve upon the applicant (where he is not the Secretary of State) a list of all objections he has received stating, in each case—

- (a) the name and address of the objector;
- (b) the date or receipt of the objection; and
- (c) the reference number given to the objection.

Application of written representations procedure

18.—(1) In this rule—

“statutory objector” means a person within section 11(4);

“the operative date” means the date falling 28 days after the expiry of the period for making objections specified in rule 16(1)(a) above.

(2) Subject to paragraphs (3), (4) and (5) below, rule 19 below shall apply to an objection unless not later than the operative date the Secretary of State has—

- (a) given written notice in accordance with rules made under section 9 of the Tribunals and Inquiries Act 1992 that he will cause a public local inquiry to be held; or
- (b) given written notice to the applicant and every objector that the objection in question will be dealt with in accordance with section 11(2); or
- (c) informed an objector and the applicant that the objection falls within paragraph (a) or (b) of section 10(3); or

(d) published a notice in the London Gazette in accordance with section 9(2) identifying the application and the proposals contained therein as being in his opinion of national significance.

(3) Rule 19 below shall not apply if, not later than the operative date, a statutory objector informs the Secretary of State in writing that he wishes the objection to be referred to a public local inquiry or dealt with in accordance with section 11(2).

(4) Rule 19 below shall cease to apply to an objection if after the operative date either the Secretary of State or a statutory objector, as the case may be, takes in relation to that objection one of the steps mentioned in paragraph (2) or (3) above.

(5) Notwithstanding that one of the steps mentioned in paragraph (2) or (3) above has been taken, the Secretary of State may, with the consent of the applicant and every statutory objector, and after consulting such other persons as he thinks fit, direct that rule 19 below shall apply to an objection from the date of such direction provided that where any of the steps required to be taken under those rules have been taken before the date of such direction they shall not be taken again.

Procedure by written representations

19.—(1) Where none of the steps mentioned in paragraphs (2) and (3) of rule 18 above have been taken by the operative date, the Secretary of State shall notify the applicant, every objector and every person who has made representations pursuant to rule 16(3) above that the provisions of this rule apply.

(2) The applicant, where he is not the Secretary of State, may, not later than 28 days after the date of the giving of such notification to him, submit to the Secretary of State representations upon each objection and, where the applicant is the Secretary of State, he may within the said period submit in writing his representations upon an objection to the relevant objector advising him of his rights under paragraph (4) below.

(3) The Secretary of State shall, not later than 7 days after the receipt of representations from an applicant pursuant to paragraph (2) above, serve a copy upon the objector advising him of his rights under paragraph (4) below.

(4) An objector may, not later than 21 days after the service of the applicant's representations, or of a copy thereof, under paragraph (2) or (3) above, reply in writing to the Secretary of State and, where the Secretary of State is not the applicant, he shall, not later than 7 days after the receipt of such reply, serve a copy thereof upon the applicant.

(5) The Secretary of State may, at any time before the making of a determination under section 13, by notice in writing require the applicant (where he is not the Secretary of State) or any objector to submit within such reasonable time as the notice may specify such further information in relation to an application or objection as the notice may specify but the Secretary of State shall, in such a case, not make a determination until he has afforded to any person whom he considers to be affected by such further information a reasonable opportunity of commenting upon it.

Submission of written objections, etc, to inquiry or hearing

20. Where the Secretary of State causes a public local inquiry to be held or gives an objector an opportunity of being heard before a person appointed by the Secretary of State, the Secretary of State shall submit every objection and all representations made pursuant to rule 16(3) above either to the inquiry inspector or to the person so appointed, as the case may be, as soon as it is reasonably practicable to do so.

Power to set later time limits

21. The Secretary of State may in a particular case allow further time for the taking of any step (including a step which he is required or enabled to take himself) which may or must be taken pursuant to these Rules and all reference to a date by which or a period within which any step is required to be taken shall be construed accordingly.

Signed by authority of the Secretary of State for Transport

19th November 1992

Roger Freeman
Department of Transport

Signed by authority of the Secretary of State for the Environment

19th November 1992

Lord Strathclyde
Parliamentary Under-Secretary of State,
Department of the Environment

SCHEDULE 1

Rule 2

ENVIRONMENTAL STATEMENTS

1. The specified information is—
 - (a) a description of the proposed project, comprising information about the site and the design and size or scale thereof;
 - (b) the data necessary to identify and assess the main effects which that project is likely to have on the environment;
 - (c) a description of the likely significant effects, direct and indirect, of the project on the environment, explained by reference to its possible impact on—
 - human beings;
 - fauna;
 - flora;
 - soil;
 - water;
 - air;
 - climate;
 - the landscape;
 - the inter-action between any of the foregoing;
 - material assets;
 - the cultural heritage;
 - (d) where significant adverse effects are identified with respect to any of the foregoing, a description of the measures envisaged in order to avoid, reduce or remedy those effects; and
 - (e) a summary in non-technical language of the information on the matters referred to above.
2. The further information is information on any of the following matters—
 - (a) the physical characteristics of the proposed project, and the land-use requirements during the construction and operational phases;
 - (b) the main characteristics of any proposed processes, including the nature and quality of the materials to be used;
 - (c) the estimated type and quantity of expected residues and emissions (including pollutants of water, air or soil, noise, vibration, light, heat and radiation) resulting from the proposed development project when in operation;
 - (d) (in outline) the main alternatives (if any) studied by the applicant, and an indication of the main reasons for choosing the project (or form of the project) proposed, taking into account the environmental effects;
 - (e) the likely significant direct and indirect effects on the environment of the project proposed which may result from—
 - (i) the use of natural resources;
 - (ii) the emission of pollutants, the creation of nuisances, and the elimination of waste;
 - (f) the forecasting methods used to assess any effects on the environment about which information is given under sub-paragraph (e); and

- (g) any difficulties, such as technical deficiencies or lack of know-how, encountered in compiling any specified information.

