

# **The Cardiff Canton (Transfer) Order 202[ ]**

## **Summary of consultation**

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## 1 INTRODUCTION

- 1.1 The Cardiff Canton (Transfer) Order (the “Order”) is promoted by Pullman Rail Limited (referred to as the “Applicant”), a provider of specialist engineering services for rail vehicles in the UK, which operates from Transport for Wales’ (“TfW”) Cardiff Canton Traction Maintenance depot (the “Depot”).
- 1.2 In August 2021, TfW acquired the Applicant. The acquisition enables TfW and the Applicant to build on their already-close working partnership. The acquisition of the Applicant means the Depot will have the required capacity and resilience to support the introduction of TfW’s flagship Metro scheme, alongside new rolling stock for the Wales and Borders network.
- 1.3 The Order provides for the transfer to TfW of certain statutory provisions and other rights and liabilities relating to the Depot. The Order also provides for transferred rights and obligations to be exercised by the Applicant and Transport for Wales Rail Limited (“TfW Rail”). This will regularise the position at the Depot, and provide easier long term planning opportunities for the entire area, such as to enable future developments to the Depot, TfW’s fleet, and electrification of the Cardiff and Valleys lines.
- 1.4 The Order is necessary because the existing statutory rights and obligations cannot be exercised without the statutory authority that the Order would provide. The Order would not authorise the acquisition of land or the construction of works.

## 2 STAKEHOLDER CONSULTATION

- 2.1 Rule 13(3) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (the “2006 Rules”) requires an applicant to serve a copy of the application on those set out in the applicable categories of Schedule 5 to the 2006 Rules. Rule 14(4) requires an applicant to notify those set out in the applicable categories of Schedule 6 to the 2006 Rules of the application.
- 2.2 Rule 10(2)(d) of 2006 Rules requires a report to be submitted with the application confirming that the Applicant has consulted all those in the applicable categories of Schedules 5 and 6. As the Order does not authorise the acquisition of land or carrying out of works, it is considered that none of the categories in Schedules 5 and 6 are applicable.
- 2.3 On 16 December 2021, TfW issued a consultation letter (a copy of which is contained at **Annex A**) setting out details of the Order and seeking comments to the following:

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- 2.4 These groups/individuals comprise the relevant local authority, elected representatives, train and freight operating companies, Network Rail and local community groups such as schools and businesses.
- 2.5 On 21 December 2021, TfW received an email from Network Rail seeking clarification on the entity to which rights and obligations would be transferred, which was provided.
- 2.6 No further responses have been received to the consultation letter.

**Annex A**



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16 December 2021

Dear Stakeholder

Back in August this year, Transport for Wales (TfW) purchased Pullman Rail Limited.

Pullman, providers of specialist engineering services for rail vehicles in the UK, also operate from the Cardiff Canton depot, which is operated by TfW. The acquisition enables both TfW and Pullman to build on an already-close working partnership, with further investment delivering even better results for TfW and Pullman's customers and clients. Bolstered by the purchase of Pullman, Canton depot will have the required capacity and resilience to support the introduction of TfW's flagship Metro scheme alongside new rolling stock for the Wales and Borders network.

Pullman is proposing to seek the transfer of statutory rights and liabilities affecting the Pullman site to TfW, to regularise the position by ensuring that existing statutory provisions can be exercised by TfW and Pullman and provide easier long term planning opportunities for the entire area, such as to enable future developments to the depot in Canton, our fleet, and CVL electrification.

In order to achieve the above, a Transport and Works Act Order (TWAO) must be made to transfer rights and obligations under enabling legislation relating to this land to TfW, including, but without limitation to, those contained in the Ely Tidal Harbour and Railway Act 1856, the Penarth Harbour, Dock and Railway Act 1857, the Great Western Railway (Further Powers) Act 1866, the Great Western Railway Additional Powers Act 1871, and the Great Western Railway Act 1875. The TWAO will also include provision for the transferred rights and obligations to be exercised by Pullman or (with the approval of Welsh Ministers) a third party. The TWAO will not authorise the construction of works (other than as permitted by any transferred rights).

This letter forms part of the pre-application consultation to be carried out pursuant to Rule 10(2)(d) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

If you have any comments on the proposed TWAO, please let us know. Should you wish to discuss with us further or ask any questions, please respond to [engagement@tfw.wales](mailto:engagement@tfw.wales) with your availability.

Yours Sincerely

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Cyfarwyddwr Gweithrediadau Trafnidiaeth | Director of Transport Operations