



3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Direct line: 0303 444 5065  
Help line: 0303 444 5000  
e-mail: kathryn.powell@infrastructure.gsi.gov.uk

---

Anna Pickering  
Highways Agency

Our Ref: TR010002

Date: 21 February 2013

---

**Proposed A556 Knutsford to Bowdon Scheme  
Draft Documents: Draft Development Consent Order, Explanatory Memorandum  
and Works Plans**

I write with reference to your e-mail received on 28 January 2013 with attached draft Development Consent Order (DCO) and draft Explanatory Memorandum (EM) in respect of the proposed A556 Knutsford to Bowdon Scheme. In your e-mail you requested our review and comments on these documents.

I also refer to your letter dated 29 January 2013 with attached draft works plans for comment and to assist our review of the draft DCO and EM.

We have now considered the documents provided and set out our initial comments below. I hope you find these comments useful and they will be discussed further at the meeting on 21 February 2013. Our comments are entirely without prejudice to any future decisions of the Secretary of State, including the decision under section 55 of the Planning Act 2008 (PA 2008) as to whether or not the application can be accepted. We also strongly advise applicants to seek their own legal advice where appropriate.

In relation to your question on the required scale of plans, The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) set out detailed procedures which should be followed when submitting and publicising applications for Nationally Significant Infrastructure Projects. Whilst you note in your email that other projects have submitted applications where certain plans have not complied with the regulations in terms of scale, please note that for some of those projects, further plans at the required scale were later requested by the Examining authority. Therefore you are strongly advised to submit plans in accordance with the regulations.

**Draft Works Plans**

Please can you confirm if Work No.3 (the works from M6 Junction 19 to the A5033 Northwich Road overbridge) formed part of the Highways Agency's statutory pre-application consultation for this project and if it has been assessed as part of the Environmental Impact Assessment? We note the last three paragraphs on page 3 in the Public Consultation Summary Document January to April 2012; the final paragraph states that the Highways Agency will inform consultees if it considers that works at this junction are necessary and it will consult on the proposals.

Please note, the draft works plans currently do not currently display the 'limits of deviation',

as required by Regulation 5(2)(j) of the APFP Regulations. In addition, the definition of 'order limits' within the Draft DCO currently refers to the limits of deviation shown on the works plans, however as stated above, currently these limits are not shown on these plans. The explanation in the EM 5.3(c) page 6 also assumes that the DCO definition is consistent with what is displayed on the plans, when it currently is not.

### **Comments on draft DCO**

#### **Page 5/Article 2**

The definition in the draft DCO of 'maintain' includes remove, replace and reconstruct; it is questionable whether these constitute maintenance.

#### **Page 6/Article 2(4)**

This article refers to 'approximate' distances being used in the Book of Reference, the Highways Agency should consider whether this is appropriate given the need for certainty in compulsory purchase.

#### **Page 7/Article 5**

This article is incomplete, the vertical limits of deviation should be included.

#### **Page 10/Article 11.1**

This article makes reference to the 'undertaker' where in other articles reference has been made to 'The Secretary of State', does this definition require modification?

#### **Page 22/ Article 33**

We suggest you include any bridge design drawings to be certified in this Article, this may also require an amendment to Article 3 to ensure that the development is constructed in accordance with these design drawings.

#### **Page 26/Schedule 1**

We note that you have chosen not to distinguish the NSIP and the associated development which is unusual and potentially confusing. We note that there is no requirement in the PA 2008 for a DCO to distinguish between the two categories. However, in the interests of consistency with other Orders, we ask if you would be willing to distinguish between the NSIP and the associated development?

#### **Page 29/ Schedule 1**

We are unclear as to why detrunking of the road is listed as Work No.4, has the Highways Agency considered whether this is more suitably described as an ancillary matter?

#### **Page 29/ Schedule 1**

We are also unclear what 'further development' is, as this is not defined. The development must either be integral and part of the NSIP, associated development or ancillary works for it to be included in the DCO. The status of these works should be clarified.

In addition to the above, the last sentence in schedule 1(h) regarding further development states '*as may be necessary or expedient for the purposes of or in connection with the construction of the authorised development and which fall within the scope of the environmental impact assessment*', should this apply to works (a) - (h) and not just to (h)?

### **General DCO Comments**

Articles 11(1) and 12(1) are rather broad in the powers which they grant; could the articles be drafted with greater detail?

As various Articles within the Draft DCO engage compulsory purchase powers, clear reasons for these powers should be submitted with the application.

An interpretation of NMU would be helpful within the Draft DCO.

**Explanatory Memorandum**

**EM Page 14/9.14**

Reference is made to Article 28, is this meant to be a reference to Article 22? It is questionable whether this article is necessary as the EM states that its use has not yet been attributed to any specific aspect of the authorised development.

We hope you find these comments to be helpful.

Yours sincerely

*K. Powell*

**Kathryn Powell**  
**Senior Case Manager**

---

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.