

4 October 2010

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Dr Bill Temple-Pediani
Via Email - Btemplepediani@aol.com

e: ipcenquiries@infrastructure.gsi.gov.uk

Dear Dr Bill Temple-Pediani,

Thank you for your email of 4 October 2010, addressed to Mr Chris Gascoigne at the London Borough of Newham. Although this correspondence was addressed to Mr Gascoigne, it contains points that we feel require clarification.

Role of the IPC in local development control applications

The IPC has no involvement in local development control applications. We do not have an oversight role for the planning system, or the performance or behaviour of local planning authorities. We emphatically decline to take a view on whether or not the behaviour of any party has been "unhelpful" or otherwise.

If you are dissatisfied with the service that you have received from a local authority, and you have raised the matter with them, and they have not satisfied you with their response, you can address your complaint to the Local Government Ombudsman. They can be reached at advice@lgo.org.uk.

Proposed renewable CHP station on the Unex site

The 2008 Act sets out a development consent regime for Nationally Significant Infrastructure Projects (NSIP), for which the IPC is the administering body. NSIPs are defined in the 2008 Act itself. It is the responsibility of promoters to decide whether their proposal is an NSIP. If promoters are unsure we advise them to take their own legal advice upon which they can rely.

We are aware that KTI energy is forming a proposal for a combined heat and power generating station on land at the Unex site. However, we are not currently allocating any resources to preparing to receive the project.

The IPC will allocate project resources to projects once it is clear that they are viable projects, likely to result in an NSIP application. This means that the IPC will need to be satisfied that promoters have a realistic prospect of implementing a Development Consent Order. Matters such as land ownership and funding are important considerations. It is not clear at this stage that KTI has this level of commitment from key stakeholders or landowners. This is not intended as a comment on the merits of the proposal.

I trust that this was helpful to you.

Yours faithfully

Robert Ranger

Robert Ranger
Case Officer

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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.