

UKTram Centre of Excellence

Tramway Design Review Working Group

Low Cost Light Rail: Statutory Powers

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1. Purpose of this Paper

- 1.1. In the context of the June 2025 Government Spending Review that has confirmed £15.6 billion funding to provide Transport for City Regions, and the increased costs that are attributed to delivering a Tramway (Light Rail scheme), UKTram Centre of Excellence has produced this guidance / good practice paper relating to statutory powers, in particular, the process for attaining Transport and Work Act (TWA) Orders in England and Wales and Transport and Works Scotland (TAWS) Orders in Scotland. The paper has been produced to support the *Low Cost Tramway* paper that has been published by the Centre of Excellence.
- 1.2. Contributors to this paper are professionals from a wide section of Tramway expertise, knowledge and experience within the Tramway industry.
- 1.3. This paper considers lowering the costs of obtaining a TWA Order, attained through a smoother process, lowering timescales and minimising the number of complex objections, i.e. being in control of the process as much as is possible. This includes adequate and sufficient preparation ahead of the deposit of the TWA application with the Department for Transport (DfT).
- 1.4. With the formation of the Mass Transit Taskforce announced by the Department for Transport (DfT) in May 2026, it is hoped this paper will assist their recommendations to enable light rail systems to be delivered more efficiently.

2. Introduction

- 2.1. This paper provides guidance, much informed by best practice from real life experience of the TWA process from early scheme conception to operation and maintenance of tramways. Although the TWA process and obtaining a TWA Order can seem to be part of the early development of the scheme, it relates to its whole lifecycle and thus needs to be understood by promoters and those working to support them in all phases of the life of the scheme.
- 2.2. This paper is broken down into the following sections:
 - General good practice;
 - Pre deposit of the TWA application; and
 - Post deposit of the TWA application.
- 2.3. This paper sits alongside the TWA Rules and other guidance such as those listed below.
 - The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 <https://www.legislation.gov.uk/ukxi/2006/1466/contents>
 - The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007 <https://www.legislation.gov.uk/ssi/2007/570/contents>
 - DfT TWA guidance <https://www.gov.uk/government/publications/transport-and-works-act-orders-a-brief-guide-2006>
 - UKTram TWA top tips guidance https://www.uktram.org/_files/ugd/5eda74_fe3bfa4f0c0243a98c8b7fc6f3e69c5e.pdf
 - DfT/ORR/NR guidance re early scheme development www.bettervaluerail.uk/culture/

3. General TWA Process

- 3.1. The TWA Rules must be followed correctly, there are no short cuts. Any non compliance with TWA procedures will cause delay to the progress and could affect the outcome of the TWA Order application.
- 3.2. The TWA process is a 'front end' evidence based process and understanding this is critical to success. Spending sufficient time before the application not only saves time and money as a whole, but also enables the applicant (promoter of the scheme) to be more in control of the process.
- 3.3. This evidence must demonstrate the scheme is meeting a clear identified need and that the proposed transport scheme (mode as well as route(s)) is the most appropriate way of meeting that need and therefore, the powers in the TWA Order are appropriate, necessary and proportionate, and there is a compelling case that granting them is in the public interest. This is key.
- 3.4. The TWA process is iterative and the team must be multidisciplinary and must be able to work together as one team, from both the promoter and external agents.
- 3.5. Have separate TWA Orders for separate routes and consider the most appropriate phasing. Don't overstretch, it better to cascade a number of routes rather than have them going through the TWA process at the same time or even concurrently. By cascading TWA applications / routes, the internal and external teams become experienced and staff are retained. In considering phasing, be mindful of constructability and TWA timescales for compulsory purchase (five years) for bigger routes.
- 3.6. Bigger routes mean bigger risks at TWA; bigger and more complex TWA Orders also increase the risks when going through the TWA process.
- 3.7. Understand the commitment of cost and focussed time required for the TWA application. In doing so, consider that some of the requirements can also be equally attributed to other costs for example design, consultation, etc.

