

22 November 2011

Dear Sir/Madam

Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 (the Examination Rules)

Notice of procedural decisions made at and following the Preliminary Meeting regarding an application for the proposed North Doncaster Rail Chord, near Shaftholme, north of Doncaster

IPC Reference Number: TR040001

I am writing to tell you about the procedural decisions made by myself at and following the Preliminary Meeting¹ held in the McCrystal Room at Doncaster Trades on 16 November 2011 and to provide you with an examination timetable and the initial questions that I am asking in the examination.

This letter is being sent to all Interested Parties whether or not they attended the Preliminary Meeting.

1. Procedural decisions and timetable

I am very grateful for all the views expressed at the Preliminary Meeting, and have considered them carefully. A copy of the procedural decision made and the timetable set by myself as the Examining authority is enclosed with this letter at Annex A².

In response to points raised at the Preliminary Meeting I have made the following procedural decisions:

- The deadline for receipt of Statements of Common Ground has been extended to Monday 16 January 2012.
- A second site visit date has also been included in the timetable for Tuesday 31 January 2012. This is also still reserved for an Issue Specific Hearing on the draft DCO and requirements and any amendments under consideration by that time, any s106 undertaking and related LIR matters and traffic and highways (Rule 8(1)(h)).

¹ PA 2008 s 89 and Rule 9

² Rule 8(2) and Rule 9

- The latest date currently reserved for any further Open Floor/Issue Specific/ Compulsory Acquisition Hearings has been put back to Tuesday 7 February 2012.
- I have not amended the date of Thursday 15 December 2011 for the receipt of comments on relevant representations as it is helpful to me to have comments raised at an early stage.
- If there are any legal representations to be made in respect of matters concerning the conduct of the examination or the issues to be considered then I should be grateful if they could be received by Tuesday 20 December 2011.

A note of the proceedings at the Preliminary Meeting will be published on our website and made available for inspection at the venues listed in Annex B by Friday 25 November 2011.

2. Written questions

I have decided that it will be necessary to ask a number of questions and to receive further information about matters I consider relevant to the application. These questions are set out in Annex C, and responses must be received by 15 December 2011. As the timetable indicates, I may write to Interested Parties with further questions or with a request for more information as the examination progresses at the timetabled dates and at any other time during the examination.

3. Written representations

I invite all Interested Parties to submit written representations and evidence on any matters concerning the application, and representations already submitted, in accordance with the enclosed timetable. Please send your representations to NorthDoncasterChord@infrastructure.gsi.gov.uk or to the address at the top of this letter quoting reference **TR040001**, and your unique reference.

For the avoidance of doubt, representations can deal with any relevant matter, not just the matters set out in my initial assessment of principal issues, nor only the matters raised by Interested Parties at the Preliminary Meeting. Please note that if you are submitting a written representation you must identify those parts of the application or specified matters with which you agree and those parts with which you do not agree. You must state the reasons for such disagreement³.

4. Principal issues

The purpose of this assessment is to assist in developing my lines of enquiry, which will evolve during the examination. It should also guide Interested Parties in structuring their representations. All representations received will be considered in the examination. There is no further requirement upon myself to carry out any further assessment of principal issues during the examination of this application.

³ Rule 10(4)

5. Methods of examination

My examination is to take the form of consideration of written representations about the application, including all written evidence to be received as set out in the attached timetable. Hearings about the specific issues of the draft Development Consent Order including requirements, any s106 undertakings, local impact reports and traffic and highways will be held however, because I have decided it is necessary to include the consideration of oral representations to ensure adequate examination of these issues.

An Open Floor Hearing will be held only if a notification of a wish to be heard at an Open Floor Hearing is received from an Interested Party by Thursday 15 December 2011 and a Compulsory Acquisition Hearing will be held only if a notification of a wish to be heard at a Compulsory Acquisition Hearing is received from an Affected Person by Thursday 15 December 2011. Please send any request for these hearings to NorthDoncasterChord@infrastructure.gsi.gov.uk or to the address at the top of this letter quoting reference TR040001, and your unique reference.