In paragraph (e), “effects” includes secondary, cumulative, short-, medium- and long-term, permanent, temporary, positive and negative effects.

3. With the further information included pursuant to paragraph 2, a non-technical summary of that information.

SCHEDULE 2

Rule 3(2)

PERSONS TO BE SERVED WITH NOTICE OF INTENDED APPLICATION

(1) Authority sought in order:—	(2) Persons to be served:—
<p>1. Works affecting the foreshore below mean high water spring tides, tidal waters, or the bed of, or the subsoil beneath tidal waters.</p>	<p>(a) <i>In or adjacent to England or Wales</i>, the Crown Estate Commissioners and the National Rivers Authority; and</p> <p>(b) <i>In or adjacent to England</i>, the Minister of Agriculture, Fisheries and Food; and</p> <p>(c) <i>In or adjacent to Wales</i>, the Secretary of State for Wales; and</p> <p>(d) <i>In or adjacent to the counties of Devon and Cornwall and the Isles of Scilly</i>, the Duchy of Cornwall; and</p> <p>(e) <i>In or adjacent to the counties of Cumbria, Lancashire, Merseyside and Cheshire</i>, the Duchy of Lancaster.</p>
<p>2. Works affecting the banks or the bed of, or the subsoil beneath, a river.</p>	<p>(a) <i>In or adjacent to England or Wales</i>, the National Rivers Authority, the Crown Estate Commissioners, each operator; and</p> <p>(b) <i>In or adjacent to the counties of Devon and Cornwall, and the Isles of Scilly</i>, the Duchy of Cornwall; and</p> <p>(c) <i>In or adjacent to the counties of Cumbria, Lancashire, Merseyside and Cheshire</i>, the Duchy of Lancaster.</p>
<p>3. Works affecting the banks or the bed of, or the subsoil beneath, an inland waterway comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving the undertaking.</p>	<p>3. The British Waterways Board (unless the Board is the applicant), the Inland Waterways Amenity Advisory Council and the National Rivers Authority.</p>
<p>4. Works affecting the banks or the bed of, or the subsoil beneath, a canal or inland</p>	<p>4. The relevant operator; and the National Rivers Authority.</p>

(1) Authority sought in order:—	(2) Persons to be served:—
navigation not comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving such canal or inland navigation.	
5. Works causing or likely to cause an obstruction to the passage of fish in a river.	(a) <i>In England</i> , the Minister of Agriculture, Fisheries and Food; and
6. Works involving tunnelling or excavation deeper than 3 metres below the surface of the land, other than for piling or making soil tests.	(b) <i>In Wales</i> , the Secretary of State for Wales.
7. Works affecting an area under the control of a harbour authority as defined in section 57(1) of the Harbours Act 1964 (21) .	6. The National Rivers Authority.
8. Works affecting a site protected under the Protection of Wrecks Act 1973 (22) .	7. The relevant harbour authority and the relevant navigation authority (if different).
9. Works affecting, or involving the stopping up or diversion of, a street, or affecting a proposed highway.	(a) <i>In or adjacent to England</i> , the Secretary of State for National Heritage; and
10. Works likely to affect the volume or character of traffic entering or leaving—	(b) <i>In or adjacent to Wales</i> , the Secretary of State for Wales.
(i) a special road or trunk road; or	(a) The relevant highway authority; and
(ii) any other classified road.	(b) Where the street is not a highway maintainable at the public expense, the street managers within the meaning of section 49(4) of the New Roads and Street Works Act 1991 (23) .
11. The construction of a transport system involving the placing of equipment in or over a street.	(i)
12. Works affecting land in, on or over which is laid the apparatus of a statutory undertaker.	(a) <i>In England</i> , the Secretary of State for Transport; and
	(b) <i>In Wales</i> , the Secretary of State for Wales.
	(ii) The relevant highway authority.
	(a) The relevant street authority within the meaning of section 49(1) of the New Roads and Street Works Act 1991; and
	(b) <i>In Greater London alone</i> , the Traffic Director for London.
	12. The relevant statutory undertaker.

(21) 1964 c. 40.

(22) 1973 c. 33.

(23) 1991 c. 22.

