

# Landmark Chambers Webinar

## Opportunities for reform of the Transport & Works Act

Kevin Gibbs



# Areas to investigate changes to the Transport and Works Act 1992 (TWA 1992)?

---

- Decarbonisation of transport and the TWA
- Recap of advantages and disadvantages
- Imperative for speed, certainty and limiting costs of infrastructure consenting
- Areas to investigate:
  - Policy changes and TWA
  - Change of mode
  - Consultation
  - Deadlines



# Policy input

---

- Current role of NPPF, national, transport and local plan policies
- Integration of decarbonisation policies
- Case for non statutory policy framework encouraging net zero?
- Project speed and more generic Statement of Matters in updated guidance?





# Amending the Modes Order

---

- Section 2(2)
- Requires draft Order to be laid before, and approved by a resolution of, each House of Parliament.
- With the pace of transport innovation, it is time for a more efficient way to modify the modes?
- Amend legislation conferring power of the Secretary of State to broaden discretion
- Amend section 2(2) TWA 1992 to remove requirement for a draft of the Order to be approved by a resolution of each House of Parliament.



# Consultation

---

- Comparatively limited consultation and publicity requirements
- Robust consultation prohibitively costly for small transport schemes
- Consultation and challenge risk
- Case for more directed consultation arrangements?



# Deadlines

- Age of legislation, rules and guidance
- Comparison of deadlines DCO v TWAO
- Case for imposition of post application deadlines?



# Conclusion – striking the right balance

---

- Decarbonisation imperatives
- Timely to amend the TWA
- Co ordination of policy and TWAOs
- Reforms to improve the system