4. Considerations Leading Up To The TWA Application

General

- 4.1. At an early stage spend time focussing on strategic elements including any design hotspots and / or contentious areas. This requires an appropriately skilled multidisciplinary team who are experienced in the TWA process and design of placing a tramway in to operate effectively in the public domain.
- 4.2. The TWA has physical limits and gives certain rights over land rights etc and it sets framework for everyone. Understand all the things that are needed for the scheme, powers for the construction, operation and maintenance of the tramway.
- 4.3. Ensure that policy and strategy policies include the tramway and specifically reference it in published documentation. This includes all relevant Local Authorities as well as the promoter.
- 4.4. Decide (and document) at the start of the development of the scheme what will need to be demonstrated before the commencement of any preparation of a TWA application. This can act as a 'green light' checklist / gateway (formally or informally), and could include the following, some of which may be further detailed within the TWA application documentation:
 - Transport Study to confirm the justification for the choice of mode, not just route(s), i.e. that it is in the public interest;

- Outline Business Case (OBC) (consider an independent sanity check, for example by UKTram);
 - Funding certainty – make sure this is still valid and can be demonstrated;
 - The risk of any potential impediments to implementation once powers and / or funding are obtained (financial and non-financial);
 - Commitments that have been made to stakeholders (including internal);
 - Outline 'agreement' from Local Authorities and relevant stakeholders;
 - Have consulted with the relevant / appropriate government departments;
 - Demonstrate how it will impact the identified need it is seeking to meet;
 - Demonstrate how it will deliver the strategic objectives;
 - Does the scheme meet the Benefit Cost Ratio (BCM)?
 - Impact of not building it, is 'do nothing' acceptable?
 - What are the potential big issues (cost, political, TWA, etc.);
 - Who are the potential objectors and supporters regarding the TWA application and are you in a sufficient position with them ahead of depositing the TWA application;
 - What are we going to go forward with – to TWA and beyond?
 - What are the risks and what are you prepared to live with?
 - Alignment with existing human rights and other such legislation, for example, the Equality Act and Public Sector Equality Duty etc.
- 4.5. Sharing how your scheme meets the identified need is a powerful tool, not just for the TWA application. Transport has to be the enabling factor and tram the most appropriate way to do this. Demonstrate how the tram is integrated with other modes as part of an integrated transport scheme, for example bus / tram stops, and consider pedestrians, cyclists and cars. This links back to strategy and why the scheme is being developed. For the TWA, there needs to be a demonstration of the public benefits and preparing this at this stage will mean it is ready in the event of the TWA application reaching a public inquiry.

Stakeholders

- 4.6. Consultation / Stakeholder Engagement is **key** to a successful TWA Order application (in cost and timescales) as the aim is to minimise the number and complexity of objections when the Order is deposited and to also comply with the TWA Rules. Refer to Appendix A for detailed TWA stakeholder guidance.
- 4.7. Be politically savvy with the application and the scheme itself. Work out everyone's priorities. A figurehead sponsor to champion the scheme and the TWA application is needed, someone at high level who is able to dive in, for example to assist in particular objections and to influence the political arena locally and nationally. This person drives the process at a high level. However, this person is NOT involved in design decisions, they are responsible to the scheme not the design, and have to be pragmatic about decision making.
- 4.8. Local Authorities are a key stakeholder and need to be managed and engaged early in the scheme and also with the preparation of the TWA Order and documentation.
- 4.9. Within the Local Authority, the planning and highway departments may not agree, and if there is more than one Local Authority, there may be different requirements / aspirations between them.
- 4.10. The application will be hindered if Local Authorities object to it, and expectations need to be managed, especially in relation to urban realm / planning requirements etc.