6. Availability and inspection of representations and documents

Following receipt of any written representations, responses to relevant representations and to questions, local impact reports, comments or any other documents or information about the application, the IPC is under a duty to make these available to all Interested Parties and to anyone who requests an opportunity to inspect and take copies of them⁴. In order to comply with that duty, the IPC is notifying all Interested Parties that it will, at each stage of the examination set out in the timetable and as soon as practicable, make these available by publishing them on its website and providing an opportunity for inspection and copying. The notification is enclosed with this letter at Annex B.

7. Changes to the timetable

If I need to change the timetable set out in Annex A for any reason, I will write to you and any other person who was invited to the Preliminary Meeting and inform you of the changes. I will also do this if the notified date, time or place of any hearing has changed, except in the event of an adjournment⁵.

8. Deadlines for receipt of documents and requests for hearings

It is important to note that if written representations, responses to relevant representations and to questions, local impact reports, further information or requests for hearings are not received by the dates specified in the timetable, I may, as the Examining authority, disregard them⁶.

9. Advice sought

⁴ Rule 21

⁵ Rule 13(4)

⁶ Rule 10(8) Rule 13(2)

As an Interested Party you will continue to receive notifications from the IPC about the examination throughout the process.

Any questions raised at the Preliminary Meeting or in written submissions about applying for a DCO/making representations about an application/proposed application will be addressed by the IPC by way of providing advice wherever appropriate, as soon as possible.

If you have any queries please write to the Case Leader (Kathryn Powell - at the address on the front of this letter) or email:
NorthDoncasterChord@infrastructure.gsi.gov.uk

Yours sincerely

A handwritten signature in black ink that reads "Pauleen Lane". The signature is written in a cursive style with a large initial 'P'.

Dr Pauleen Lane CBE FICE
Commissioner - Examining Authority

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.

Before sending information to the IPC, please consider our Openness Policy, which can be viewed on our website or a copy will be provided free of charge on request

Annex A

Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010

Procedural Decision regarding an application for the proposed North Doncaster Rail Chord, near Shaftholme, north of Doncaster IPC Reference Number TR040001

Following the Preliminary Meeting held on 16 November 2011, the Examining authority has made the Procedural Decision set out below:

Timetable for Examination of the Application set on 22 November 2011

Item	Matters	Relevant Dates
1	Start of the Examination	Wednesday 16 November 2011
2	Issue of: <input type="checkbox"/> Procedural timetable (Rule 8(1) and (2)) <input type="checkbox"/> ExA first written questions (Rule 8(1)(b)(i) and (iii))	Tuesday 22 November 2011
3	Deadline for receipt by the ExA of: <input type="checkbox"/> Comments on relevant representations (RRs) (Rule 8(1)(c)(i) and (d)(i) and Rule 3(2)(b)) <input type="checkbox"/> Any summaries of RRs exceeding 1500 words (Rule 8(1)(i)) <input type="checkbox"/> Written representations (WRs) (Rule 8(1)(a) and Rule 10(1) and(2)) <input type="checkbox"/> Any summaries of WRs exceeding 1500 words (Rule 8(1)(i))	Thursday 15 December 2011

	<ul style="list-style-type: none"> <input type="checkbox"/> LIR by all local authorities (Rule 8(1)(j)) <input type="checkbox"/> Responses to ExA's first written questions (Rule 8(1)(b)) <input type="checkbox"/> Notification of wish to be heard at an Open Floor (OF) Hearing by Interested Parties (IPs) (s93(1) PA 2008, Rule 8(1)(f) and Rule 13(1)) <input type="checkbox"/> Notification of wish to be heard at a Compulsory Acquisition (CA) hearing by Affected Persons (APs) (s92(2) (PA 2008) Rule 8(1)(g) and Rule 13(1)) <input type="checkbox"/> Notification of wish to make oral representations on the specific issue or issues being examined at the Issue Specific (IS) Hearing, relating to the draft development consent order (DCO), requirements, s106 undertaking and related LIR matters, by IPs (s91 (PA 2008) and Rule 8(1)(k)) 	
<p>4</p>	<p>Issue of notification by ExA of confirmed date(s) time(s) and place(s) for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> OF hearings (s93 PA 2008 and Rule 13(3)(a)) <input type="checkbox"/> CA hearing (s92 PA 2008 and Rule 13(3)(b)) <input type="checkbox"/> IS hearings (s91 PA 2008 Rule 13(3)(a) and Rule 8(1)(h)) <input type="checkbox"/> Accompanied site visit (Rule 16(3)) <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Legal representations on the conduct of the examination or issues to be considered 	<p>Tuesday 20 December 2011</p>

