

## Ipswich Rail Chord

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

#### Note of the Preliminary Meeting

Wednesday 9<sup>th</sup> November 2011  
IP-City Centre, 1 Bath Street, Ipswich, Suffolk

#### List of Participants:

Mr Gideon Amos OBE	The Examining authority
Ms Alison Gorlov	Network Rail
Mr Richard Asher	Nicoll & Smith (Jones Lang LaSalle)
Mr David Baker	Peter Colby Commercials Ltd
Mr Howard Bassford	Hutchison Ports
Mr Andrew Cann	Hutchison Ports
Mr Des Wain	Homes and Communities Agency
Mr Francis Beaumont	(Individual)
Mr Steve Miller	Ipswich Borough Council
Mr John Pitchford	Suffolk County Council
Mrs Kay Fry	Infrastructure Planning Commission

*Please note the full list of attendees can be found at the end of this note*

#### 1.0 Welcome of Interested Parties and Invitees to the Meeting

- 1.1 **Mr Gideon Amos OBE (GA)** welcomed everyone to the Preliminary Meeting being held under the Examination Procedure Rules of Planning Act 2008 about the application made on the 28<sup>th</sup> June 2011 to the Infrastructure Planning Commission (IPC) for a new stretch of railway north of Ipswich Goods Yard, known as a new rail chord.
- 1.2 All Interested Parties, the Statutory Parties and anyone who made a Relevant Representation to the IPC on the form provided by the deadline given were invited to the meeting, as were any Affected Persons who have an interest in land proposed to be compulsorily acquired, and as were some individuals who made late representations who were invited by the Examining authority to the meeting but who cannot become Interested Parties.
- 1.3 **GA** introduced himself, explaining he is independent of all the parties involved, and has been appointed under the Planning Act 2008 by the Chair of the IPC as the Single Commissioner Examining authority to examine, report and make recommendations on the application to the Secretary of State for Transport, who will, unless a National Policy

Statement is designated in the short term, then be the decision maker on this application.

- 1.4 With regards to proposed changes to the infrastructure planning regime being proposed by the new Government in the Localism Bill, **GA** noted that the Bill was in its final stages of Parliamentary process, and assuming that it received Royal Assent all applications will be decided by the relevant Secretary of State, rather than by the IPC. Since this application already falls to be determined by the Secretary of State due to there being no National Policy Statement for railways the Bill poses no changes to the examination process for the application. Under the Bill the IPC will be abolished but all its functions will be taken up by a unit within the Planning Inspectorate.

## **2.0 Introduction to the Meeting and the Examination Process**

- 2.1 **GA** stated that the purpose of the Preliminary Meeting, as set out in s88 of the Act is to enable Interested Parties and invitees present to make representations about how the application should be examined and to discuss any other matter that the Examining authority wishes to discuss. The merits of the application would not be discussed at this meeting; the examination does not begin until after this meeting has been concluded.
- 2.2 The majority of consultation is scheduled prior to the application being made, with a front loaded process with the onus on the applicant to consult at the early stages.
- 2.3 It was noted that a note of the Preliminary Meeting would be taken and published on the IPC website. The proceedings would also be audio recorded and made available as soon as possible.
- 2.4 **GA** invited **Mr Beaumont** to raise his query on a general matter. **Mr Beaumont** gave notice of his intention to request that an open floor hearing takes place.

## **3.0 Presentation of Principal Issues**

- 3.1 **GA** noted that the principal issues were defined as an initial assessment of the application. This is a stage in the process, and it is not a definitive list. The examination will commence at the conclusion of the Preliminary Meeting and all relevant issues and issues considered relevant by **GA** will be considered. There are some parties that wish to make representations on this item, including the Applicant.
- 3.2 **Network Rail (Ms Gorlov)** raised the issue of line closures, as stated in g(v) of the Initial Assessment of Principal Issues. They were not certain, in relation to line closures, what this was addressing. They questioned whether this addressed the way in which the Order deals

with any necessary line closures in the course of construction. **GA** explained that the issue arose from Mr Bassford's concerns raised in his representation.

#### **4.0 Methods of Examination**

4.1 **GA** referred to the inquisitorial approach that is recommended in CLG Guidance under the Planning Act, that his role would be to “probe, test and assess the evidence through direct questioning of persons making ...representations” and made clear that this approach would be taken to the written evidence, the questions issued and those asked at any Hearings. The first round of questions would be issued soon, having regard to any representations made at the Preliminary Meeting regarding the timetable. It was also noted that s90 of the Planning Act 2008 made clear that the starting point should be that the examination is to take the form of consideration of the written representations about the application, and is predominately to be an examination of the written evidence, however hearings will occur where necessary. There is an opportunity for Interested Parties to call for hearings, the Examining authority to schedule hearings if necessary, and for any Affected Person to call for a Compulsory Acquisition hearing. When questions are issued there will be an opportunity for answers to be made, and then an opportunity for all parties to comment on the answers.