(1) Authority sought in order:—	(2) Persons to be served:—
13. Works in an area of coal working notified to the local planning authority by the British Coal Corporation.	13. The British Coal Corporation.
14. Works affecting: <ul style="list-style-type: none"> (a) a building listed under Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽²⁴⁾; or (b) an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979⁽²⁵⁾. 	<ul style="list-style-type: none"> (a) <i>In or adjacent to England</i>, the Historic Buildings and Monuments Commission for England and The Royal Commission on the Historical Monuments of England; and (b) <i>In or adjacent to Wales</i>, the Secretary of State for Wales (Cadw) and the Royal Commission on Ancient and Historical Monuments in Wales.
15. Works affecting: <ul style="list-style-type: none"> (a) a conservation area designated under Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990; or (b) an area of archaeological importance designated under section 33 of the Ancient Monuments and Archaeological Areas Act 1979. 	<ul style="list-style-type: none"> (a) <i>In England</i>, the Historic Buildings and Monuments Commission for England; and (b) <i>In Wales</i>, the Secretary of State for Wales (Cadw).
16. Works affecting a garden or other land of historic interest registered pursuant to section 8C of the Historic Buildings and Monuments Act 1953 ⁽²⁶⁾	<ul style="list-style-type: none"> (a) <i>In England</i>, the Historic Buildings and Monuments Commission for England; and (b) <i>In Wales</i>, the Secretary of State for Wales (Cadw).
17. Works which are either: <ul style="list-style-type: none"> (a) within 3 kilometres of Windsor Castle, Windsor Great Park or Windsor Home Park; or (b) within 800 metres of any other royal palace or royal park and which are likely to affect the amenity or security thereof. 	17. The Secretary of State for National Heritage.
18. Works affecting any land on which there is a theatre as defined in the Theatres Trust Act 1976 ⁽²⁷⁾ .	18. The Theatres Trust.
19. Works in Greater London or the metropolitan counties of Greater Manchester and Merseyside which are within 250 metres of land which:	19. The waste regulation or disposal authority constituted by the Waste Regulation and Disposal (Authorities) Order 1985 ⁽²⁸⁾

(24) 1990 c. 9.

(25) 1979 c. 46.

(26) 1953 c. 49. Section 8C was inserted by the National Heritage Act 1983 (c. 47), section 33 and Schedule 4, paragraph 10.

(27) 1976 c. 27.

(28) S.I. 1985/1884.

(1) Authority sought in order:—	(2) Persons to be served:—
<p>(a) is, or has been within 30 years immediately prior to the date of the notice given under rule 3(2), used for the deposit of refuse or waste; or</p> <p>(b) has been notified to the local planning authority by the waste regulation or disposal authority for the relevant area.</p> <p>20. The carrying out of an operation requiring hazardous substances consent under the Planning (Hazardous Substances) Act 1990.</p> <p>21. Works not in accordance with a development plan and which either:</p> <p>(a) involve the loss of not less than 20 hectares of agricultural land of grades 1, 2 and 3a (in aggregate); or</p> <p>(b) taken with other associated works cumulatively involve the loss of not less than 20 hectares of such land.</p> <p>22. To construct, alter or demolish a transport system or to carry out works ancillary to its operation or works consequential upon its abandonment or demolition.</p> <p>23. To discontinue all railway passenger or tramway services from any railway station or line to which the provisions of sections 54 and 56 of the Transport Act 1962 apply.</p>	<p>20. The hazardous substances authority as defined in that Act and the Health and Safety Executive.</p> <p>(a) <i>In England</i>, the Minister of Agriculture, Fisheries and Food; and</p> <p>(b) <i>In Wales</i>, the Secretary of State for Wales.</p> <p>22. Her Majesty's Railway Inspectorate.</p> <p>23. Every relevant Area Committee (as defined in section 56(1) of the Transport Act 1962) or the London Regional Passengers' Committee as the case may be.</p>

SCHEDULE 3

Rules 3, 9 and 10

FORMS OF NOTICE

FORM 1 The Transport and Works Act 1992 The Transport and Works (Applications and Objections Procedure) Rules 1992 NOTICE OF INTENDED APPLICATION

(21) 1964 c. 40.

(22) 1973 c. 33.

(23) 1991 c. 22.

(24) 1990 c. 9.

(25) 1979 c. 46.

(26) 1953 c. 49. Section 8C was inserted by the National Heritage Act 1983 (c. 47), section 33 and Schedule 4, paragraph 10.

(27) 1976 c. 27.

(28) S.I. 1985/1884.

Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

Rule 3(2) and (3)

To: (a) _____

I, (b)

[for and on behalf of (c) _____]

HEREBY GIVE NOTICE that *I intend [(c) intends] to apply, not earlier than 28 days from the date of this notice, for an order under section *[1] [3] of the above-mentioned Act for the purposes brief details of which are set out in the Schedule below.

This notice is served pursuant to rule *[3(3) of] [3(2) of and Schedule 2 to] the above-mentioned Rules *[because authority is sought in the order for the matters specified in category (d) of Schedule 2].

*[You are requested to disclose such information as you have in your possession (other than confidential information) in relation to (c)

for the purpose of enabling *[me] [the said applicant] to prepare the environmental statement required by the said Rules.]

Signed: _____

*On behalf of: _____

Date: _____

Name and status of signatory: _____

Address for correspondence:

SCHEDULE

Lands affected by provisions of proposed order (if any):

Brief description of works (if any):

Other matters for which authority sought (f):

*delete where inappropriate

Notes

- (a) Name and address of intended recipient.
- (b) Name of applicant or authorised signatory (see rule 4 of the above-mentioned Rules).
- (c) Name of applicant.
- (d) Insert relevant category number.
- (e) Specify brief details of all relevant information you believe the recipient may have (see rule 6 of and Schedule 1 to the above-mentioned Rules).
- (f) Specify all matters which are important in relation to the above-mentioned Rules or otherwise.

**FORM 2The Transport and Works Act 1992The Transport and Works (Applications and
Objections Procedure) Rules 1992NOTICE OF PROPOSED WORKS**

*Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.*

Rule 9(7)

NOTICE IS HEREBY GIVEN that (a)

of (a) has applied, pursuant to section 6 of the above-mentioned Act, for an order under section *[1] [3] of that Act authorising the carrying out on the lands described in Schedule 1 below of the works described in Schedule 2 below.

