



## Meeting Note

<b>File reference</b>	TR010002
<b>Status</b>	Final
<b>Author</b>	Daniel Hyde

<b>Meeting with</b>	Highways Agency
<b>Meeting date</b>	21 February 2013
<b>Attendees (Planning Inspectorate)</b>	Kathryn Powell – Senior Case Manager Kay Sully – Case Manager Sarah Green – Lawyer Will Spencer – EIA and Land Rights Adviser Siân Evans – Case Officer Daniel Hyde – Assistant Case Officer
<b>Attendees (non Planning Inspectorate)</b>	Anna Pickering – Highways Agency Alison Poytress Highways Agency Arun Sahni - Highways Agency Peter Shore - Jacobs
<b>Location</b>	Planning Inspectorate Offices, Temple Quay House, Bristol

<b>Meeting purpose</b>	To discuss the draft Development Consent Order and Explanatory Memorandum for the A556 Knutsford to Bowdon Scheme
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<b>Summary of key points discussed and advice given</b>	<p>The Planning Inspectorate referred to s.51 of the Planning Act 2008 (PA 2008) and noted that any advice given under s.51 will be published on the Planning Portal website. The Planning Inspectorate advised that it is not able to provide legal advice upon which applicants and others can rely, applicants should always seek their own legal advice.</p> <p>A letter containing advice on the draft Development Consent Order (DCO), Explanatory Memorandum (EM) and Works Plans was provided to the applicant at the start of the meeting which was used as an agenda, the letter can be viewed here: (see attached)</p> <p>The Planning Inspectorate gave clarification on a question asked prior to the meeting about scales of plans and whether they would be appropriate to submit. The Planning Inspectorate advised that although some applicants have chosen not to conform to the scale of plans required by the Regulations in some instances, and the applications have been accepted, in some cases the Examining authority has later requested these plans at the required scale. The Planning Inspectorate advised that the Highways Agency should explain the reasons for not conforming to the Regulations. The Highways Agency (HA) stated that the plans which are unlikely to conform to the regulations are those</p>
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required by Regulation 5(2) (L) and (M). The Planning Inspectorate advised that the plans should be fit for purpose and the reasoning explained.

The Planning Inspectorate highlighted that there are currently no requirements in the draft DCO. The HA stated that they are working on this. The Planning Inspectorate advised that it would be useful to provide these before the application is submitted.

The Planning Inspectorate then went on to discuss the works plans, and raised concerns over work to the southbound hard shoulder (on the M6 Junction 19 to the A5033 Northwich Road overbridge) which has not been seen before. The HA commented on this by saying they were currently consulting only with those persons interested in the land. The Planning Inspectorate reminded the HA that before accepting an application the Secretary of State must be satisfied that the applicant has complied with all the requirements in Chapter 2 of Part 5 PA 2008 including the duty to consult and take into account responses. The HA states that the works were within the existing highway boundary, and that the works may not be an NSIP in its own right. The Planning Inspectorate advised that the HA should obtain their own legal advice on this matter and drew attention to s.22 of the PA 2008 which does not make reference to whether or not works are within existing highway boundaries.

The Planning Inspectorate explained that parts of the land within the draft DCO boundary fall outside the area subject to the EIA Scoping Opinion issued by the former IPC in September 2011. The risks associated with this were explained. The Planning Inspectorate also stressed how Local Authorities can submit adequacy of consultation comments which the Secretary of State must take into account at acceptance, so it is vital to make sure adequate consultation has taken place.

Following this, the HA explained the works to the hard shoulder in more detail.

The Planning Inspectorate reiterated how environmental issues and consultation regarding the hard shoulder may come up at acceptance, so it is imperative to ensure these are addressed correctly.

The Planning Inspectorate took the HA through the comments they had on the draft DCO and EM and these were noted by the HA, refer to the letter attached above.

The Planning Inspectorate advised that there are currently no limits of deviation shown on the works plans despite the fact that the draft DCO refers to limits of deviation as shown on the works plans.

The Planning Inspectorate advised the HA that, while it is correct that there is no obligation to, it would be helpful if they could distinguish between the Nationally Significant Infrastructure Project (NSIP) and associated development and ancillary works in the draft DCO. The HA explained how they had spoken to lawyers who had dealt with another NSIP for advice on this. The Planning Inspectorate explained the difference between associated development and NSIP works. The HA informed the Planning Inspectorate about the difficulty they found in differentiating between works on minor roads and the main road works. The HA agreed to discuss this matter with their legal team.

The Planning Inspectorate wanted to know if the recent announcement of the new High Speed 2 (HS2) rail line will affect the scheme. The HA advised that, as the A556 scheme precedes HS2, it will be for the rail scheme to assess cumulative impacts. HS2 begin their consultation in summer 2013.

The Planning Inspectorate enquired as to whether the HA intend to send in a draft consultation report for comment. The HA informed the Planning Inspectorate that they weren't planning on doing so but said they could, and would take this away to consider against project timescales.

The Planning Inspectorate then asked for an update on when the submission date will be. The HA responded by saying March or April 2013.

The HA wanted to know how many Inspectors will be appointed to this scheme. The Planning Inspectorate explained that they would not be able to comment on this until later in the process and referred the HA to section 61 of the PA 2008.

The Planning Inspectorate wanted to know if the HA had consulted on their draft DCO. The HA advised that they have consulted on some of the powers / provisions sought with Cheshire East Council, but not on the draft DCO itself.

The Planning Inspectorate raised concerns over some powers described in the DCO and advised that the HA should consult with Local Authorities about this. The Planning Inspectorate noted that the HA may wish to ensure that they consult with the planning department of the Local Authority as well as the highways department, to ensure the response covers all interests within the authority.

The Planning Inspectorate made the HA aware that they can request all the consultation responses in hard copy. The HA may wish to be prepared for this request as redacted and unredacted copies may be requested at short notice.

	<p>The Planning Inspectorate also advised that the HA may find it helpful to look at existing section 55 checklists on the Planning Portal so they get an idea of what The Planning Inspectorate look for at acceptance stage.</p> <p>The Planning Inspectorate advised that a GIS shapefile should be submitted to the Planning Inspectorate at least 2 weeks before the application is submitted.</p>
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<b>Specific decisions/ follow up required?</b>	<p>The HA application for authorisation under Section 53 of the Planning Act was discussed. The HA are to review whether to proceed with the application (or to withdraw it) based on whether they have sufficient information to satisfy the 'last resort test' and the other matters referred to in previous correspondence.</p>
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<b>Circulation List</b>	<p>All attendees</p>
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