

**Meeting Note**

<b>File reference</b>	<b>N/A</b>
<b>Status</b>	<b>Final</b>
<b>Author</b>	<b>Simon Dilly</b>

<b>Meeting with</b>	<b>Network Rail (NR), Department for Transport (DfT) and Department for Communities and Local Government (DCLG)</b>
<b>Meeting date</b>	<b>23/06/2011</b>
<b>Attendees (IPC)</b>	<b>Pauleen Lane, Ian Gambles, Tim Hallam, Susannah Guest Simon Dilly,</b>
<b>Attendees (non IPC)</b>	<b>Ciaran Scanlon (NR) , Tom Higginson (NR) , Mike Gallop (NR), Stuart Baker (DfT), Steve Davey (NR) , Cathal Rock (DCLG)</b>
<b>Location</b>	<b>IPC Board Room</b>

<b>Meeting purpose</b>	<b>To discuss Network Rail's proposed approach to the electrification of the Great Western Mainline</b>
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<b>Summary of key points discussed and advice given</b>	<p>Network Rail introduced their proposed approach to gaining consent for the electrification of the Great Western Mainline (GWML), and how this might relate to the Planning Act 2008 (the 2008 Act) regime.</p> <p>Network Rail explained that the electrification of the GWML in Wales was proposed to be consented by way of a Transport and Works Act Order, and that the section from Maidenhead to Paddington was being consented as part of the Crossrail scheme. In relation to the remaining part of the GWML in England, from Maidenhead to the Welsh border in the Severn Tunnel, the IPC and Network Rail discussed the possible interactions between Network Rail's Permitted Development Rights (PDR) and the 2008 Act regime DCO, specifically s25(2)(c) of the 2008 Act.</p> <p>The IPC emphasised that Network Rail would need to clearly identify whether any part of the proposed scheme fell outside their PDR powers, and the extent to which (if at all) the development is or forms part of a Nationally Significant Infrastructure Project (NSIP) as defined in the 2008 Act. In this regard, the IPC explained that the same approach would need to be taken by Network Rail in relation to all sections/phases of the GWML electrification in England save for that element being consented as part of the Crossrail scheme. Network Rail said that detailed design work for the scheme was still being undertaken so it was not yet clear as to the extent of the works that could be carried out under PDR.</p>
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	<p>The IPC said that Network Rail would have to establish a clear, legally robust case (seeking their own legal advice on which they can rely if necessary) for their proposed consenting and phasing strategy so as to provide confidence that an application for an order granting development consent could be accepted by the IPC. The IPC could though only give its formal view on whether the project is or forms part of a NSIP at application acceptance stage under s.55 of the 2008 Act.</p> <p>There was a discussion regarding the progress of the Localism Bill, and concerning sections 14(3) and 35 of the 2008 Act. The IPC described the approach that was being taken in relation to the proposed Thames Tunnel scheme by Thames Water, whereby they had sought an Order from the Secretary of State (for DEFRA) under s.14(3)(a) of the 2008 Act in order (in that case) to add a new type of project to the 2008 Act regime. However, DCLG suggested that, given the likely timescale for obtaining such an Order, this approach may well not meet the deadlines required by Network Rail and the Department for Transport for completion of this scheme.</p>
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<b>Specific decisions/ follow up required?</b>	Network Rail to consider seeking their own legal advice on which they can rely on their proposed consenting and phasing strategy, and to make further submissions/updates to the IPC as to the approach they are proposing to take.
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<b>Circulation List</b>	All Attendees