A copy of the application, and of all plans and other documents submitted with it, may be inspected free of charge between the hours of (b) and on (b) to at (c) until (d)

Any person who wishes to make an objection to the application or otherwise submit representations about the proposals should write to the Secretary of State for (e) at (e). Such objections or representations must arrive not later than (d). An objection will not be valid unless it is (i) received by the due date, (ii) made in writing, (iii) states the grounds of objection and (iv) gives the objector's name and address.

Signed: _____

*On behalf of: _____

Date: _____

Name and status of signatory: _____

SCHEDULE 1

Lands affected (f)

SCHEDULE 2

Description of Works (f)

*delete where inappropriate

Notes

- (a) Name of applicant and address for service of documents.
- (b) Times for inspection (hours of the day and days of the week) must give the general public a reasonable opportunity for access.
- (c) Place where the application, etc, may be inspected.
- (d) Date not less than 42 days from date of application.
- (e) Name and address of Secretary of State's department.
- (f) Description of lands and works may vary between locations of notices but must be clear. A plan may be helpful.

FORM 3 The Transport and Works Act 1992 The Transport and Works (Applications and Objections Procedure) Rules 1992 NOTICE OF APPLICATION TO *[EXTINGUISH RIGHTS OF WAY OVER] [STOP UP] [DIVERT] [TEMPORARILY] [RESTRICT USE OF] A [STREET] [PUBLIC FOOTPATH/ETC]

Rule 9(8)

NOTICE IS HEREBY GIVEN that (a) _____ has applied, pursuant to section 6 of the above-mentioned Act for an order under section *[1] [3] of that Act authorising the *[extinguishment of rights of way on foot/with vehicles/etc over] [stopping up] [diversion] [restriction of use] [of] the *[street] [public highway/footpath/bridleway] [No.] [known as] (b) _____ between (c) _____ and (c) _____ *(d) to a line of route extending between and _____].

*[The period of such [stopping up] [diversion] [restriction] applied for is (e) _____ *months/years.]

This authority is sought in connection with (f) _____ .

A copy of the application, and of all plans and other documents submitted with it, may be inspected free of charge between the hours of (g) _____ and _____ on (g) _____ to _____ at (h) _____ until (j) _____ .

Any person who wishes to make an objection to the application or otherwise submit representations about the proposals should write to the Secretary of State for (k) _____ . Such objections or representations must arrive not later than (j) _____ . An objection will not be valid unless it is (i) received by the due date, (ii) made in writing, (iii) states the grounds of objection and (iv) gives the objector's name and address.

Signed: _____

*On behalf of: _____

Date: _____

Name and status of signatory: _____

*delete or amend as appropriate

Notes

- (a) Name of applicant and address for service of documents.
- (b) Number of footpath/bridleway or name/road number of other street.
- (c) Describe points between which street is to be stopped up (whether diverted or not) or restricted.
- (d) Describe line of route of diverted street.
- (e) State period of closure required.
- (f) Insert short details of works or other project giving rise to requirement.
- (g) Times of inspection (hours of the day and days of the week) must give the general public a reasonable opportunity for access.
- (h) Place where the application etc may be inspected.
- (j) Date not less than 42 days from date of application.
- (k) Name and address of Secretary of State's department.

Status: This is the original version (as it was originally made). UK
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FORM 4The Transport and Works Act 1992The Transport and Works (Applications and
Objections Procedure) Rules 1992NOTICE OF APPLICATION TO CLOSE [STATION]
[TRAMWAY] [RAILWAY LINE TO PASSENGER SERVICES]

Rule 9(9)

NOTICE IS HEREBY GIVEN that (a)
of (a)
has applied, pursuant to section 6 of the above-mentioned Act, for an order under section 1 of that
Act authorising the closure of the *[station] [and] [railway line] [tramway] specified in Schedule 1
below *[to passenger traffic] after the (b)

This authority is sought in connection with (c)

A copy of the application, and of all plans and other documents submitted with it, may be
inspected free of charge between the hours of (d) and on (d)
to at (e)
until (f)

Any person who wishes to make an objection to the application or otherwise submit
representations about the proposal should write to the Secretary of State for Transport at (g)
with a copy to the Secretary of the (h)

Such objections or representations must arrive not later than (f)
. An objection will not be valid unless it is (i) received by the due date, (ii) made
in writing, (iii) states the grounds of objection and (iv) gives the objector's name and address.

It appears to the applicant named above that the alternative services described in Schedule 2 below
will be available.

Signed: _____

*On behalf of: _____

Date: _____

Name and status of signatory: _____

SCHEDULE 1(j)

SCHEDULE 2(k)

*delete where inappropriate

Notes

- (a) Name of applicant and address for service of documents.
- (b) Specify date after which station, line or tramway is to be closed. The date specified in a notice published under section 56(7) of the Transport Act 1962 or equivalent statutory provision, where applicable, should be given.
- (c) Insert short details of project giving rise to closure.
- (d) Times of inspection (hours of the day and days of the week) must give the general public a reasonable opportunity for access.
- (e) Place where the application, etc. may be inspected.
- (f) Date not less than 42 days from date of application.
- (g) Address of Secretary of State's department.
- (h) Name and address of Area Transport Users' Consultative Committee. More than one may be affected.
- (j) Insert name(s) of station(s) and/or line(s) involved. Please attach a map if practicable.
- (k) Set out particulars of alternative services by train, bus, tramcar or other mode of transport, both existing and/or to be provided.

Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

**FORM 5The Transport and Works Act 1992The Transport and Works (Applications and
Objections Procedure) Rules 1992NOTICE OF APPLICATION FOR COMPULSORY
PURCHASE POWERS**

To: (a) _____

NOTICE IS HEREBY GIVEN that (b)
of (b)
is applying, pursuant to section 6 of the above-mentioned Act, for an order under section *[1][3] of
that Act authorising the compulsory [purchase of the lands/rights] [extinguishment of the rights]
described in the Schedule below.

This authority is sought in connection with (c)

A copy of the application, and of all plans and other documents submitted with it, may be
inspected free of charge between the hours of (d) and on (d)
to at (e) until (f)

If you wish to make an objection to the application or otherwise submit representations about the
proposals, you must write to the Secretary of State for (g) at (g)
. Such objections or representations must arrive not later than
(f). An objection will not be valid unless it is (i) received by the due date, (ii)
made in writing, (iii) states the grounds of objection and (iv) gives the objector's name and address.

In a case where an objection is made (and not withdrawn) by a person who is an owner, lessee or
occupier (except a tenant for a month or less), the Secretary of State must cause a public local
inquiry or a hearing to be held so as to afford that objector an opportunity to be heard if that
person makes a written request for an inquiry or hearing.

Signed: _____

*On behalf of: _____

Date: _____

Name and status of signatory: _____

SCHEDULE

Description of lands or rights to be acquired (h)

*delete where inappropriate

Notes

- (a) Name and address of landowner or occupier.
- (b) Name of applicant and address for service of documents.
- (c) Insert short details of works or other project giving rise to requirement.
- (d) Times for inspection (hours of the day and days of the week) must give the recipient a reasonable opportunity for access.
- (e) Place where the application etc may be inspected.
- (f) Date not less than 42 days from date of application.
- (g) Name and address of Secretary of State's department.
- (h) Description should be such as to show in clear terms which land is affected and how. Please attach a plan where reasonably convenient.

SCHEDULE 4

Rule 5(2)

FORM OF ESTIMATE OF COSTS

Purpose	Amount £
A. General	
1. Surveying, drilling and soil sampling.	
2. Preparation of plans, sections and books of reference.	
3. Acquisition of land and rights over land.	
4. Earthworks (including land reclamation and landscaping).	
5. Fees of professional and other advisers.	
B. Transport systems	
1. Tunnels and bridges.	
2. Highway works, including alterations to and relocation of existing services and statutory undertakers' apparatus.	
3. Permanent way or other supporting/guiding structures.	
4. Workshops, depots, stations and other buildings.	
5. Electrical plant and equipment.	
6. Signalling and communications.	
7. Vehicles.	
8. Alteration, modification and removal of existing works.	
9. Other major items (to be specified).	
C. Inland waterways	
1. Tunnels, bridges and aqueducts.	
2. Canals, pounds and locks.	
3. Reservoirs, sluices, spillways and culverts.	
4. Wharves and other moorings.	
5. Diversion, alteration, modification and abandonment of existing waterways.	
6. Other major items (to be specified).	
D. Works which interfere with rights of navigation	
1. The principal components of each description of works prescribed by an order made under section 4.	
2. Plant, equipment and ancillary works required in connection with such works.	
3. Other major items (to be specified).	

SCHEDULE 5

Rule 8(3)

PERSONS TO RECEIVE COPY OF APPLICATION AND DOCUMENTS

(1) Authority sought in order:—	(2) Documents to be deposited with:—
1. Works affecting the foreshore below mean high water spring tides, or tidal waters, or the bed of, or the subsoil beneath, tidal waters.	(a) <i>In or adjacent to England or Wales</i> , the Crown Estate Commissioners; the Trinity House; and the National Rivers Authority; and
	(b) <i>In or adjacent to the counties of Devon and Cornwall and the Isles of Scilly</i> , the Duchy of Cornwall; and

(1) Authority sought in order:—	(2) Documents to be deposited with:—
2. Works affecting the banks or the bed of, or the subsoil beneath, a river.	(c) <i>In or adjacent to the counties of Cumbria, Lancashire, Merseyside and Cheshire, the Duchy of Lancaster.</i>
3. Works affecting the banks or the bed of, or the subsoil beneath, an inland waterway comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving the undertaking.	2. The National Rivers Authority and each operator. 3. The British Waterways Board (unless the Board is the applicant), the Inland Waterways Amenity Advisory Council, the National Rivers Authority and (except for applications under section 3(1)(a)) the Secretary of State for the Environment.
4. Works affecting the banks or the bed of, or the subsoil beneath, a canal or inland navigation not comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving such canal or inland navigation.	4. The relevant operator and the National Rivers Authority.
5. Works causing or likely to cause an obstruction to the passage of fish in a river.	(a) <i>In England</i> , the Minister of Agriculture, Fisheries and Food; and (b) <i>In Wales</i> , the Secretary of State for Wales.
6. Works involving tunnelling or excavation deeper than 3 metres below the surface of the land, other than for piling or making soil tests.	6. The National Rivers Authority.
7. Works affecting an area under the control of a harbour authority as defined in section 57(1) of the Harbours Act 1964.	7. The relevant harbour authority and the relevant navigation authority (if different).
8. Works affecting a site protected under the Protection of Wrecks Act 1973.	(a) <i>In or adjacent to England</i> , the Secretary of State for National Heritage; and (b) <i>In or adjacent to Wales</i> , the Secretary of State for Wales.
9. Works affecting, or involving the stopping up or diversion of, a street, or affecting a proposed highway.	(a) The relevant highway authority; and (b) Where the street is not maintainable at the public expense, the street managers within the meaning of section 49(4) of the New Roads and Street Works Act 1991.
10. The stopping up or diversion of a public footpath or bridleway (including a byway open to all traffic) or a cycle track.	(a) <i>In England or Wales</i> , every parish or community council in whose area the relevant way or track is, or is proposed to be, situated, the Auto-Cycle Union, the British Horse Society, the Byways and Bridleways

