

15 November 2011

By email

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 Ipswich Rail Chord,  
1km north of Ipswich Goods Yard.**

**IPC Reference Number: TR040002**

I am writing to tell you about the procedural decisions made by myself as the Examining authority at and following the Preliminary Meeting<sup>1</sup> held at the IP-City Centre, Ipswich, on the 9<sup>th</sup> November 2011 and to provide you with an examination timetable. A note of the Preliminary Meeting will be published on our website on Friday 18<sup>th</sup> November 2011. The note will also be available for inspection from the 18<sup>th</sup> November 2011 in the places and times set out in Annex C.

This letter is being sent to all Interested Parties whether or not they attended the Preliminary Meeting and to anyone else not registered as an Interested Party but who attended the meeting and provided correspondence details<sup>2</sup>.

**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 Examining authority is enclosed with this letter at Annex A<sup>3</sup>. A note of the proceedings will be published on our web-site and made available for inspection at the venues listed in Annex C from 18<sup>th</sup> November 2011.

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<sup>1</sup> PA 2008 s89 and Rule 9

<sup>2</sup> In accordance with Rule 7(2) the note of the proceedings must also be made available to anyone who is not an Interested Party but who attended the Preliminary Meeting. The note of the meeting will be available on our website and at the venues listed in Appendix D from 18<sup>th</sup> November 2011.

<sup>3</sup> Rule 8(2) and Rule 9

## **2. Written questions**

I have decided it will be necessary to ask a number of questions and to receive further information about matters relevant to the application. These questions are set out in Annex B, and responses must be received by 8<sup>th</sup> December 2011. As the timetable indicates, I may write to Interested Parties with further requests for comments or for 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 [IpswichChord@infrastructure.gsi.gov.uk](mailto:IpswichChord@infrastructure.gsi.gov.uk) or to the address at the top of this letter quoting reference **TR040002**, 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 disagreement.<sup>4</sup>

## **4. Principal issues**

The purpose of this assessment is to assist the Examining authority in developing 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 requirement on the Examining authority to carry out any further assessment of principal issues arising on the application.

## **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 issue of the draft Development Consent Order will be held however, because I have decided it is necessary to include the consideration of oral representations to ensure adequate examination of this issue. 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 before the 9th January 2012 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 before

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<sup>4</sup> Rule 10(4)

the 9th January 2012<sup>5</sup>.

## **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 them<sup>6</sup>. 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 C.

## **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 date, time and place of any hearing is changed, except in the event of an adjournment<sup>7</sup>.

## **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 them<sup>8</sup>.

## **9. Advice sought**

If you are an Interested Party you will continue to receive notifications from the IPC about the examination throughout the process. If you have received this letter because you attended the Preliminary Meeting but you are not an Interested Party you will **not** receive any further communication from the IPC relating to this application. You can, however, visit the dedicated project page on the IPC's website to stay informed of the progress of the examination of this application.

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.

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<sup>5</sup> s90(1), s91(1), s92(3) & s93(2) PA2008

<sup>6</sup> Rule 21

<sup>7</sup> Rule 13(4)

<sup>8</sup> Rule 10(8) Rule 13(2)

Yours sincerely



**Gideon Amos OBE RIBA MRTPI**

**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 here:

<http://infrastructure.independent.gov.uk/who-we-are/corporate-info/policy/openness/>.

## Annex A

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

#### Procedural Decision regarding an application for the proposed Ipswich Rail Chord, 1km north of Ipswich goods yard – IPC Reference Number TR040002

Following the Preliminary Meeting held on Wednesday 9<sup>th</sup> November 2011, the Examining authority has made the Procedural Decision set out below:

1. **The Examining authority's questions** that he wishes to ask about certain matters relevant to the examination of the application are contained in Annex C.
2. **Responses to the Examining authority's questions** and requests for information (with the exception of Statements of Common Ground) must be received by the Examining authority by Thursday 8<sup>th</sup> December 2011.
3. Any **Written Representations** (including summaries of any Written Representations that are more than 1500 words) about the application that Interested Parties wish to make must be received by the Examining authority by Thursday 8<sup>th</sup> December 2011.
4. A **site inspection in the company of Interested Parties**, shall be made by the Examining authority at 10:30am on Tuesday 6<sup>th</sup> December 2011 starting at the Hadleigh Road site entrance.
5. The deadline for receipt of the **Local Impact Report** by the Examining authority is Monday 9<sup>th</sup> January 2012.
6. If any Interested Parties **wish to be heard at an Open Floor Hearing** and if any Affected Persons **wish to be heard at a Compulsory Acquisition Hearing** they must formally notify the Examining authority by Monday 9<sup>th</sup> January 2012.
7. Any Interested Parties who **wish to make oral representations at the Hearings about specific issues** should formally notify the Examining authority by Monday 9<sup>th</sup> January 2012.
8. **Statements of Common Ground**, setting out agreed factual information and prepared jointly by the applicant and an Interested Party, must be received by the Examining authority by Monday 9<sup>th</sup> January 2012.
9. Any written **comments on Relevant and Written Representations** and any written **comments on responses to the Examining authority's questions** that Interested Parties may wish to make must be received by the Examining authority by Monday 9<sup>th</sup> January 2011.

10. Any written **comments on the Local Impact Report** that Interested Parties may wish to make must be received by the Examining authority by Monday 6<sup>th</sup> February 2012.
11. Any written **comments on the Statements of Common Ground** that Interested Parties may wish to make must be received by the Examining authority by Monday 6<sup>th</sup> February 2012.
12. If a valid request for an Open Floor Hearing is received, an **Open Floor Hearing will be held at 10am on Tuesday 14<sup>th</sup> February 2012** at the IP City Centre, Bath Street, Ipswich.
13. **An Issue Specific Hearing on the draft Development Consent Order will be held at 2pm on Tuesday 14<sup>th</sup>, and 10am on Wednesday 15<sup>th</sup> February 2012** at the IP City Centre, Bath Street, Ipswich.
14. If a valid request for a Compulsory Acquisition Hearing is received, **Compulsory Acquisition Hearings will be held at 10am on Tuesday 21<sup>st</sup>, at 10am on Wednesday 22<sup>nd</sup> and at 10am on Thursday 23<sup>rd</sup> February 2012** at the IP City Centre, Bath Street, Ipswich.
15. **Written summaries of cases put orally at any Hearing** should be received by Wednesday 29<sup>th</sup> February 2012.
16. The Examining authority will issue the final **draft Development Consent Order** and a request for final written comments on the final draft Development Consent Order by Tuesday 6<sup>th</sup> March 2012. This may be issued and requested earlier than this date.
17. Any final written **comments that Interested Parties wish to make on a revised draft Development Consent Order** must be received by the Examining authority by Tuesday 13<sup>th</sup> March 2012 or within eight days of the issuing of a revised draft Development Consent Order for comment by the Examining authority if this is issued before 6<sup>th</sup> March 2012.

## Timetable for Examination of the Application

Item	Matters	Due Dates
1.	<b>Examining Authority's site inspection in the company of Interested Parties.</b>	<b>Tuesday 6<sup>th</sup> December 2011</b>
2.	<b>Deadline for receipt by the Examining authority (ExA) of:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Responses to ExA's first written questions (Rule 8(1)(b))</li> <li><input type="checkbox"/> Written Representations (including summaries of any Written Representations of more than 1500 words) (Rule 8(1)(a) and Rule 10(1) and(2))</li> </ul>	<b>Thursday 8<sup>th</sup> December 2011</b>
3.	<b>Deadline for receipt by the ExA of:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Statements of Common Ground (SoCG) (Rule 8(1)(e))</li> <li><input type="checkbox"/> Local Impact Report (LIR) by all local authorities (Rule 8(1)(j))</li> <li><input type="checkbox"/> Any written comments on responses to ExA's written questions that any Interested Party wishes to make (Rule 8(c)(ii) and(d)(ii))</li> <li><input type="checkbox"/> Any written comments on Relevant Representations that any Interested Party wishes to make (Rule 8(1)(c)(i) and (d)(i) and Rule 3(2)(b))</li> <li><input type="checkbox"/> Any written comments on Written Representations that any Interested Party wishes to make (Rule 8(1)(c)(i) and (d)(i) and Rule 3(2)(b))</li> <li><input type="checkbox"/> Notification of wish to be heard at an</li> </ul>	<b>Monday 9<sup>th</sup> January 2012</b>

