

Application No: 18/5833C

Location: Land At, POCHIN WAY, MIDDLEWICH

Proposal: Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the 'Middlewich Eastern Bypass', together with associated highway and landscaping works.

Applicant: Mr Chris Hindle, Cheshire East Council

Expiry Date: 14-Mar-2019

## **SUMMARY**

The proposed Middlewich Eastern Bypass is a key highway infrastructure project for Cheshire East Council. The need for an eastern bypass of Middlewich has been acknowledged for many years, following the development of a scheme by Cheshire County Council in the early 1990's. Completion of the proposed bypass will provide traffic routes to avoid the town centre and enable access to the Midpoint 18 strategic employment site.

The scheme is predominantly within the borough of Cheshire East plus a small area that extends into the borough of Cheshire West and Chester.

Provision for the proposed scheme has been identified in the CEC Local Plan Strategy as an investment priority for infrastructure.

The Cheshire East Local Plan Infrastructure Delivery Plan highlights the recent investments including:

"Regional Growth Funding secured to deliver the 2.2km Middlewich Eastern Bypass, opening up an employment development opportunity at Midpoint 18."

The proposed scheme would contribute to achieving the objectives of local and national planning policy in terms of enabling the delivery of housing and employment sites in Middlewich, including Midpoint 18, and helping to boost business productivity in the local area through improving the efficiency and reliability of the highway network. It would also enhance connectivity by providing an improved route for freight and business travel.

The nature of the scheme and its location, within areas of open land, would result in some adverse effects on the environment, particularly in terms of the landscape and visual impacts during construction and flood risk once operational. The Environmental Statement that accompanies this application identifies the impacts, assesses them and describes any proposed mitigations. Where possible, mitigation has been proposed, but not all effects can be mitigated.

The proposals will have landscape, tree and ecological impacts, but it is considered they can be mitigated through the measures proposed. In addition there will be some harm to the canal conservation area, but this is 'less than substantial harm' and the public benefits of the road outweigh any harm. Other issues are neutral while there are clear highway and economic benefits to the scheme.

## **RECOMMENDATION**

**APPROVE with conditions**

**Approve with conditions**

## **SITE DESCRIPTION**

The proposed route of the bypass follows a north-south alignment extending southwards from a new roundabout, forming a junction with Pochin Way, to a new junction connecting into Booth Lane (A533) to the south of Middlewich. It is located within Cheshire East, with the exception of a relatively small area, which extends into the borough of Cheshire West & Chester.

The corridor for the proposed bypass is mainly through agricultural land, comprising predominantly grassland interspersed with hedgerows and tree-lined field boundaries. Some small areas of mainly planted woodland are impacted. The route also passes in close proximity to a number of industrial warehouses, which are part of the Midpoint 18 site, and a small residential area/static caravan site to the east of the proposed scheme close to Cledford Lane.

The eastern extent of Cledford Lane is currently a tarmacked single lane, used for access to farms and three residential properties, and lined with vegetation to the north and to the south. The western end of Cledford Lane (from the bridge under the Sandbach to Northwich railway line to the A533 Booth Lane) is predominantly industrial and provides access to British Salt (TATA) and the ANSA CEC Environmental Hub, with some industrial waste tipping to the north side, and two residential properties.

## **PROPOSAL**

The proposed Middlewich Eastern Bypass is a 2.6 km long road from a new roundabout off Pochin Way to the north, to a new roundabout junction at its southern end. 700m of Booth Lane (A533) would be realigned to connect with the bypass and this includes a new bridge over the Trent and Mersey Canal.

On the western side of the carriageway, a 3m wide dual-use footway/cycleway will be formed. This will tie into existing footways, cycle routes and Public Rights of Way at each end of the scheme, at Cledford Lane and at two locations where Public Rights of Way cross the bypass route.

The proposed route includes five watercourse crossings and would be predominantly on an embankment for most of its length and cross the River Croco, an unnamed tributary of the River Croco, Sanderson's Brook and the Trent and Mersey Canal. At the southern end of the scheme, where the route crosses the Northwich -Sandbach railway, embankments would be formed over approximately 600m to achieve the necessary grade separation.