4.2 With regards to the Local Impact Report **GA** noted the status given to it by s105 of the Act. Other opportunities for examination through the process included a site visit, Statements of Common Ground, Hearings, and requests for information under Rule 17.

#### **5.0 Timetable for the Examination**

5.1 The draft timetable was set out in Annex C of the Preliminary Meeting letter. In general terms the Examining authority's approach will be to examine the planning case for making the Development Consent Order (DCO) and then proceed to examining whether there is a sufficient case for the compulsory acquisition of each parcel of land and each power over land which the draft DCO would grant Network Rail, though there would clearly be some overlap.

5.2 **Network Rail** questioned the feasibility of finishing the hearings on the last working day before Christmas and then have a deadline on the first working day in the New Year, due to availability of people during this period. The difficulties after Christmas could also be experienced before Christmas, and therefore it was suggested that the hearing sessions scheduled for 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> December be postponed until the 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> January 2012. If the hearing dates were to be postponed until then it was suggested that the Statements of

Common Ground should be available by the 3<sup>rd</sup> January 2012. This would have a knock on effect, and Network Rail suggested that, with the exception of the Statements of Common Ground, Item 7 in the draft timetable should be put back until 26<sup>th</sup> January, with Item 8 going back to 2<sup>nd</sup> February, and Item 9 to 16<sup>th</sup> February 2012.

- 5.3 **Network Rail** also noted that Comments on Relevant Representations were listed under Item 4 of the draft timetable, and this was the same deadline as the Written Representations. Comments on the Written Representations were then listed under Item 7. Where there was a Relevant Representation and Written Representation from the same person, on the basis that the Written Representation expands on what has gone before, it may better assist the Examining authority if there was just one single response commenting on the totality of the representations being made. This would have the effect that comments on Relevant Representations would all be made at the same time. **Ipswich Borough Council (Mr Miller)** also suggested that the deadline for the Statement of Common Ground be put back until 26<sup>th</sup> January.
- 5.4 **Nicoll & Smith (Mr Asher)** raised similar points with regard to the timing, and supported Network Rail's suggestions for a revised agenda.
- 5.5 **Hutchison Ports (Mr Bassford)** noted that there was a period for the hearings allotted which would take place prior to the completion of the Written Representations. To the extent that the Written Representations informed the Examining authority and the cases of other parties it was suggested that the hearings should follow after the completion of the two rounds of Written Representations and after the Statements of Common Ground are submitted. This would enable the Examining authority to see the positions of the parties fully worked out, and enable the Examining authority to reflect whether a further round of questions were required at Item 7 and whether further hearings were required later in the examination period. **Network Rail** added that with the Written Representations they would be available before the hearings, what would not be available would be the responses to the Written Representations and any other comments the Applicant may make. It might be helpful for the Examining authority to see the totality of the responses in advance of the hearings, although this might delay matters considerably. On the other hand the Examining authority might find it helpful if the responses could take account of anything that had occurred at the hearing sessions. If the Representations and the Statements of Common Ground preceded the hearings Network Rail would not be too worried if the responses came after.
- 5.6 **Hutchison Ports** noted that on a previous project the Examining authority felt that matters once examined ought not to be the subject of further Written Representations. If a person is not present at the hearing they would not be aware, and then would not be able to participate. It would make better sense if the Written Representations

conclude, and then the hearing sessions take place. **Network Rail** considered that a logical sequence of events should be Written Representations and Statements of Common Ground, followed by hearings, followed by comments on the Written Representations which could take account of anything that had occurred at the hearings. Although this was a lengthy process the hearings will be available on the website to all those that could not attend the hearing sessions. To achieve a fair result and an informed presentation to the Examining authority the Applicant requests that the comments on the Written Representations should be timetabled after the hearings. **GA** noted that under Rule 17 written comments can be requested at any time so there were ways to ensure the written evidence came in at the times needed.