5	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Comments on WRs and responses to comments on RRs (Rule 8(1)(c) and (d) and Rule 10(5)) <input type="checkbox"/> Comments on LIRs (Rule 8(1)(j)) <input type="checkbox"/> Comments on responses to ExA's first written questions (Rule 8(c)(ii) and(d)(ii)) <input type="checkbox"/> Statements of common ground (SoCG) (Rule 8(1)(e)) 	Monday 16 January 2012
6	Accompanied site visit to application site and surrounding area (Rule 16(2))	Monday 16 January 2012
7	<p>Time period reserved for any CA hearing</p> <p>Time period reserved for an IS hearing on DCO, requirements, s106 undertaking and related LIR matters (Rule 8(1)(h))</p>	Tuesday 17 and Wednesday 18 January 2012
8	Time period reserved for IS hearing on traffic and highways (Rule 8(1)(h))	Monday 23 January 2012
9	Time period reserved for any OF hearings	Tuesday 24 and Wednesday 25 January 2012
10	<p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any proposed amendments to the draft DCO, requirements and s106 undertakings (Rule 8(1)(k)) <input type="checkbox"/> Any written summary of the oral case put at the first IS hearing on DCO, requirements, s106 undertaking and related LIR matters (Rule 8(1)(k)) <input type="checkbox"/> Any written summary of the case put orally at the CA hearing (Rule 8(1)(k)) 	Monday 30 January 2012
11	Date reserved for second IS hearing on DCO, requirements, s106 undertaking and	Tuesday 31 January

	related LIR matters and traffic and highways (Rule 8(1)(h)) Date reserved for a second accompanied site visit	2012
12	Date reserved for any further OF/IS/CA hearings	Tuesday 7 February 2012
13	Deadline for receipt by ExA of: <input type="checkbox"/> Any written summary of the oral case put at the OF hearings (Rule 8(1)(k)) <input type="checkbox"/> Any written summary of the case put orally at any further CA hearing (Rule 8(1)(k)) <input type="checkbox"/> Any written summary of the oral case put at the second IS hearing on traffic and highways (Rule 8(1)(k)) <input type="checkbox"/> Final DCO, requirements and executed s106 (Rule 8(1)(k))	Monday 27 February 2012
The Examining Authority is under a duty to complete it's examination of the application by the end of the period of 6 months beginning with the day after the start day (s.98(1) PA 2008)		

Annex B

Notification to all Interested Parties of the availability of representations and documents for inspection and copying in accordance with Rule 21

Following receipt of any written representations, responses to questions, comments or any other documents or information about the application, the IPC will, as soon as practicable, make these available by publishing them on its website and providing an opportunity for inspection and copying.

On the IPC's website at www.independent.gov.uk/infrastructure following the links: *Projects – Yorkshire and the Humber – North Doncaster Rail Chord (near Shaftholme)*.

For inspection and copying at:

- Askern Library and Customer Service Centre
Station Road
Askern
Doncaster
DN6 0JA

Copying Charges: 10p per A4 sheet, 20p per A3 sheet

Opening hours: 09.00 to 12.30 and 13.00 to 18.00 Monday and Tuesday
Closed on Wednesday
09.00 to 12.30 and 13.00 to 18.00 Thursday
10.00 to 12.30 and 13.00 to 18.00 Friday
10.00 to 13.00 Saturday

- Doncaster Metropolitan Borough Council,
Directorate of Regeneration and Environment,
2nd Floor,
Danum House,
St. Sepulchre Gate,
Doncaster
DN1 1ER

Copying Charges: £2.02 per A4 sheet, £2.57 per A3 sheet, £3.10 per A2 sheet, £3.52 per A1 sheet and £4.09 per A0 sheet. Prices per sheet reduce when multiple copies of each size are ordered.

