

Martin Woods  
Head of the TWA Orders Unit  
General Counsel's Office  
Zone 1/18  
Great Minster House  
33 Horseferry Road  
LONDON  
SW1P 4DR

Winckworth Sherwood LLP  
Solicitors and Parliamentary Agents  
Minerva House  
5 Montagu Close  
London  
SE1 9BB

Enquiries: 020 7944 2474  
Fax: 020 7944 9637  
Email: [transportandworksact@dft.gov.uk](mailto:transportandworksact@dft.gov.uk)  
Web Site: <http://www.dft.gov.uk/topics/legislation/twa/>

Our Ref: TWA/12/APP/03  
Your Ref: JEW/12134/2/PFI

18 July 2012

Dear Sirs,

**TRANSPORT AND WORKS ACT 1992:  
APPLICATION FOR THE PROPOSED NENE VALLEY RAILWAY (FLETTON  
BRANCH) ORDER**

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the application made on 17 April 2012 by your clients, Nene Valley Railway Limited (NVRL), for the Nene Valley Railway (Fletton Branch) Order ("the Order") to be made under sections 1 and 5 of the Transport and Works Act 1992 ("TWA").

2. The Order, if made, would authorise the transfer from BRB (Residuary) Limited to NVRL of part of the existing Fletton branch line linking the East Coast Main Line and the Nene Valley Railway, together with the statutory rights and liabilities relating to the branch line. The Order would also provide statutory power for NVRL to operate and use the branch line.

3. As the Order does not authorise the construction of any works or provide for any development requiring planning permission, your clients have not submitted an environmental statement nor sought a planning direction from the Secretary of State.

**Summary of the Secretary of State's decision**

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

**The Order application**

5. In making this application, NVRL has complied with the publicity requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. This included serving copies of the application and the accompanying documents on the persons specified in those Rules and making the documents available for public inspection. As also required by those Rules, NVRL has published notices giving information about the application and how to make representations. The Secretary of State has received no objections to, or other representations about, the proposals. The application is therefore unopposed.

**Purposes of the Order**

6. In its Order application, NVRL explained that it was a Registered Museum and Educational Charity which owned and operated the Nene Valley Railway, a heritage railway between Yarwell and Peterborough. Trains had used the Fletton branch line to access the Nene Valley Railway from the national network since 1977 and NVRL had leased it from BRB (Residuary) Limited since 2007. The purpose of the Order was to allow NVRL to acquire the freehold of the Fletton branch line from BRB (Residuary) Limited, which is due to be abolished in 2013 under the Public Bodies Act 2011. NVRL did not consider that the Order would have a major impact on the Fletton branch as there would be no significant increase from the present occasional traffic using the line.

### **Secretary of State's consideration**

7. The Secretary of State has considered NVRL's reasons for making this Order application and whether, in all the circumstances, it is in the public interest to authorise the transfer to NVRL of the statutory powers and obligations relating to the Fletton branch line. In doing so, she has taken into account NVRL's operation of the Nene Valley Railway since 1977, and its lease of the Fletton branch line since 2007. She has noted from the application documents that NVRL has conducted extensive consultation with residents and businesses adjacent to the branch line and relevant authorities including Peterborough City Council and the Office of Rail Regulation. None of the stakeholders consulted has objected to the proposals in the Order. The Secretary of State is satisfied also that NVRL's proposals for funding the cost of implementing the Order are reasonable. Taking into account all these factors and the prospective abolition of BRB (Residuary) Limited, she has concluded that it is in the public interest to authorise the transfer of the Fletton branch line to NVRL.

### **Secretary of State's overall conclusions and decision**

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

9. This letter constitutes the Secretary of State's notice of her determination to make the Order, with modifications, for the purpose of section 14(1)(a) and section 14(2) of the TWA. Your clients are required to publish newspaper notices of the determination in accordance with section 14(4) of the TWA.

### **Challenge to decision**

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

Yours faithfully,

**Martin Woods**

## **RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA**

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

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

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

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