- 4.11. Things to consider when working with the Local Authority may include the following:
- Do they have experience in tramways / TWA including how the scheme will impact the functioning of the highways, road space etc.?
 - The Highway Authority is responsible for the safety of the highway globally and has obligations and will take back the highway after tramway construction;
 - Local Authority and Highway Authority may not be the same organisation;
 - Local Authority planning and highway departments may not always agree with each other – seek a Local Authority wide consensus;
 - Consult and work with them appropriately with the scheme and the application so they do not object to the TWA as this is likely to be a ‘showstopper’. Have a Memorandum of Understanding with the Local Authority or a form of agreement for the scheme development / TWA to give a framework for working together with common goals (not all will not be). Further / different forms of agreement may be required for the operation and maintenance of the scheme post TWA;
 - Managing expectations and be upfront about enhancements / betterments or even restoring everything and document everything. Those things that cannot be resolved consider in more detail with evidence for the applicant to hold this position.
- 4.12. Understand the rules of engagement with DfT for the TWA as well as / in the context of other engagement with the DfT and the relationship with Treasury and take a strategic approach through the right channels. UKTram can deliver an introduction and can inform a promoter who they need to talk to in both of these departments or other higher or lower tier contacts.
- 4.13. Make sure that major stakeholders are bought into the scheme at an early stage and are supportive of it, or at least not opposed to it. In particular, Local Authorities support as Highway and Planning Authority, and due to the funding commitment, for example, in a Combined Authority area which will include areas where the tramway will not reach, at least initially.
- 4.14. When there is enough high level detail, undertake a preview of all stakeholders along the corridor, noting any potential hotspots where there are complexities of tram or highway design (including highway changes), or any areas where third party land is required. When there is sufficient detail of potential changes, engage with them as appropriate as there must be a demonstration with clear evidence that there has been reasonable efforts to acquire land by agreement before seeking land acquisition powers within a TWA Order. Speak of the benefits including societal and with examples. **Document all communications with stakeholders, even no shows / no answer as they are potential objectors.** Initial stakeholders may include those in Appendix B. However, each scheme has a unique set of stakeholders.
- 4.15. Start to consider potential objectors as stakeholders are engaged. Also identify any supporters / advocates of the scheme, including seeking contributions. The latter may be assisted by the Local Authority processes.
- 4.16. In relation to utilities:
- It is vital to start engaging with them early in the development of the scheme so there is a good working relationship by the time the TWA application is being submitted.
 - Engaging with utility companies best sits with the promoter such as an in house person / specific role.

- When undertaking specific TWA consultation, the promoter must make best endeavours to engage with those in the utility company legal and land teams, i.e. do not rely on the engagement as stated above with those 'on the ground'. The promoter should presume there is minimal internal communications in the utility organisations.
- If a utility company objects to a TWA Order, it can be a complex and protracted process to secure a withdrawal from them.
- Note in engaging with utility companies pre and post deposit, like for like replacement verses enhancement. See the main System Design Costs Note for further information.
- Include utilities in the risk management workstream.

Technical Elements

- 4.17. This is the time to develop the route along the corridor and to think of a TWA Order. Look at opportunities and constraints and feed these into the design as the iterative TWA preparation process. Include local knowledge both from internal and external stakeholders and include the business case.
- 4.18. Start the risk register early in the development of the scheme and keep this updated.
- 4.19. Have enough detail for the stage you are at. Early in the design / TWA process, don't be too specific or design constraints into the scheme to retain flexibility in design and operations etc, this includes being cautious in making any compromises / commitments to internal or external stakeholders that may increase costs in construction, maintenance and operation of the scheme. In the early stages don't consider everything in detail and go to a level of uncertainty that you are able to live with.
- 4.20. The TWA is a specific phase in the engineering / scheme design. More detail may be needed in some areas and the design must also demonstrate the promoter that it can be constructed and operated and maintained at the right price. This includes highway safety design and details of how the road network is to be changed, i.e. it is not appropriate to engage a heavy rail engineer (consultancy / individuals).
- 4.21. The promoter must ensure the same company who has produced the preliminary design that supports the TWA provides support through the TWA process and with the same people employed to do so with potential inquiry expert witnesses involved / informed of the design as it is prepared ahead of the TWA application. This ensures credibility and a better defence of the scheme / route with objectors and at public inquiry.
- 4.22. An outline planning consent is usually submitted with the TWA rather than a detailed application that would constrain flexibility, particularly as the design is at a preliminary stage. Planning advice must be procured including liaison that is required with the Local Authority and with an understanding of the risks of betterment and 'add-ons' related to urban design costs. Be prepared to engage the sponsor for the scheme in order to support at a more senior level with Local Authorities if required.

