

From: Robert Ranger
Sent: 26 May 2011 11:20
To: XXXXX
Subject: RE: Petrochem Carless -New local pipeline

Dear Mr Lee,

Thank you for your email.

The Infrastructure Planning Commission (IPC) was established by the Planning Act 2008 to consider applications for nationally significant infrastructure projects (NSIPs).

The IPC is restricted in the advice we are permitted to give. We are unable to give advice on the merits of any case, and I regret we cannot confirm whether or not the project you describe is an NSIP. You should take your own legal advice upon which you can rely. However, the criteria to determine whether or not the construction of a pipeline other than by a gas transporter represents an NSIP can be found in section 21 of the 2008 Act. In summary, the criteria are:

- The pipeline, when constructed, is expected to be a cross-country pipeline, (see section 66 of the Pipe-lines Act 1962) and
- The pipeline would, prior to the 2008 Act, have required authorisation under section 1(1) of the 1962 Act, and
- Both ends lie in England or Wales, or, in the case of a gas or oil pipeline, one end lies in either England or Wales and the other in Scotland.

There are further criteria, particularly relating to diversions to pipelines.

I have attached to this email a copy of some of our published guidance, which outlines the 2008 Act process. The process is considered to be “fast track,” and is designed to deliver a recommendation to the Secretary of State (SoS) (the decision maker) in approximately a year from the date the application is accepted by the IPC for examination. The legislation then requires the SoS to make their decision in 3 months. However, it is also heavily front-loaded, and so the submission of an application is not the first step that must be taken by the developer.

If you decide that this project is likely to be an NSIP, a constructive next step would be to confirm your intention to submit an application to us. We will then appoint a team to advise and guide you, and other stakeholders in the project, through your pre-application tasks. The IPC cannot give advice on the merits of the case or legal advice.

Also, we have a policy of openness and are subject to Environmental Information and Freedom of Information provisions which make everything we hold open to publication. You should not share anything with us that you do not wish to make

public.

If you have any other questions, please do not hesitate to contact me.

Yours,

Robert

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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.

You should note that we have a Policy Commitment to Openness and Transparency and you should not provide us with confidential or commercial information which you do not wish to be put in the public domain.