(1) Authority sought in order:—

(2) Documents to be deposited with:—

Trust, the Open Spaces Society, the Ramblers' Association, the British Driving Society and the Cyclists Touring Club; and

- (b) *In the counties of Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire, the Peak and Northern Footpaths Society; and*
- (c) *Within the county of Bedfordshire, in the borough of Luton, and within the district of Mid Bedfordshire, the parishes of Harlington and Shillington, and within the district of South Bedfordshire, the parishes of Barton le Clay, Caddington and Slip End, Dunstable, Eaton Bray, Houghton Regis, Hyde, Kensworth, Streatley, Studham, Sundon, Toddington, Totternhoe and Whipsnade, the Chiltern Society; and*
- (d) *Within the county of Buckinghamshire, in the districts of Chiltern, Wycombe and South Bucks, and within the district of Aylesbury Vale, the parishes of Aston Clinton, Buckland, Drayton Beauchamp, Edlesborough Northall and Dagnall, Halton, Ivinghoe, Marsworth, Pitstone, Wendover and Weston Turville, the Chiltern Society; and*
- (e) *Within the county of Hertfordshire, in the districts of Dacorum and Three Rivers, and within the district of North Hertfordshire, the parishes of Hexton, Hitchin, Ickleford, Ippolitts, Kings Walden, Langley, Lilley, Offley, Pirton, Preston and St. Paul's Walden, the Chiltern Society; and*
- (f) *Within the county of Oxfordshire, the district of South Oxfordshire, the Chiltern Society; and*
- (g) *In Wales, the Welsh Trail Riders' Association.*

11. The construction of a transport system involving the placing of equipment in or over a street.

- (a) The relevant street authority within the meaning of section 49(1) of the

(1) Authority sought in order:—	(2) Documents to be deposited with:—
<p>12. Works affecting land in, on or over which is laid the apparatus of a statutory undertaker.</p>	<p>New Roads and and Street Works Act 1991; and</p> <p>(b) <i>In Greater London alone</i>, the Traffic Director for London.</p>
<p>13. Works in an area of coal working notified to the local planning authority by the British Coal Corporation.</p>	<p>12. The relevant statutory undertaker.</p> <p>13. The British Coal Corporation.</p>
<p>14. Works affecting:</p> <p>(a) a building listed under Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990; or</p> <p>(b) an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979; or</p> <p>(c) any archaeological site.</p>	<p>(a) <i>In or adjacent to England</i>, the Historic Buildings and Monuments Commission for England and the Royal Commission on the Historical Monuments of England; and</p> <p>(b) <i>In or adjacent to Wales</i>, the Secretary of State for Wales (Cadw) and the Royal Commission on Ancient and Historical Monuments in Wales.</p>
<p>15. Works affecting:</p> <p>(a) a conservation area designated under Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990; or</p> <p>(b) an area of archaeological importance designated under section 33 of the Ancient Monuments and Archaeological Areas Act 1979.</p>	<p>(a) <i>In England</i>, the Historic Buildings and Monuments Commission for England; and</p> <p>(b) <i>In Wales</i>, the Secretary of State for Wales (Cadw).</p>
<p>16. Works affecting a garden or other land of historic interest registered pursuant to section 8C of the Historic Buildings and Monuments Act 1953.</p>	<p>(a) <i>In England</i>, the Historic Buildings and Monuments Commission for England; and</p> <p>(b) <i>In Wales</i>, the Secretary of State for Wales (Cadw).</p>
<p>17. Works affecting:</p> <p>(a) an area of special scientific interest of which notification has been given or has effect as if given under section 28(1) of the Wildlife and Countryside Act 1981⁽²⁹⁾; or</p> <p>(b) an area within 2 kilometres of such an area of special scientific interest and of which notification has been given to the local planning authority; or</p>	<p>(a) <i>In or adjacent to England</i>, the Nature Conservancy Council for England; and</p> <p>(b) <i>In or adjacent to Wales</i>, the Countryside Council for Wales.</p>

(29) 1981 c. 69.