TWA Team / Resources

- 4.23. An integrated multi disciplinary team is required, not just integrated with the appropriate skills but able to listen, learn and work together. There needs to be the right mix and a sufficient knowledge base within the promoter's team in conjunction with external consultants. The mix of the team will change over time (internally and externally) and for the TWA process, will require specific different disciplines and priorities for the team and within the team. Consultants need to be managed effectively so the scheme delivers the right lifecycle benefits, as well as monitoring any compromises to the

scheme at the design stage which may be negatively reaped at a later stage. As such, care must be taken when engaging consultants to ensure that they will be guided.

- 4.24. TWA application management is not the same as a route project management and different skills are required. It is most expedient if there is a separate TWA manager so the route project manager can focus on the best outcome for the scheme through the process. The TWA manager focusses on the TWA process including strategy and statutory deadlines, and it is crucial to have a focus on both.
- 4.25. All individuals in the team (whether internal or consultant) must have ownership of the TWA / scheme with common goals as part of the team 'culture' and be willing to support one another. There must be adequate communication and delegation permitted between them. This delegation includes from within the promoter's organisation, to enable the TWA process to move forward efficiently, for example, authority to make commitments to objectors without having to continually seek permissions from others more senior in the organisation who are not part of the TWA / Metro team, or constantly reporting to a Board for decisions etc.
- 4.26. When procuring the internal and external team(s), the following should be considered:
 - Functions – think about what it is you need over time;
 - Technical and TWA competence must be demonstrated;
 - All team members must have an awareness and understanding to some degree of what a TWA is and what it is for and what it provides;
 - Team members must be willing to listen and to learn;
 - Experience of the type of scheme that is being promoted and the environment in which it is placed;
 - Skill match for the scheme requirements and statistics to demonstrate this;
 - Before consultants are engaged, they must be able to demonstrate available credible experienced witnesses for the public inquiry who will commit to the TWA process and thus have a history of the scheme as well as influence in its development for a successful inquiry experience;
 - Note TWA timescales for engaging consultants and TWA / scheme requirements;
 - Ensure consistency with those working on the TWA (especially consultants and their specific team members) and ensure this commitment for the length of the TWA process; and
 - Be wary of procurement rules, for example, the same design consultants should be used in preparation of the TWA application as well as through the process.
- 4.27. Ensure there is sufficient environmental knowledge in the promoter's team / organisation and if the latter, that they have sufficient understanding of the scheme / TWA process. Environmental issues and documentation can easily get out of hand and end up running the scheme and TWA application including dictating deadlines. Understand the Rules relating to environmental issues, and the proportionality to be applied, also considering potential objections and the need to address concerns and / or challenge in relation to environmental issues.
- 4.28. Particular specialists may be required for the TWA process including for any technical hotspots or negotiation of points of objection, for e.g. noise and vibration, EMC for specific interfaces (hospital, NR etc), etc. Procurement processes must be sufficient for engaging these services promptly when they are required.

TWA Elements

4.29. In terms of legal requirements and support required for a TWA:

- Select the appropriate parliamentary agents based on your scheme, organisational experience, internal competency, culture and ensure competency of the parliamentary agents. They should engage and report to scheme project management not through an internal legal department.
- Ensure the internal legal team have sufficient competency to provide appropriate in house TWA support to the project team, especially with regard to negotiations with objectors.
- Use inhouse legal team / other legal support from the promoter's framework for more simplified non technical TWA agreements with stakeholders / objectors etc where appropriate.
- Appoint Kings Counsel (KC) early, to ensure you engage the KC you require and so they are available to provide ad hoc advice where required ahead of deposit of the TWA application, especially where there are potentially contentious issues / stakeholders for a TWA strategy.