	<p>Open Floor (OF) Hearing by Interested Parties (s93(1) (PA) Rule 8(1)(f) and Rule 13(1))</p> <p><input type="checkbox"/> Notification of wish to be heard at a Compulsory Acquisition (CA) Hearing by Affected Persons (s92(2) (PA) Rule 8(1)(f) and Rule 13(1))</p> <p><input type="checkbox"/> Notification of wish to make oral representations at the Issue specific hearing (ISH) relating to the draft Development Consent Order, by Interested Parties (s91 (PA) and Rule 8(1)(k))</p>	
4.	<p><b>Deadline for receipt by the ExA of:</b></p> <p><input type="checkbox"/> Any written comments on Statements of Common Ground that any Interested Party wishes to make (Rule 8(b)(k))</p> <p><input type="checkbox"/> Any written comments on the Local Impact Report that any Interested Party wishes to make (Rule 8(b)(j))</p>	<b>Monday 6<sup>th</sup> February 2012</b>
5.	<p><input type="checkbox"/> <b>Time period reserved for Open Floor Hearing</b> to be held at the IP Centre, Bath Street, Ipswich (Rule 13(3)(a))</p>	<b>10:00am Tuesday 14<sup>th</sup> February 2012</b>
6.	<p><input type="checkbox"/> <b>Hearing on the specific issues</b> of the draft Development Consent Order to be held at the IP City Centre, Bath Street, Ipswich (Rule 13(3)(a))</p>	<b>2pm Tuesday 14<sup>th</sup> February 2012 and 10am Wednesday 15<sup>th</sup> February 2012</b>

7.	<input type="checkbox"/> <b>Time period reserved for Compulsory Acquisition Hearing</b> be held at the IP City Centre, Bath Street, Ipswich (Rule 13(3)(b))	<b>10am on Tuesday 21<sup>st</sup>, at 10am on Wednesday 22<sup>nd</sup> and 10am on Thursday 23<sup>rd</sup> February 2012</b>
8.	<b>Deadline for receipt by the ExA of:</b>  <input type="checkbox"/> Written summaries of any case put at any Hearing (Rule 8(1)(k))	<b>Wednesday 29<sup>th</sup> February 2012</b>
9.	<b>Deadline by which the ExA will:</b>  <input type="checkbox"/> Issue a final draft Development Consent Order for comment (Rules 17 and 8(1)(k))	<b>Tuesday 6<sup>th</sup> March 2012</b>
10.	<b>Deadline for receipt by the ExA of:</b>  <input type="checkbox"/> Any written comments on the final draft Development Consent Order that any Interested Party wishes to make (Rules 17 and 8(1)(k))	<b>Tuesday 13<sup>th</sup> March 2012</b>
<p>The Examining authority is under a duty to <b>complete</b> the Examining authority's examination of the application by the end of the period of 6 months beginning with the start day. (s98 (PA))</p>		

## **Annex B**

### **Proposed Ipswich Rail Chord - North Of Ipswich Goods Yard – IPC Case Ref: TR040002**

#### **Examining Authority's Questions – Responses to be Received by the Examining Authority by Thursday 8<sup>th</sup> December 2011**