Opening Hours: 08.30 to 17.00 Monday to Friday

- Infrastructure Planning Commission
Temple Quay House
Bristol
BS1 6PN

Copying Charges: 10p per A4 sheet, 28p per A3 sheet, £9.90 per A1 plan and £14.90 per A0 plan, other sizes at additional cost.

Opening Hours: 10:00 to 16:00 Monday to Friday

(Copying charges quoted are indicative costs as at March 2011).

Annex C

Examining Authority's first questions Proposed North Doncaster Rail Chord – near Shaftholme, north of Doncaster IPC Case Ref: TR040001

Where possible Network Rail and other Interested Parties should provide a Statement(s) of Common Ground setting out areas of agreement in relation to the proposed development. These should seek to clarify whether there is agreement on matters that are relevant to the application including the planning and development case for the project.

Where there is no agreement the reasons for any disagreement should be set out separately.

Any matters relating to the proposed compulsory acquisition of land or rights over land should also be set out in the Statement(s) of Common Ground.

Statements of Common Ground should be received by Monday 16th January 2012. If work is progressing on a Statement(s) but is not complete when responses are being made to the Examining authority's questions it would be helpful if the position at the time of the response be noted.

Examining Authority's first questions – responses to be received by the Examining Authority by Thursday 15 December 2011

Although the questions below are primarily addressed to the named Interested Parties as set out below, the Examining authority will take all responses into account including where Interested Parties choose to address questions not primarily directed to them below.

Questions primarily directed to Network Rail, Doncaster MBC and South Yorkshire Fire and Rescue.

The Environmental Statement Vol 4.2a Vol. II Technical Annex B Community contains a number of differing study areas (Figures 1.1 to 2.2) and references to several level crossings not all of which are named and identified. To assist the Examining authority please clarify the rationale for the selection of each of these areas and the extent to which the following assessments have been made within them:

1. What assessment has been made of the effect on local traffic movements during construction and during operation of the proposed development on the local highway network?
2. What assessment has been made of the proposed changes to the operation of level crossings in the area on the local highway network?
3. What assessment has been made of the proposed changes to the operation of the level crossings in the area to the access for emergency vehicles both during construction and operation of the proposed development?
4. What assessment has been made of the impact on the Trans Pennine Trail during construction and operation of the proposed development?

Questions primarily directed to Doncaster MBC

5. Is the Council content with the provisions in the draft Development Consent Order (DCO) for street works including draft articles 9 to 18, the alternative uses for stopped up streets, including the use of any stopped up street as a temporary working site under draft article 14(2), and the proposed 28 day default periods?
6. What issues (if any) does the Council have in relation to the sites proposed for Compulsory Acquisition from the Council?
7. Is the Council content with the provisions in the draft DCO for temporary use of land for carrying out and maintaining the authorised development as set out in draft articles 29 and 30?
8. Is the Council content with the provisions in the draft DCO for the felling and lopping of trees?
9. Is the Council content with the provisions in the draft DCO on traffic regulations (draft article 38)?
10. Is the Council content with the proposals for temporary traffic arrangements during the construction of the proposed development including the temporary haul road arrangements and any associated highway alterations or diversions?
11. Could the Council please clarify whether it is proposing to enter into any s.174 and/or s.278 agreement(s) and/or other statutory agreements with Network Rail, and if so what is the current position regarding the negotiation of these?
12. Please could the Council provide any comments on the proposed draft requirements set out in Schedule B of the draft DCO.

Please provide reasons and/or an alternative proposal(s) with justification where the current provisions in the draft DCO are regarded as inadequate or unsatisfactory.

Question primarily directed to Doncaster MBC and the Environment Agency

13. Are the Council and/or Agency content with the provisions in the draft DCO for the defence to proceedings in respect of statutory nuisance (draft article 37), particularly in relation to any uses of land (such as stopped up streets) where the areas and additional uses such as site compounds are not yet fully identified? If not please provide reasons and/or an alternative proposal with justification.

