

Dear Mr West,

Thank you for your email, addressed to my colleague, Kathryn Powell.

When applications for Development Consent Orders (DCOs) are made to the IPC, the Commissioner(s) will examine them, and determine them (or make recommendations to the Secretary of State) having regard to national policy, and taking into account all material considerations. As the examining authority, we cannot comment on the weight that Commissioners will attribute to any specific issue, since that will be a matter for them at the time of any examination.

Your letter asked how infrastructure such as loading docks could be delivered as part of energy projects by the consenting process. The new consenting process places a great deal of emphasis on pre application consultation, with local communities, statutory bodies and other prescribed consultees. The most effective way of delivering your own policy outcomes would be to take part in the pre application consultation for nationally significant infrastructure proposals. Developers have a statutory duty to have regard to the views of consultees at the pre application stage, before they draft the DCO for which they then apply. A DCO can contain requirements, which function much like conditions attached to planning permissions. These can be used to ensure that a specific policy objective is achieved or consideration is addressed, and could require the construction of a loading dock if the decision-maker felt one was necessary to render the proposal acceptable. The decision-maker cannot add requirements that would materially change a DCO during the course of an examination.

If you would like to make representations on the weight that you feel should be afforded to a specific policy when an energy project is considered, or propose requirements that you feel should be attached to a DCO to address that policy, you can do so on a case-by-case basis by participating in the examination process. There is guidance on how to do this on our website at <http://infrastructure.independent.gov.uk/>

If you feel that certain issues should be reflected more strongly in government energy policy, and you would like those issues to be considered when determining energy projects on a general basis, you may wish to take the matter forward with the Department for Energy and Climate Change. The IPC independently and impartially applies policy, but does not produce it.

If, having considered the above, you still wish to meet to discuss process and procedure in generic terms then we would be happy to consider this. I would stress that the requirements of the Act preclude the commission on giving any advice on the merits of a specific proposal.

Yours,