

**DEFRA Application Process for Transfer of TWAO**

**Annex A: Process for applications seeking Secretary of State's consent for transferring powers under Transport and Works Act Order 2005**

The following provides a step by step outline of the application process for Leicestershire County Council seeking the Secretary of State's (SoS) consent in order to transfer powers under the Transport and Works Act Order 2005.

1. For any request for consent from SoS for the transfer of powers under the Transport and Works Act Order 2005, Leicestershire County Council will need to provide as much information as possible regarding the transfer. This list is not exhaustive but the information should include:
  - a) a description of the land and what it is currently used for with regard to the canal;
  - b) a precise outline of what the transfer is for and why it is necessary;
  - c) if any other options have been explored;
  - d) how the requirements for a transfer under the Transport and Works Act Order 2005 have been met;
  - e) an outline of the possible impacts a transfer will have on that land/canal and issues to be taken into account by the SoS. This list below is not exhaustive but the information should include:
    - (i) will public access on both the towpath and navigation on the canal be affected in any way;
    - (ii) how will landscape, biodiversity, water quality, flood risk management etc be affected; and
    - (iii) if so what mitigation procedures will be in place for (i) and (ii);
  - f) an overview of what consultation or public scrutiny has been held and the outcome of that consultation or, if no consultation has been held, an explanation as to why;
  - g) a copy of any plans and any photos for the land/canal concerned; and
  - h) any extra information that is deemed necessary for the Secretary of State to consider as part of her considerations.
2. The letter, covering all this detail, should then be sent to the Inland Waterways team, Defra ([rachel.boulderstonendefraxistgov.uk](mailto:rachel.boulderstonendefraxistgov.uk)).
3. Subject to any questions, or the need for any further information and/or clarification on the information which has been provided above, a letter will be sent setting out the Secretary of State's decision as to whether or not she has given her consent for the proposed transfer under the Transport and Works Act Order 2005.

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