- 5.7 **Peter Colby Commercials Ltd (Mr Baker)** raised concerns about the examination of the Compulsory Acquisition questions. They would like to ensure that there would be appropriate time for open floor discussions with the parties and the Examining authority so the issues could be fully understood. **GA** noted that compensation was not an issue for the Examining authority, but the making of the Order and the granting of the powers was. **Peter Colby Commercials Ltd** noted that the issue was with the impact of the decision and any conditions on the decision, and the timing of these which could be important. With regard to the timetable the extension of timing would be of benefit.
- 5.8 **The Homes and Communities Agency (Mr Wain)** highlighted the fact that the East of England Development Agency sold the site to Peter Colby Commercials Ltd in 2008, and by way of a transfer order under the Housing and Regeneration Act the benefit of the legal charge and other matters were transferred to the Homes and Communities Agency with effect from 19<sup>th</sup> September 2011. There is a release mechanism associated with the charge tied to serviced infrastructure for industrial development, and it is not possible to undertake this until Network Rail have completed their works. It is therefore important that there is a compulsory acquisition hearing in order that a programme of works and timetable could be fleshed out and understood. If this mechanism could be undertaken through the representations of other matters than he would be satisfied by that.
- 5.9 **Network Rail** commented that in relation to the comments of the Homes and Communities Agency the Applicant was very conscious of the fact that the timetable and works programmes needed to be discussed with Affected Persons and made known to all those affected. They were working on this at the moment as part of the discussions with Peter Colby Commercials Ltd and in due course the information required by the Homes and Communities Agency would be made available. The timing of this depended on when the order would be made. They hoped that all this could be carried out without the necessity for a hearing.

- 5.10 With regard to resolutions to a number of issues with Affected Persons generally **Network Rail** were hopeful to come forward with resolutions. For example they had been in discussions with National Blood about alternative parking and accommodation arrangements generally, and hoped to accommodate them on those issues. They were also hopeful of putting together proposals regarding Railway Cottages, and there were discussions with a number of the occupiers on the Boss Hall Industrial Estate with regard to arrangements for their businesses. They would hope to resolve as much as they can of the areas of concern.
- 5.11 **GA** questioned **Suffolk County Council (Mr Pitchford)** with regard to the representations they had made, and whether they expected these issues would need to be made at hearing sessions. **Suffolk County Council** had no preconceived notions as to whether it should be conducted through Written Representations or hearings. They would be reliant on the view of the Examining authority as to whether a written or oral discussion would be appropriate.
- 5.12 **GA** gave notice that the next stage would be the letter issued under Rule 8 with a confirmed timetable for examination, and possibly issuing of questions at this stage. Deadlines for representations should be met to ensure other parties could comment on these representations at the appropriate time.
- 5.13 **GA** thanked everyone for their attendance at the meeting and the representations which would inform the next stage, and closed the meeting.

**Ipswich Rail Chord Preliminary Meeting – List of Attendees**

Mr Gideon Amos OBE	The Examining authority
Mrs Kay Fry	Infrastructure Planning Commission
Mr Chris White	Infrastructure Planning Commission
Mr Richard Price	Infrastructure Planning Commission
Ms Nicola Mathiason	Infrastructure Planning Commission
Mr Mike Meadows	Natural England
Ms Alison Collins	Natural England
Mr Kenneth Stedman	Industrial Powder & Paint Services Ltd
Ms Ruth Thomas	Stedner Ltd
Mr Francis Robert Beaumont	(Individual)
Mr Andrew Hunter	The Environment Agency
Cllr Carole Jones	Ipswich Borough Council
Mr Steve Miller	Ipswich Borough Council
Mr Michael Newsham	Ipswich Borough Council
Mr Paul Smart	Ipswich Borough Council
Mr James Bailey	Boyer Planning representing East of England Co-operative Society
Ms Natalie Blaken	East of England Development Agency
Mr David Baker	Peter Colby Commercials Ltd
Director	Peter Colby Commercials Ltd
Director	Peter Colby Commercials Ltd
Mr Des Wain	HCA
Mr John Coxen	Emery Planning Partnership on behalf of Honeyview Investments Ltd.
Ms Anita Seymour	Suffolk County Council

Mr John Pitchford	Suffolk County Council
Mr Paul Smith	(Individual)
Mr Richard Asher	Jones Lang LaSalle
Mr Clarke Vallance	Jones Lang LaSalle
Mr Andrew Gee	(Individual)
Mr Howard Bassford	DLA Piper
Mr Paul Freer	NHS Blood and Transplant
Ms Laura Thornton	Bircham Dyson Bell
Mr Martin Beck	Ceramic Tiles Ltd
Mr Brian Morron	Ceramic Tiles Ltd
Ms Emma Brinkley	(Individual)
Mr Richard Bertam	Fenn Wright Omnicorp
Mr Andrew Cann	Hutchinson Ports