4.30. TWA Documents / Powers:

- Don't overload and complicate the TWA Order, including binding the scheme to comply with unnecessary existing legislation. The wider and / or more complex the TWA, the higher the risk of objections. Do not seek a power unless you need it.
- If there are previous TWAs / Acts of Parliament, consider whether there is anything within them that needs to be repealed for consistency or updating etc.
- In the actual TWA Order itself, do not be too prescriptive to give freedom and space in the powers for flexibility in the detailed design and do not be overly explicit, for example, take a general power for building fixings rather than having to take each one separately.
- Less is more. Only put detail in TWA documents if it is required and only submit non statutory documents if absolutely required when the application is deposited and then through the process; keep your power dry for the public inquiry (but do not withhold anything relevant that the objector needs to be aware of). Any information submitted may be used by objectors to challenge, plus it gives no where to go when negotiating with objectors if you provide everything up front.
- The promoter and its consultants must bear in mind when producing any document for the scheme / network, even from an early stage may need to be used as evidence for the scheme, and could also be used by an objector. Therefore, it is vital to ensure careful wording of documents and especially decisions within them and be able to back them up. This especially includes decisions made about decision options / elements. Even consider undertaking a piece of work ahead of the TWA submission to document and 'prove' a design decision if it is contentious as this will be invaluable later in the process if any related issues are raised.
- Note that there are obligations regarding governance in the TWA application process.
- The Parliamentary Agents drafting the actual TWA Order document must have sufficient information to include / draft appropriate clauses. Keep the Parliamentary

Agents informed of any changes to the scheme and any particular issue with stakeholders.

- Inhouse legal and project team must also be involved and have sufficient information on the scheme to provide an internal check on TWA Order along with the technical team. They can also assist with less TWA related agreements etc.
- 4.31. A funding strategy must be provided including the TWA process and should include land and other costs. In relation to funding:
- A Funding Statement must be submitted when depositing the TWA application to demonstrate a 'reasonable prospect of funding' for the scheme.
 - This may include funding from different government departments, not just DfT.
 - Seek funding from developers, especially those who directly benefit from a tramstop in close proximity to their business etc.
 - It may be worthwhile discussing any revenue / subsidy funding streams with the Local Authority for example, business rates etc.
- 4.32. Communication is also important to the TWA application process:
- It is vital as this can sell the scheme and get wider publicity for it, can also help to identify people who need to be consulted with.
 - This is separate to TWA consultation and has a different focus / skills / inputs / team / audience.
 - This can be managed internally or externally but must not be independent of the consultation and scheme management team.
 - This includes internal messaging with the promoter and even consultant organisations.
- 4.33. Ensure there is input from either the operator of the existing network (if it is an extension) or input from an operator of an existing UK network. This will provide technical input, feed into TWA in terms of any additional land / powers and they may even assist with responding to objections, etc.

5. TWA Application Process

- 5.1. The focus of the team for this period must be the TWA application and the mayor part of this is objection management and negotiation. Scheme design etc can continue but is done 'at risk' of the TWA Order not being made and / or details of the scheme / Order being changed.
- 5.2. Immediately following the submission is the six week objection period where anyone can object, whether directly affected or not. Objections are sent to the DfT and are often not immediately forwarded to the applicant but sent in batches or at the end of the objection period. In addition, note that although it is a six week statutory time period, the DfT usually accept objections received after the close of this period, even up to the public inquiry, those these are at the discretion of the planning inspector presiding.
- 5.3. Sort and categorise the objections by type so they can be allocated to the most appropriate people to manage, often with assistance from technical and other specialists in the team. It is helpful to have a nominated person with an overarching view of the status of the objections (not the detail) and to lead objection management meetings (such as the TWA manager) where a small group of those managing the objections to strategise agree actions and timescales, highlight risks and the status of

them. Everything should be documented, not only relating to communication with objectors, but also strategies agreed.

