

From: Kay Sully
Sent: Friday, January 13 2012 10:56 AM
To: Robert.Fox
Subject: Ipswich Rail Chord (TR 040002) - "interested parties"

Dear Mr Fox

I have looked into this further and conclude that the Secretary of State for Transport is not a statutory consultee and as the decision-maker, it would be inappropriate for her to be involved in any consultation process relating to the application.

I have therefore removed the contact details and confirm that no further correspondence will be sent.

Yours sincerely

Kay Sully

Kay Sully
Case Manager
Infrastructure Planning Commission (IPC)
Temple Quay House
Temple Quay
Bristol, BS1 6PN

Direct line:
Customer Service: 0303 444 5000

Website: www.independent.gov.uk/infrastructure

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From: Kay Sully
Sent: Tuesday, January 10, 2012 3:45 PM
To: Robert Fox
Subject: RE: Ipswich Rail Chord (TR 040002) - "interested parties"

Mr Fox

Thank you for your email, I apologise for the delay in responding. I can however assure you this is being looked into and I am awaiting confirmation on whether we are able to remove you from our list of contacts. I anticipate a response will be sent to you by close of play this week.

Kind regards

Kay Sully

Kay Sully
Case Manager
Infrastructure Planning Commission (IPC)
Temple Quay House
Temple Quay
Bristol, BS1 6PN

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From: Robert Fox []
Sent: Wednesday, January 04, 2012 10:36 AM
To: Kay Sully
Subject: RE: Ipswich Rail Chord (TR 040002) - "interested parties"

Dear Ms Fry

Thank you for your email of 1 November (below) in response to my query (further below).

Your response suggests that it was an interim reply and something further would follow from you. When do you anticipate that would be?

Regards
Robert Fox

Robert J Fox
Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
LONDON SW1P 4DR

From: Kay Fry []
Sent: 01 November 2011 16:53
To: Robert Fox
Subject: FW: Ipswich Rail Chord (TR 040002) - "interested parties"
Importance: High

Dear Mr Fox

Thank you for your email.

I am looking into your query but for background, the applicant, in this case (Network Rail) has consulted the Secretary of State for transport on the scheme during the pre-application stage and identified you to be a statutory consultee under s42 of the Planning Act 2008 (PA2008).

In general, we advise applicants to ensure their pre-application consultation fully accords with the requirements of the PA2008, and associated regulations and guidance. When identifying statutory consultees the applicant must make diligent inquiry, carrying out their

own investigations and taking legal advice where appropriate.

I suspect the applicant adopted a precautionary approach and over consulted as the Secretary of State for transport are not deemed to be a statutory consultee identified in Schedule 1 of the Application Prescribed Forms Procedure Regulations.

To maintain consistency, the IPC therefore consult the s42 bodies identified by the applicant however it may not be appropriate to notify you in this case. I am awaiting approval for a finalised line on whether we should be removing you from our list of parties, if so it will preclude you from receiving any further notifications during the examination of this case.

I will issue with a full response on this matter as soon as practicable. In the meantime, if you have any queries please do not hesitate to contact me on my direct line as set out below.

Yours sincerely

Kay Fry

Kay Fry
Case Leader
Infrastructure Planning Commission (IPC)
Temple Quay House
Temple Quay
Bristol, BS1 6PN

Direct Line: 0303 444 5000
Customer Service: 0303 444 5000

Email: IpswichChord@infrastructure.gsi.gov.uk
Website: www.independent.gov.uk/infrastructure

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From: Robert Fox
Sent: Tuesday, October 25, 2011 2:02 PM

To: Ipswich Chord
Subject: Ipswich Rail Chord (TR 040002) - "interested parties"
Importance: High

f.a.o. Kay Fry, Case Leader

Dear Ms Fry

The Examining Authority's notification letter of 12 October 2011 to 'interested parties' was sent to the Secretary of State for Transport under Unique Reference Number SP00201.

Could you please advise the basis on which the Secretary of State for Transport (SoS) was identified as an interested party? As the second paragraph of the letter correctly identifies, the SoS will be the decision maker for this application, so it would be inappropriate to play any part in the earlier processes leading up to IPC's formal recommendations to her.

Alternatively, we see from your website that the Highways Agency 'on behalf of the Secretary of State' is recorded as making a representation on the application (a legally correct designation as the Agency has no separate formal legal entity). If the Examining Authority's letter was intended to be a response to the SoS in relation to the Highways Agency's representation, could you please confirm this, so that we can forward the letter to the Agency for attention.

Yours sincerely

Robert Fox

Robert J Fox
Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
LONDON SW1P 4DR

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