

From: Kath Haddrell
Sent: Thursday, March 08, 2012 6:39 PM
To:
Subject: FW: NEW SIDING

Dear Mr Benson,

Thank you for your email, please accept my apologies for the delay in replying to you.

As you are aware, section 25 of the Planning Act 2008 (http://infrastructure.independent.gov.uk/wp-content/uploads/2009/08/ukpga_20080029_en.pdf) states that:

"(1) Construction of a railway is within section 14(1)(k) only if-

(a) the railway will (when constructed) be wholly in England,

(b) the railway will (when constructed) be part of a network operated by an approved operator, and

(c) the construction of the railway is not permitted development.

(2) Alteration of a railway is within section 14(1)(k) only if—

(a) the part of the railway to be altered is wholly in England,

(b) the railway is part of a network operated by an approved operator, and

(c) the alteration of the railway is not permitted development.

(3) Construction or alteration of a railway is not within section 14(1)(k) to the extent that the railway forms part (or will when constructed form part) of a rail freight interchange.

(4) "Approved operator" means a person who meets the conditions in subsections

(5) and (6).

(5) The condition is that the person must be—

(a) a person who is authorised to be the operator of a network by a licence granted under section 8 of the Railways Act 1993 (c. 43) (licences for operation of railway assets), or

(b) a wholly-owned subsidiary of a company which is such a person.

(6) The condition is that the person is designated, or is of a description designated, in an order made by the Secretary of State".

You may also be aware that the IPC cannot provide legal advice on which you can rely, and that you should seek your own legal advice as required.

I trust that this is helpful, but please feel free to contact me if I can be of any further assistance on the number below.

Yours sincerely

Kathrine Haddrell

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/>.

From: Benson Mark

Sent: Tuesday, February 28, 2012 2:54 PM

To: IPC Enquiries

Subject: NEW SIDING

I am about to enter discussion with a city council about acquiring a strip of land adjacent to an existing rail depot, with the intention of laying a new siding of around 250m in length. Would such a scheme require to be submitted to the IPC?

Regards,

Mark Benson

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