

Sent via email

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07 March 2012

Dear Mr Corbett

### **A556 Knutsford to Bowden Scheme**

Thank you for your letter dated 22 February 2012 regarding the above project. I note that you are aware of the IPC's role at the pre-application stage. At this stage the IPC is unable to process or respond to comments. This ensures the impartiality of the IPC and protects the interests of all parties involved in the process. However, correspondence received by the IPC during this stage will be retained on file and made available to the Commissioner once the application is submitted and I acknowledge that you have copied the same correspondence to the Highways Agency, Cheshire East Council, Millington Estate and Millington Parish Council.

Once the application is submitted (following the pre-application stage), the IPC will invite local authority consultees to submit an adequacy of consultation representation detailing whether the developer complied with their consultation duties in accordance with the Planning Act 2008 (PA 2008). We do this as part of the checks the IPC carries out to determine whether or not we can accept the application for examination. In deciding whether or not to accept an application the IPC must, amongst other matters, have regard to any adequacy of consultation representation received by it from a local authority consultee.

If the IPC accepts the application for examination, there will be the opportunity to register your views with the IPC and participate in the examination by completing a relevant representation form. Details about how and when to register will be publicised by the developer in local newspapers and on site notices. Further project information, including how to register, will also be available on the IPC website at the relevant stage.

We received a letter from the Highways Agency dated 29 February 2012 informing us of amendments made to their Consultation Summary Document, showing the correct locations of cuttings and embankments. I understand that this may clarify some of the points raised in your letter.

Your letter states that The Millington and Tatton Estates and to your knowledge, other adjoining landowners have not been consulted over the necessary compulsory purchase of their land; prior to the commencement of the public consultation. The Highways Agency is currently consulting the local community and statutory consultees under section 47 and section 42, along with publicising the application under section 48 of the PA 2008. In accordance with section 42 of the PA 2008, applicants have a duty to consult with prescribed statutory consultees, relevant local authorities and persons within section 44 of the PA 2008 (which includes landowners). There is no requirement for the applicant to consult landowners whose land may be subject to compulsory acquisition powers prior to the statutory consultation under section 42; however the PA 2008 does specify that the

applicant should make diligent inquiry when identifying these people for the purpose of section 42 consultation.

Further information about how to participate in the application process can be found in our advice notes. A link to the relevant section of our website is provided below. At the pre-application stage “*Advice Note 8.1: How the process works*” and “*Advice Note 8.2: How to have your say on a major infrastructure proposal*” may be of particular interest.

<http://infrastructure.independent.gov.uk/legislation-and-advice/our-guidance-and-advice/>

If you have any questions please do not hesitate to contact me at the address or email address provided.

Yours sincerely



**Kathryn Powell**

**Senior Case Manager**

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cc     Jeremy Bloom: Highways Agency (Email only)  
       Anna Pickering: Highways Agency (Email only)  
       Mohammed Swapan: Highways Agency (Email only)  
       Andrew Ross: Cheshire East Council (Email only)  
       Henry Brooks: Millington Estate (Email only)  
       Diane Flanagan: Millington Parish Council (Email only)

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 or a copy will be provided free of charge on request