#### **Statements of Common Ground – To be Received by the Examining Authority by Monday 9<sup>th</sup> January 2012**

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

#### Questions for the Applicant

##### Information

1. The Applicant is asked to provide a copy of the draft DCO showing any and all departures from the Model Provisions in tracked changes?
2. Section 2.4.7 of the Environmental Statement states that 150m of the chord will be electrified. The applicant is asked to show the exact location of this Overhead Line Electrification infrastructure on the Works Plans and confirmation that separation distances are within the Stakeholder Advisory Group on Electro-magnetic Fields precautionary separation distances.
3. Article 9 and Schedule B of the draft DCO sets out the streets, roads and footpaths that will be subject to street works. The applicant is asked to show clearly on the Works Plans the sections of these streets, roads and footpaths which will be subject to street works and annotate the general nature of those works.
4. The Environmental Statement (Doc Ref: 4.1) and the Assessment of effects on Sites or Features of the Natural Environment set out ecological mitigation measures including retention and creation of habitats. The latter states at paragraph 5.13.2 that there will be creation of 0.8Ha of open mosaic habitat. The proposal documents are not clear on the loss of and/or proposed replanting of trees or on landscaping proposals. The applicant is asked to submit an annotated Environmental Management Plan showing the main landscaping proposals, who/how they will be maintained, and demonstrating where the key ecological and all key environmental mitigation measures will be provided as required as a consequence of this development, including how and where key mitigation measures required by Planning Permission 08/00970/FUL can also be provided and how land on the west side of the new embankment can be used to drain this site which is on the east side of the embankment.
5. 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 D).

6. Part 1 of Schedule A of the draft Development Consent Order lists various works (a) to (j). Will the applicant confirm that all these works are shown on the works plans or design drawings, in any case where such works are not shown the applicant is requested to show them on the works plans or design drawings.

### General

7. There are obligations on the decision maker and the applicant under the Habitats Directive (92/43/EEC) (Habitats Directive) and the Conservation of Habitats and Species Regulations 2010 (as amended) (the 2010 Habitats Regulations). Under Article 6(3) of the Habitats Directive (92/43/EEC) an Appropriate Assessment is required where a plan or project (in this case a nationally significant infrastructure project (NSIP)) is likely to have a significant effect upon a European site, either alone or in combination with other projects. This Article has generally been interpreted as meaning that any project is to be subject to an Appropriate Assessment if it cannot be proven, beyond reasonable scientific doubt, that there is no significant effect on that site (a precautionary approach), either alone or in combination with other plans and projects. The conclusion of the applicant's HRA report relies upon the implementation of appropriate mitigation in the form of a Pollution Incident Control Plan. Can the applicant co-ordinate and submit (as a response to this question) a **Statement of Common Ground\*** with Natural England (NE) and the Environment Agency (EA) agreeing the minimum set of measures required to prevent a water pollution incident affecting the European site, and the measures needed to monitor and manage pollution risks. The measures should also address the potential risks to the Principal Chalk Aquifer as well as the approach to additional assessment and remediation of contamination hot-spots.
8. Appendix C of Report 6 (Noise and Vibration Technical Report – Volume 3 Binder 1 of the Environmental Statement Technical reports) shows an increase of 23 per day in projected train movements with the new chord (“Up and Down Main, Europa Junction – Stowmarket”). What impacts is this expected to have on the Great Blakenham Level Crossing and are any mitigation measures proposed?
9. Given the increase in train movements forecast with the chord is it intended that 4a Railway Cottages will remain in residential use and will the impacts in terms of noise, dust and vibration be within acceptable limits for its residents?
10. The Drawing (numbered GAD/0042) of the Reconstruction of Bridge 404 shows a construction in a considerably more massive form with more enclosed spaces beneath it when compared with the current relatively lighter steel structure. What are the reasons for this design solution and would a more similar steel structure to the current bridge 404 be practicable?