Questions primarily directed to the Don Drainage Commissioners, the Environment Agency and/or the Coal Authority

14. Are the Commissioners or Agency or Authority content with the proposals for discharge of water as provided for in draft article 19 of the draft DCO, the disapplication of legislative provisions in draft article 4, and the lack of a draft requirement dealing with surface water drainage? If not, please provide reasons and/or an alternative proposal(s) with justification.
15. Please provide a statement on any matters relating to the proposed compulsory acquisition of their land or rights over their land including the proposed compulsory acquisition provisions in the draft DCO. Please provide reasons and/or an alternative proposal(s) with justification

including where the current provisions in the draft DCO are regarded as being unsatisfactory.

Question primarily directed to Network Rail, Doncaster MBC and HJ Banks and Co

16. What assessment has been made of the impact of the construction and operation of the proposed development on the authorised landfill site?

Questions primarily directed to Network Rail and Thorpe Marsh Power Ltd

17. Please provide a Statement of Common Ground on the use of the Thorpe Marsh sidings for the construction arrangements.
18. What consideration has been given to any cumulative impacts arising from the use of the Thorpe Marsh Power site in relation to the construction of this proposed project and the construction of the proposed new power station on the Thorpe Marsh Power site?

Questions primarily directed to Network Rail

19. Please confirm the completeness of the Environmental Statement (Ecology appendix) in relation to the surveys for water vole in spring 2011 and in relation to the 'Extended Phase 1 Assessment' in the Mott MacDonald report 261980/EVT/EMC/001A and the arrangements for Great Crested Newts.
20. Please confirm if a final decision has been taken on the material for the construction of the rail embankments (reference ES Vol 1 4.3.4.1) and what impacts have been considered for the required material handling.
21. What consideration has been given to the air quality effects of standing traffic at any level crossings in the area as outlined in question 2?
22. What consideration has been given to the potential for contaminated land in the construction zone of the proposed development? Please clarify why no draft requirement has been included in the draft DCO in relation to contaminated land.
23. What consideration has been given to the possible funding implications of the proposed transfer of the rights of compulsory acquisition to statutory undertakers under draft article 23(5)?
24. Please could Network Rail clarify how proposed draft requirement 8 satisfactorily deals with matters such as construction noise, dust and odours given that no details such as noise limits and monitoring provisions are included in this requirement or elsewhere in the draft DCO.
25. Plots 105 and 106 in the Book of Reference refer to land owned by the Environment Agency. Has the applicant concluded whether this is Crown Land requiring the consent of the Crown for its acquisition?
26. Has the applicant considered whether there is a need to apply to the Secretary of State for a certificate in respect of the compulsory acquisition of, or the creation of new rights over, any statutory undertakers' land and if so what is the current position with regard to any such application?
27. Please could the applicant provide a track changed version of the draft DCO showing all changes against the Model Provisions.
28. Can the applicant provide an additional Schedule to the draft Development Consent Order showing the plots of land which it is proposed to compulsorily acquire (as opposed to the land in which only new rights may be acquired as set out in Schedule H).

Question primarily directed to electric, gas, water and sewerage undertakers, the operators of Electronic Communications Code Networks and the Environment Agency

29. What comments (if any) do the electric, gas, water and sewerage undertakers, the operators of Electronic Communications Code Networks and the Environment Agency have on the proposed protective provisions set out in Schedule L of the draft DCO?

Questions primarily for:

Mr JE Ritchie, TE Ritchie and Sons, Mr FD Ritchie, Mr AR Booth or Mr Elton Moulds

Thornhurst Leisure Limited, Mr GA Booth, Mr R Booth, Mr JP Dunnington, E Welbure, TN Welburn, Mr DM Hall, Ms I Claybourn, Mr N Carlisle, Mr AD Parker, Ms MK Parker, Mr JEL Nicholson, Mr RA Nicholson, Ms L Parkin-Coates, Elba Securities Ltd, Mr GR Brooks, Ms KL Brooks, Ms LN Brooks, Ms May Brooks, Mr RL Brooks, Mr GD Blogg, Mr AJ Harrison, Ms W Harrison, RWE Npower PLC

Network Rail Infrastructure Limited and BRB (Residuary) Limited

30. Please provide a statement on any matters relating to the proposed compulsory acquisition of their land or rights over their land including the proposed compulsory acquisition provisions in the draft DCO. Please provide reasons and/or an alternative proposal(s) with justification including where the current provisions in the draft DCO are regarded as being unsatisfactory.