(1) Authority sought in order:—	(2) Documents to be deposited with:—
<p>(c) land declared to be a national nature reserve under section 35 of the Wildlife and Countryside Act 1981; or</p> <p>(d) a marine nature reserve designated under section 36 of the Wildlife and Countryside Act 1981.</p>	
<p>18. Works affecting a National Park or an Area of Outstanding Natural Beauty.</p>	<p>(a) <i>In England</i>, the Countryside Commission; and</p> <p>(b) <i>In Wales</i>, the Countryside Council for Wales.</p>
<p>19. Works which are either:</p> <p>(a) within 3 kilometres of Windsor Castle, Windsor Great Park or Windsor Home Park; or</p> <p>(b) within 800 metres of any other royal palace or royal park and which are likely to affect the amenity or security thereof.</p>	<p>19. The Secretary of State for National Heritage.</p>
<p>20. Works in Greater London or the metropolitan counties of Greater Manchester and Merseyside which are within 250 metres of land which:</p> <p>(a) is, or has been within 30 years immediately prior to the date of the notice given under rule 3(2), used for the deposit of refuse or waste; or</p> <p>(b) has been notified to the local planning authority by the waste regulation or disposal authority for the relevant area.</p>	<p>20. The waste regulation or disposal authority constituted by the Waste Regulation and Disposal (Authorities) Order 1985.</p>
<p>21. The carrying out of an operation requiring hazardous substances consent under the Planning (Hazardous Substances) Act 1990.</p>	<p>21. The hazardous substances authority as defined in that Act and the Health and Safety Executive.</p>
<p>22. Works not in accordance with a development plan and which either:</p> <p>(a) involve the loss of not less than 20 hectares of agricultural land of grades 1, 2 and 3a (in aggregate); or</p> <p>(b) taken with other associated works cumulatively involve the loss of not less than 20 hectares of such land.</p>	<p>(a) <i>In England</i>, the Minister of Agriculture, Fisheries and Food; and</p> <p>(b) <i>In Wales</i>, the Secretary of State for Wales.</p>
<p>23. To discontinue all railway passenger or tramway services from any railway station or line to which the provisions of sections 54 and 56 of the Transport Act 1962 apply.</p>	<p>23. Every relevant Area Committee (as defined in section 56(1) of the Transport Act 1962) or the London Regional Passengers' Committee as the case may be.</p>

(1) Authority sought in order:—	(2) Documents to be deposited with:—
24. The right for a person providing transport services to use a transport system belonging to another.	24. The operator of the relevant transport system.

SCHEDULE 6

Rule 9(4)

PERSONS TO BE SERVED WITH NOTICE OF APPLICATION

(1) Authority sought in order:—	(2) Persons to be served:—
1. Works affecting the foreshore below mean high water spring tides, tidal waters or the bed of or subsoil beneath tidal waters (except where the land affected by the works falls within category 17 of Schedule 5).	(a) <i>In or adjacent to England</i> , the Nature Conservancy Council for England; and (b) <i>In or adjacent to Wales</i> , the Countryside Council for Wales.
2. Works affecting the banks or the bed of, or the subsoil beneath, a river.	(a) <i>In England or Wales</i> , the Crown Estate Commissioners; and (except where the land affected falls within category 17 of Schedule 5) (b) <i>In England</i> , the Nature Conservancy Council for England; and (c) <i>In Wales</i> , the Countryside Council for Wales.
3. Works affecting the banks or the bed of, or the subsoil beneath, an inland waterway comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving the undertaking (except where the land affected falls within category 17 of Schedule 5).	(a) <i>In England</i> , the Nature Conservancy Council for England; and (b) <i>In Wales</i> , the Countryside Council for Wales.
4. Works affecting the banks or the bed of, or the subsoil beneath, a canal or inland navigation not comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving such canal or inland navigation.	(a) <i>In England and Wales</i> , any organisation appearing to the Secretary of State to represent a substantial number of persons using the canal or inland navigation; and (except where the land affected falls within category 17 of Schedule 5) (b) <i>In England</i> , the Nature Conservancy Council for England; and (c) <i>In Wales</i> , the Countryside Council for Wales.

(1) Authority sought in order:—	(2) Persons to be served:—
<p>5. Works affecting an area under the control of a harbour authority as defined in section 57(1) of the Harbours Act 1964.</p>	<p>5. The navigation authority for any adjoining waterway (if different from the navigation authority for the harbour area) and the conservancy authority for any adjoining waterway.</p>
<p>6. Works which would, or would apart from the making of an order, require a consent to the discharge of matter into waters or on to land under Chapter II of Part III of the Water Resources Act 1991.</p>	<p>6. The National Rivers Authority.</p>
<p>7. Works likely to affect the volume or character of traffic entering or leaving:—</p> <p>(i) a special road or trunk road;</p> <p>(ii) any other classified road.</p>	<p>(i)</p> <p>(a) <i>In England</i>, the Secretary of State for Transport; and</p> <p>(b) <i>In Wales</i>, the Secretary of State for Wales.</p> <p>(ii) The relevant highway authority.</p>
<p>8. The construction of a transport system involving the placing of equipment in or over a street.</p>	<p>8. Occupiers of all buildings having a frontage on, or whose principal means of access is from, the relevant street.</p>
<p>Works affecting any land on which there is a theatre as defined in the Theatres Trust Act 1976.</p>	<p>9. The Theatres Trust.</p>
<p>10. To construct a transport system to which the provisions of section 56 of the Transport Act 1962 apply or will apply by virtue of the order.</p>	<p>10. Every relevant Area Committee (as defined in section 56(1) of the Transport Act 1962) or the London Regional Passengers' Committee, as the case may be.</p>
<p>11. The suspension or discontinuance of any operations or provision in consequence of the abandonment or neglect of a transport system or inland waterway pursuant to section 7.</p>	<p>11. Every operator affected or likely to be affected thereby.</p>
<p>12. To modify, exclude, amend, repeal or revoke a provision of an Act of Parliament or statutory instrument conferring protection or benefit upon any person (whether in his capacity as the owner of designated land or otherwise) specifically named therein.</p>	<p>12. The person upon whom such protection or benefit is conferred.</p>
<p>13. The compulsory acquisition of land in which there subsists a Crown or Duchy interest within the meaning of section 25(2).</p>	<p>13. The appropriate authority within the meaning of section 25(3).</p>
<p>14. The compulsory purchase of ecclesiastical property (as defined in section 12(3) of the Acquisition of Land Act 1981)(30).</p>	<p>14. The Church Commissioners.</p>

(30) 1981 c. 67.