- 5.4. There needs to be a strategic overview / review informed by the above team to consider whether deferring the decision whether there will be a public inquiry may benefit the application. This consideration must also include the level and complexity of objections and progress being made etc including whether any of the objectors can be negotiated. The applicant should seek advice from their Parliamentary Agents and potentially the KC / Parliamentary Agents. This is not a decision for the senior management of the applicant not working directly on the application, nor is it a political decision. In seeking a deferment, the DfT would request a breakdown of progress with objections.
- 5.5. Encourage supporters to submit letters of support to the DfT, for example, the local Chamber of Commerce, Business Improvement District (BID), employers, developers, regeneration projects etc. This soft lobbying can make a difference to the TWA application.
- 5.6. Personal engagement may help with some objectors, accompanied by the relevant technical people for credibility. However, this may not be appropriate for some if the technical person will be exposed to give commitments etc.
- 5.7. If the promoter expects their application to be subjected to a public inquiry, the expert witnesses should be involved in the responses given to objections.
- 5.8. Some objectors may refuse to engage and just want to go to the public inquiry. When these objectors become apparent do not focus on these beyond best endeavours to engage, and the applicant should make sure their points of objection can be sufficiently rebutted. One strategy for those who do not respond or refuse to engage may be to offer a unilateral undertaking of what the promoter will commit to as a starting place as it shows commitment to engage etc.
- 5.9. Be mindful of making too many commitments and compromises, especially in haste and / or in order 'to get an objector to withdraw'. Assess each potential compromise fully and it is helpful to produce a schedule so they can be monitored as it is crucial to maintain the viability of the scheme rather than reduce the number of objections quickly, plus be mindful not to set a precedent either in this scheme or future extensions, or even for other non tram projects. Resist pressure from more senior officers and politicians who may not see any potential restrictions compromises may bring to the design, operation or even expansion of the scheme at a later date.
- 5.10. Public Inquiry preparation:
 - As soon as the TWA application is deposited, high level preparation should commence to draft the Statement of Case in the event that an inquiry will be called as this will need to be submitted six weeks later. Do not underestimate the importance of this document and the time required to produce this and the many appendices that will need to accompany it.
 - Engage with KC. They will appraise the objections (if they are not already involved with them) and the Statement of Matters, they will consider what expert witnesses are required and will instruct going forwards.
 - Confirm actual witnesses – if the promoter has not already discussed this with their consultants, they may want to interview potential witnesses put forward by their consultants to ensure the right person represents the scheme / TWA at inquiry. It is not just about technical ability.
- 5.11. Do not overpromise internally nor to stakeholders etc before you are sure of the outcome of the TWA. This includes timescales.

- 5.12. After the conclusion of the public inquiry, hearing etc if held, continue to lobby DfT, especially for a decision and timescales for this. Include any new benefits etc.
- 5.13. The team will need to be transformed into an implementation team once the TWA Order is made and comes into force. However, there needs to be a comprehensive handover and those involved in the TWA involved even if at a high level for a period afterwards.
- 5.14. There will need to be a handover of documents to a new contractor and this should include a clear schedule of all of commitments that have been made to stakeholders and those from the TWA documentation / outcomes for compliance with them. Depending on their number and complexity, it may be beneficial for the promoter to monitor compliance going forwards.

APPENDIX A: TWA STAKEHOLDER ENGAGEMENT GUIDANCE

Consultation / Stakeholder Engagement is key to a TWA Order application and the following provides specific TWA stakeholder guidance.

Document all communications with stakeholders from the first communication made.

- TWA consultation is very different and specific to the TWA process and must comply with the statutory Rules with defined statutory consultees.
- The TWA Rules prescribe the statutory consultees and the application must comply with these Rules. However, wider engagement is also strongly recommended with 'non-statutory' stakeholders as anyone can object to the scheme.
- Have early engagement far ahead of preparing the TWA application. From early engagement, consider every stakeholder could be a potential objector, so manage expectations and be mindful of what may be taken as a commitment or details about the scheme
- Prepare and sign off an Engagement / Stakeholder Plan at a very early stage in the TWA to cover not only this process but beyond when the Powers (in the TWA) are enacted. The plan may require amendments as the scheme develops and when within the TWA process and when the Order is made.
- Document everything (for example, even when trying to phone and there is no answer etc) and store files so they are easily and readily retrievable when / if required.
- Most TWA consultation is of a technological nature, it is not 'comms' and so must be undertaken by the management team and tailored to the specific stakeholder / objector where specific other technical and other people may be required
- Manage expectations.
- Inform local politicians and councillors, especially those whose wards will be served by the tramway / affected by the TWA application.
- Comms can be used for wider / non affected / non statutory consultation.
- Following on from the above, it is essential that the scheme team are managing / leading stakeholder engagement, though support can be provided by an inhouse team or through an external contractor.
- However, there needs to be a focused hierarchy of importance of engaging with stakeholders and different methods as those directly affected by the scheme need to be treated differently from those not affected.
- Do not try to appease all requests especially ahead of the application being deposited. Be strong to retain the integrity of the scheme and be prepared to defend it and any particular sticking points if the stakeholder objects and the points need to be defended at inquiry.
- Use the land referencers to help to identify statutory consultees.
- Allow sufficient time for adequate and sufficient stakeholder consultation, not just the statutory minimum. Try as far as possible to resolve major problems ahead of the deposit of the TWA application even if this may cause a short delay to the submission of the TWA application as spending time ahead will save time and cost later and will also enable the

