



# Lowestoft Flood Risk Management Project





**1500 homes and 850 businesses better protected against flood risk.**

**Lowestoft's position as a national and international green energy hub is more resilient.**





# What is a Transport Works Act Order?

The TWAO is a statutory instrument “made” by the relevant Secretary of State, in this case the Secretary for the Environment, Food and Rural Affairs. The TWAO grants “statutory authority” to construct, operate and maintain works, including powers to acquire land and interests in land.

## What powers are included in the TWAO?

- Construction of works
- Compulsory purchase of land – acquisition of rights permanent or temporary
- Temporary use of land
- Interference with highways
- Interference with navigation – protection of those who use the water
- Powers of operation
- Protective provisions
- Repeals and disapplication’s

## How does a TWAO compare to the planning process?

- Scope of TWAO is far wider (e.g. CPO and operational powers)
- All applications are determined by the Secretary of State
- Financial circumstances of applicant or likelihood of funding are a key consideration
- Usually 5 years to implement (rather than 3 years)
- Applicant proposes ‘conditions’ to be imposed
- Scope of consent is usually more flexible

# Transport Works Act Order (TWAo)

In addition to financial and technical approval, the tidal barrier requires a Transport Works Act Order (TWAo) to enable the Council to have the appropriate powers to access land to build and then to maintain the tidal barrier. It also grants the Council the necessary powers to alter navigation permanently.

The process of developing the application for the Order has begun but requires Full Council's approval to continue the application process:

- Ahead of the Order application submission (May 2023), under section 20(2) of the Transport and Works Act 1992, which requires the promoting body to comply with any conditions which apply to its corresponding power to promote a Bill in Parliament.
- Once the Order application has been submitted to the Defra TWAo unit, section 20 of the Transport and Works Act 1992, states a further resolution needs to be confirmed. This confirmation needs to be made by a like majority at a further meeting which must take place *'as soon as may be after the expiry of 14 days after the TWAo application is made'* and if the resolution is not confirmed, the local authority must take all necessary steps to withdraw the application.