

REPORT OF THE HEAD OF TRANSPORT PROJECTS

**NET PHASE TWO TRANSPORT & WORKS ACT ORDER - REPEAL OF
GREATER NOTTINGHAM LIGHT RAPID TRANSIT ACT 1994 PROVISIONS**

1. PURPOSE OF REPORT

This report provides an update on progress with NET Phase Two, outlines the potential impacts on Line One and explains the position of this advisory committee under the proposed Order.

2. RECOMMENDATION

It is Recommended that the report be noted and members consider the implications for the future of this advisory committee and resolve accordingly.

3. TWAO PROGRESS

3.1 In February and March 2007 the Nottinghamshire County Council and Nottingham City Council approved the promotion of an Order (TWAO) under the Transport and Works Act 1992 for NET Phase Two. Subsequently, on 26th April, a submission to this effect was made to the Secretary of State for Transport. The proposed TWAO will give the Councils the powers to acquire land, build and run two new tram extensions.

3.2 The proposals have been widely advertised and those who are likely to be directly affected have been notified. Documents concerning the submission are available for viewing at council offices and main libraries along the routes and are also to be found on the internet (www.netphasetwo.com). A period for representations (objections, support or comments) to be made to the Secretary of State lasts until 7th June. It is expected that there will be a Public Inquiry in November/December this year.

4. IMPACT ON LINE ONE

4.1 NET Phase Two commences at the southern terminus of Line One, at Station Street, and passes over Nottingham Station into the Meadows where it splits into two routes, to Clifton via Wilford and to Chilwell via QMC and Beeston. The scheme will provide for through tram services between the three routes, offering new journey options for people living in the Line One corridor.

4.2 Phase Two will have a number of potential impacts on Line One and these have been assessed in an Environmental Statement (ES, one of the documents that form the TWAO submission). These include increased maintenance and stabling facilities at the Wilkinson Street depot and an increase in tram frequency on Line One, particularly south of the depot, as trams access the new routes. Environmental consultants ERM, who produced the ES, have advised that none of the impacts is likely to be significant.

5. REPEAL OF GNLRT ACT 1994 PROVISIONS

- 5.1 The draft Order includes for the repeal of many provisions of the 1994 Act that authorised NET Line One. Some of the works powers and other provisions of the Act are spent and so can be repealed without replacement. Ongoing provisions, such as the operation and maintenance powers, will be replaced by equivalent provisions in the draft Order, so that the whole NET network will be operated under the same legal regime. Live provisions in the Act that affect the rights of third parties will generally remain in force.
- 5.2 One provision of the 1994 Act that is proposed to be repealed by the draft Order and is not replaced by a new provision is that contained in Section 74 of the Act, obliging the City and County Councils to establish the Greater Nottingham Light Rapid Transit Advisory Committee. As members will be aware, the purpose of the advisory committee was to provide a means whereby the **users** of the system (NET Line One) could make representations and that these would be considered and the Councils advised accordingly. Thus Section 74 further requires that the committee shall consider representations made to them relating to the construction and operation of Line One by members of the public. There is no provision in the Act or the subsequently adopted Terms of Reference for the advisory committee to have a role in the construction and operation of extensions to the system.
- 5.3 Clearly, the proposed repeal is an issue which the Committee should consider and, if necessary, respond to. It is clear that the original role for the Committee was envisaged when the Promoters of the NET Line One system were also intending to build and operate the system, either directly or through Greater Nottingham Rapid Transit Limited. The actual procurement of the system through the Private Finance Initiative has, in reality, placed the Promoters in a position of a client with the services being provided by Arrow Light Rail Limited as the Concessionaire. In this environment the Promoters, as clients, are well placed to consider representations from users and raise them directly with Arrow.

The relative lack of business for the Committee reflects this relationship. Also, since the enactment of the 1994 Act local government has developed a structure of overview and scrutiny which is also capable of accommodating the issues dealt with by the Advisory Committee. In these circumstances the committee could reasonably question whether it should have an ongoing, limited, role in relation to Line One. The Committee is entitled to object to the proposed repeal, make representations in relation to it, or take no action in response to it.

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