applicant to have a greater degree of control when in the TWA process. Consider delaying deposit, especially if any potential objections need more work to be rebutted or may affect the credibility of the scheme etc.

- Where there is already engagement with stakeholders, especially significant landowners and third party developers, warm them up to the scheme / powers being sought within the order but manage expectations.
- As the TWA application is being prepared, consult with the Transport Infrastructure Planning Unit of the DfT¹ (via / with the parliamentary agents) to inform them about the scheme. Note you can inform them but they will not and cannot give advice or an opinion. Share a draft TWA Order (document) with them ahead of the statutory timescales for doing so. Note also, they will challenge anything that appears erroneous in the order so it is helpful to prepare an explanatory memorandum in tandem with this to show why they are required.
- Ensure adequate, appropriate and timely engagement with the relevant departments of all affected Local Authorities and manage their expectations.
- Engaging with stakeholder in specific areas can be used to acquire knowledge, for example, existing access and load requirements for businesses.
- Highlight any issues and be honest with people, anything hidden will come out in the TWA process. Note less is more in sharing information with them, do not overshare.
- Stakeholder engagement needs to be genuine and defensible, for the TWA the promoter must demonstrate how problems have sought to be resolved.
- Seek KC advice on any particular problematic stakeholders (ahead of submission) and objections.
- Don't be too eager to compromise. Consider any potential compromise in terms of the lifecycle of the scheme including costs and operation of the scheme.
- Stakeholder engagement should have an iteration with the design of the scheme and the preparation of the TWA documentation.
- Use the inhouse website / other communications. However, ensure that the project team manages what is communicated.
- Ensure there is internal stakeholder engagement within the promoter organisation and where appropriate, consult organisations and Local Authority partners, etc to ensure.
- Shortly before the deposit of the application when it is at a final stage, undertake a high level review of the scheme for the risk of potential objections. It may be helpful to produce a matrix of probable objectors and anticipated points of objection to form a high level strategy to resolve / rebut at inquiry etc. This also assists the team into the mind frame of negotiating with objectors and evidence etc.
- During the objection period and leading up to the public inquiry, cease all comms and stakeholder engagement. This will minimise mixed messages and any compromise / conflict of interest with objectors as well as stakeholders.

¹ <https://www.gov.uk/government/groups/transport-and-works-act-team>

- The TWA and negotiation with objectors needs to be on the critical path and included within risk management.
- Seek to have a form of agreement / undertakings with stakeholders ahead of the submission of the TWA application.
- Start to consider / prepare any policy regarding any hardship or other similar scheme, or to defend the absence of one.
- Note that different stakeholders have priority over time. At any time some, stakeholders should have more focus than others. During the TWA process after submission, it is the objectors who have priority, and these may be ranked.
- Identify potential supporters for the TWA process.

APPENDIX B: INITIAL PRE TWA STAKEHOLDERS

Potential Stakeholders could include the following (not exclusively). However, the make up of the different stakeholders for any scheme is unique to that scheme.

Document all communications with stakeholders from the first communication made.

- Local Authorities (Highway and Planning)
- Parish councils
- Neighbourhood organisations
- Resident groups
- Third party developers
- Significant land owners along the route
- Those who may be particularly affected (by the route / tramstop / changes to highway etc)
- Bus companies
- Network Rail
- Utilities – information finding – two tiers – gas and water then telecoms Hospitals / doctor surgeries
- Schools, colleges, universities
- Environment agency, Natural England, The Countryside Charity (formerly CPRE), Canal and River Trust (CART) – devolved services - statutory and non statutory (for the TWA / scheme)
- National Trust, English Heritage / Historic Scotland etc.
- Ramblers Association (if public footpaths may be affected)