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Our Ref: TWA/11/APP/03
Your Ref: PXT/RJO/Y062474

Dear Sirs,

9 February 2012

**TRANSPORT AND WORKS ACT 1992:
APPLICATION FOR THE PROPOSED LONDON CABLE CAR ORDER**

I am directed by the Secretary of State for Transport to say that consideration has been given to the application made on 22 September 2011 by your clients, Docklands Light Railway Limited ("DLRL"), for the London Cable Car Order ("the Order") to be made under sections 1, 2 and 5 of the Transport and Works Act 1992 ("TWA").

The Order, if made, would confer statutory authority for the operation and maintenance of the cable car system currently being constructed between the Greenwich Peninsula and the Royal Victoria Dock, and make other provisions to enable DLRL to integrate the cable car system with the operating regime which applies to the rest of Transport for London's (TfL's) public transport network.

Since DLRL has separately obtained the planning permissions and other consents required for the construction of the cable car system, the Order does not include authorisation for that development. DLRL did not, therefore, include with the Order application an environmental statement or a request for deemed planning permission for construction of the system.

Summary of the Secretary of State's decision

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

The Order application

In making this application, DLRL 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, DLRL has published notices giving information about the application and how to make representations. The Secretary of State has received no objections to the proposals. The application is therefore unopposed.

Purposes of the Order

6. DLRL explained in the documents which accompanied the Order application that the purpose of the Order was to supplement the general operating powers already available to DLRL to operate the cable car system, and to integrate the system effectively with the rest of London's public transport network. The Order would, accordingly, provide various powers and protections relating to the operation of the cable car system that are similar to those which apply to TfL's railway network. For example, the Order would:-

- give DLRL statutory authority to operate and maintain the cable car system and as a result provide a defence against claims in nuisance arising from those activities;
- enable DLRL to carry out essential maintenance and renewal works to the cable car system without having to obtain planning permission;
- prohibit trespass on the cable car system;
- apply a set of byelaws to the cable car system based on the current TfL railway byelaws;
- apply to the cable car system the same penalty fare regime that applies to TfL's railway network; and
- allow DLRL to make agreements with the British Transport Police for policing the cable car system.

Secretary of State's consideration

7. The Secretary of State has noted DLRL's reasons for seeking the various powers and protections for the cable car system set out in the Order. She is satisfied that all the provisions of the Order, including the byelaws in the Schedule to the Order, are appropriate and justified in the context of the cable car system. She accepts also that it would be in the interests of efficiency to make the cable car system subject to an operating regime which is consistent with that applying to TfL's other public transport networks. She has noted that neither DLRL's consultation with stakeholders (as reported in the Order application) nor the Order application itself has resulted in any objection to the proposals in the Order.

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

ANNEX

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

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