11. "Network Rail's Contract Requirements – Environment" are relevant to a number of articles in the draft DCO. To what extent can the current requirements within these be relied upon to remain in place over the life of the proposed project? How is/can this be secured by the DCO?
12. If solid or liquid contaminants are disturbed during the necessary removal of any substrate how will the washing of these contaminants into the river be avoided and what minimum specifications will the Pollution Prevention Control Plan meet to ensure this is avoided?
13. The Statement Relating to Statutory Nuisances refers to fugitive dust emissions (4.8 to 4.13).
  - 13.1 Why is this related only to business premises?
  - 13.2 What minimum specifications should the Construction Environment Management Plan meet to control dust emissions to protect business, domestic and public areas?
14. Plot 2 in the Book of Reference refers to bona vacantia land owned by the Treasury Solicitor as Crown Land has the applicant reached agreement with the Treasury Solicitor for the acquisition or use of Plot 2?
15. Plots 38, 40, 41, 42, 43, 54, 56, 64, 65, 71, 73, 74, 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?
16. Plots 20a, 33, 34, 57, 58, 59 and 62 in the Book of Reference refer to land over which the Secretary of State for Health has an interest. Has the applicant obtained the consent of the Crown for the acquisition of this land/for rights to be granted over it?
17. Plot 33 is not listed in Part 3 of the Book of Reference, is there any reason for this?
18. Plot 44, 44a, 44b, 46, 47 and 69 in the Book of Reference refers to land over which the Environment Agency has an interest. Has the applicant concluded whether this is Crown Land requiring the consent of the Crown for its acquisition/for rights to be granted over it?
19. 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 the application?
20. Has the applicant considered whether there is a need to obtain the consent of the Secretary of State to the inclusion in the draft Development Consent Order of any powers to remove statutory undertakers apparatus or extinguish their rights and if so what is the current position with regard to the application?
21. Plots 44, 44a, 44b, 45, 45a, 46, 47, 49, 50, 51, 52, 53 and 55 refer to land over which the East of England Development Agency had, and now the Homes and Communities Agency has an interest. Has the applicant

concluded whether this is Crown Land requiring the consent of the Crown for its acquisition/for rights to be granted over it?

22. Article 23(4)(b) provides that Network Rail shall not be required to restore the land on which any of the works in Column 3 of Schedule F have been constructed, please can the applicant clarify which works in Column 3 of Schedule F are intended to be permanent and which temporary and propose an amendment to the Article to make clear that the temporary works shall be removed?

#### Question for Environment Agency, the Electronic Communications Code Networks and the Electricity, Gas, Water and Sewerage Undertakers

23. Schedule G of the DCO sets out Protective Provisions. Are the Environment Agency, the Electronic Communications Code Networks, and the Electricity, Gas, Water and Sewerage Undertakers referred to content with the Protective Provisions set out here?

#### Questions for the Environment Agency

24. Does the Environment Agency agree to the disapplication of those sections of the Water Resources Act 1991 and of the Land Drainage Act 1991 listed in Article 4 and should this be for the period of the works or permanent?
25. Article 13 sets out a procedure for discharge of water in the context of the "Disapplication of legislative provisions" area (under Article 4). Does the Environment Agency have any comment on this Article and in particular on the proposal that upon any application to discharge into a river or open up a sewer where there has been no notification of a decision within 28 days Network Rail may deem that consent has been granted?
26. Article 23(4)(b) provides that Network Rail shall not be required to restore the land on which any of the works in Column 3 of Schedule F have been constructed. Is the Environment Agency content to maintain any environmental mitigation works permanently or as long as necessary?

#### Questions for Suffolk County Council

27. Article 11(2) in the draft DCO provides that Network Rail may use any street temporarily stopped up as a worksite and 11(5) provides that consent to the stopping up of a street may not be unreasonably withheld.
  - 27.1 Does the Council have any comment on these draft provisions?
  - 27.2 Does the Council have any comments on suggested maximum timescales for the stopping up of streets?
  - 27.3 Does the Council believe the DCO should include a provision that any street stopped up should be restored to a condition to its satisfaction after the stopping up?
28. Article 11(8) of the draft DCO provides that in the event of an application to temporarily stop-up, alter or divert a street and where no decision has been notified, Network Rail may deem itself consent. Is the Council as street authority content with this provision and if not please provide reasons and/or an alternative proposal with justification?