(30) 1981 c. 67.

SCHEDULE 7

Rule 14

FEES

PART I

TABLE OF FEES

(1) Subject-matter of application	(2) Fee
<p>1. Construction of a transport system or inland waterway requiring the compulsory acquisition of land where the area of the proposed works—</p> <p>(a) does not exceed 0.5 hectares;</p> <p>(b) exceeds 0.5 hectares.</p>	<p>(a) £5,000;</p> <p>(b) £5,000, plus £1,000 for each 0.5 hectares, or part thereof, in excess of 0.5 hectares.</p>
<p>2. Construction of a transport system or inland waterway not requiring the compulsory acquisition of land where the area of the proposed works—</p> <p>(a) does not exceed 1 hectare;</p> <p>(b) exceeds 1 hectare.</p>	<p>(a) £750;</p> <p>(b) £750, plus £250 for each 0.5 hectares, or part thereof, in excess of 1 hectare.</p>
<p>3. Construction of works which interfere with rights of navigation, being of a description prescribed under section 4, where the area of the proposed works—</p> <p>(a) does not exceed 0.5 hectares;</p> <p>(b) exceeds 0.5 hectares.</p>	<p>(a) £5,000;</p> <p>(b) £5,000, plus £1,000 for each 0.5 hectares in excess of 0.5 hectares.</p>
<p>4. Provision for any matter other than those described above.</p>	<p>4. £1,000.</p>

PART II

CALCULATION OF FEES

- 1.—(1)** In this Schedule, except where the context otherwise requires—
- “area”, in relation to proposed works, means—
- (a) the aggregate area of the land contained within the limits of deviation shown on the plans deposited with the application within which it is intended that the proposed works (or part thereof) shall be constructed, or
- (b) where no such limits are shown, the aggregate area contained within the boundaries of the land shown on such plans and upon which it is intended that the proposed works (or part thereof) shall be constructed;
- “compulsory acquisition of land” includes the compulsory extinguishment of easements and other private rights over land (including private rights of navigation over water) and the

acquisition of rights to place equipment in a street but does not include the acquisition of rights of temporary use of land;

“proposal” means—

- (a) in relation to proposed works—
 - (i) a single work or works forming an integral whole, or
 - (ii) a works project consisting of two or more interdependent parts directed at the same purpose; and
- (b) in relation to any other provision of a draft order—
 - (i) a provision not reliant upon any other provision (other than an interpretative or other general provision) for its force and effect, or
 - (ii) two or more interdependent provisions directed at the same purpose.

2. Subject to the provisions of paragraph 3 of this Part, a fee specified in the table in Part I of this Schedule is payable in respect of each proposal in a draft order to which that fee applies.

3. In no case shall a fee in excess of £80,000 be payable in respect of any one proposal.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedures for the making of applications for orders under Part I of the Transport and Works Act 1992 (“the Act”) and for the lodging of objections to such applications. They also prescribe the procedures for the handling of objections where the Secretary of State decides not to hold a public inquiry or hearing under section 11 of the Act.

Rule 3 (which introduces *Schedule 2*) provides for the notification of certain bodies having statutory responsibilities in particular areas of the prospective applicant’s intention to make an application.

Rules 4, 5 and 7 (with *Schedules 1 and 4*) prescribe the form of the application and the documentation which must be submitted in support of it. In particular, for the purpose of implementing Council Directive [85/337/EEC](#), it is provided that an environmental statement must be submitted, subject however to the provisions of rule 6.

Rule 6 enables the Secretary of State, in certain circumstances, to waive the requirement for an environmental statement where the Directive does not apply. Conversely, it empowers the Secretary of State to require the applicant to supply further information where he believes that the information provided is insufficient to comply with the requirements of the Rules and it permits the applicant himself to supply additional information after the application has been submitted. The rule also enables the applicant to obtain environmental information from bodies with special knowledge.

Rule 8 provides for the service by the applicant of copies of the application and certain supporting documents on certain interested persons and bodies, listed in this rule or in *Schedule 5*.

Rules 9 and 10 provide for the service by the applicant of notice of the application on other persons and bodies, listed in these Rules and in *Schedule 6*, the publication of notice of the application in local newspapers, and the posting of notices at the site of proposed works and elsewhere.

Rule 11 provides for the making of minor amendments to an application, that is those not involving material alteration of its subject-matter.

Rules 12 and 13 provide for amendments to the applications procedure. They enable the Secretary of State to waive certain requirements, or to impose additional ones, if appropriate. Rule 12(4) in particular makes provision for the submission of amended applications which do involve a material (though not a major) alteration to part of an earlier application.

Rule 14 and Schedule 7 prescribe the fees payable on making an application.

Rule 15 makes provision for the special circumstances occurring when the Secretary of State himself makes proposals for an order under section 7 of the Act.

Rules 16 to 18 make provision for general matters relating to objections and other written representations, including the validity of objections and the service of copies of objections, etc, upon other persons. Provision is also made for determining when objections are to be dealt with by the written representations procedure.

Rule 19 sets out the procedure for dealing with objections by written representations where the objections are either too few, or not sufficiently complex, to warrant the holding of a public inquiry or hearing. The applicant may reply to an objector's arguments and the objector may then comment on such replies.

Rule 20 imposes requirements on the Secretary of State where a public inquiry or hearing is called.

Rule 21 provides for the extension of time limits for the taking of steps prescribed by these Rules.

Schedule 3 prescribes forms of notice.