29. Article 12 of the draft DCO provides an authority for Network Rail to place/maintain traffic signs. Does the Council have any comment on this?
30. Article 15(6) provides that where an application has been made to the street or highway authority to bore trial holes in a highway or private street and where no decision has been notified within 28 days Network Rail may deem that consent has been granted. Is the Council as street and highway authority content with this provision and if not please provide reasons and/or an alternative proposal with justification?
31. The Drawing (numbered GAD/0030) of the proposed underpass shows the width of the underpass to be 5200mm. On balance would there be advantages or disadvantages to the underpass being wider so as to allow for greater future access to the land beside the river?
32. For what reasons does the County Council state that heavy goods vehicle use of the East Hadleigh Road Bridge adjacent to the site access will not be permitted and what measures does it wish to see in the DCO to address this if any?
33. Why is it considered that landscaping between the new chord and the river necessitates the compulsory acquisition of that land by Network Rail?
34. Does the County Council consider that an alternative right of way should be provided for the period of diversion of the river path and if so where?

Questions for the Applicant, Suffolk County Council and Ipswich Borough Council

35. I would propose a change to the wording of the requirements in Schedule A Part 2 of the draft DCO in that approvals would be given by the relevant highway or planning authority, not by the Commission. Would this change be acceptable?
36. Please provide a **Statement of Common Ground\*** with the applicant setting out the areas of agreement in relation to the application, clarifying whether there is agreement on the planning and development case for the project and separately on any matters relating to the proposed compulsory acquisition of your land and/or of rights over your land.

Questions for Suffolk County Council and Ipswich Borough Council

37. Please provide any comments you may have on the draft requirements in Schedule A Part 2 of the draft DCO.

Questions for Nicoll And Smith

38. Please provide a **Statement of Common Ground\*** with the applicant setting out the areas of agreement in relation to the application, clarifying whether there is agreement on the planning and development case for the project and/or on any matters relating to the proposed compulsory acquisition of your land and/or of rights over your land.

39. The Relevant Representation on behalf of Nicoll and Smith refers to plots 6, 7, 8 and 9 in the Book of Reference. Can Nicoll and Smith confirm that they have an interest only in plots 8 and 9?

#### Questions for the Homes and Communities Agency

40. Can the Homes and Communities Agency confirm that it has taken over all the interests of the East of England Development Agency as listed in the Book of Reference in relation to Plots 44, 44a, 44b, 45, 45a, 46, 47, 49, 50, 51, 52, 53 and 55 and no interests in any other plots?
41. Please provide a **Statement of Common Ground\*** with the applicant setting out the areas of agreement in relation to the application, clarifying whether there is agreement on the planning and development case for the project and/or on any matters relating to the proposed compulsory acquisition of your land and/or of rights over your land.

#### Questions for Peter Colby Commercial

42. Please provide a **Statement of Common Ground\*** with the applicant setting out the areas of agreement in relation to the application, clarifying whether there is agreement on the planning and development case for the project and/or on any matters relating to the proposed compulsory acquisition of your land and/or of rights over your land.
43. The applicant states (Planning Statement paragraph 8.15) that “The construction of the chord line does not prevent the implementation of three of the four extant planning consents for commercial development on the site” (local authority references 08/00696/FUL, 08/00929/FUL and 08/00928/FUL).
- 43.1 What measures if any would be required in the DCO to provide for the development of these permissions concurrently with the rail chord?
- 43.2 What measures would be needed to provide for the partial implementation of planning permission reference 08/00970/FUL before, during or after the construction of the rail chord?

#### Questions for the Applicant and the Environment Agency, Natural England

44. The application sets out a number of consents and licences that may be required under other legislation (no. 24 in the Application Form). Can the applicant and the relevant consenting bodies confirm whether these consents and licences if required, are likely to be granted?

#### Questions for Hutchison Ports/Felixstowe Dock and Railway Company/Freightliner

45. Please provide a **Statement of Common Ground\*** with the applicant setting out the areas of agreement in relation to the application, clarifying whether there is agreement on the planning and development case for the project and/or on any matters relating to the proposed compulsory acquisition of your land and/or of rights over your land.

**\* Statements of Common Ground must be received by Monday 9<sup>th</sup> January 2012 as stated above, responses to all other Examining authority's Questions must be received by Thursday 8<sup>th</sup> December 2011.**

## Annex C

### 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](http://www.independent.gov.uk/infrastructure) following the links: *Projects – Eastern – Ipswich Rail Chord*.

For inspection and copying at:

- Ipswich County Library  
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(Coping charges quoted are indicative costs as at October 2011.)