The proposed scheme would connect with Cledford Lane via a new roundabout junction, and Cledford Lane is proposed to be improved to provide access to the southern areas of Midpoint18 and an alternative route to the bypass for low height commercial vehicles predominantly from the CEC Environmental Hub (ANSA).

The southernmost extent of the proposed scheme would also cross the Sandbach to Northwich railway line, and a twin span bridge is proposed, which enables the development of future access to the most southern extents of Midpoint 18 independently of the bypass.

The small area of the proposed road and larger proposed mitigation area that falls within Cheshire West will be determined by Cheshire West & Chester Council.

The application is accompanied by an Environmental Assessment.

## **SCHEME HISTORY**

A previous bypass scheme for Middlewich was partially completed a number of years ago and which currently passes from the A54 and into the Midpoint 18 Business Park. The partially completed route, called Pochin Way, currently serves several commercial units. In 2008, planning permission was granted for the remaining part of this proposed Middlewich Bypass, i.e. to connect Pochin Way to the A533 and for several commercial units of the remaining part of the Midpoint 18 site. A five-year extension to the planning permission was then granted in July 2011, but it was not implemented.

In June 2016, Section 73 consent was subsequently granted to vary certain planning permissions that were attached to the previous 2011 planning permission extension, in order to keep it valid. This latter permission enabled the former proposed bypass scheme to be considered as part of the 'options process' for a new Middlewich Eastern Bypass, which also now needed to take account of CEC's aspiration to enable further expansion of the existing Midpoint 18 site, as well as meeting different strategic needs to those which existed when the previous bypass proposals were developed.

An options assessment was undertaken as part of the Outline Business Case (OBC) development, which identified a further seven potential routes for the bypass. An Options Assessment Report was produced which covered the initial sifting of options, and two options were taken forward for further design and assessment. The historic option (with planning permission and renamed as Option 1A) and a new alignment, connecting at its northernmost extent to Pochin Way (passing through open, largely farmland) and connecting into the existing A533 in the south (named as Option 2A), were taken forward for further design and assessment in 2017. The two route options were independently assessed on the key objectives, costs and economic benefits, and environmental impacts for the OBC.

Option 2A had a number of significant benefits compared with Option 1A including higher design speed/reduced journey times, lower flood risk, and improved connectivity potential with Cledford Lane. Whilst being the higher cost option, the OBC was approved by DfT with Option 2A in November 2017 as the preferred scheme due to its broader benefits.

Option 2A was therefore taken forward for further design and development in advance of this application for planning permission and was the subject of the Preferred Route Public Consultation in March/April 2018.

## **RELEVANT PLANNING HISTORY**

There are numerous applications affecting the site in question, but of particular relevance concerning the road schemes are:

16/3242C Reserved Matters application relating to Planning Condition No. 2 of Planning Permission 16/2006C - submission of a landscaping scheme. A full ES was submitted in relation to the original planning application (07/0323/OUT). Still live.

11/0899C 2011 Extension to Time Limit - 07/0323/OUT (Midpoint 18 Phase 3: Proposed development for B1, B2 and B8, appropriate leisure and tourism (including hotel) uses, the completion of the Southern section of the Middlewich Eastern bypass & associated landscaping mitigation and enhancement works.)

07/0323/OUT 2005 Midpoint 18 Phase3: proposed development for B1, B2 and B8 employment uses, appropriate leisure and tourism (including hotel) uses, completion of the southern section of the Middlewich Eastern Bypass and associated landscaping, mitigation and enhancement works.

08/0557/REM 2009 Midpoint 18: Phase 3A: Landscaping Reserved Matters Application for the Middlewich Eastern Bypass, Unit 101 and Advanced Planting (to the North of Unit 101) following outline permission 07/0323/OUT

## **POLICIES**

### **Cheshire East Local Plan Strategy – 2010-2030**

PG6 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

CO1 – Sustainable Travel and Transport

CO2 – Enabling Business Growth Through Transport Infrastructure

LPS44 – Midpoint 18, Middlewich

### **Congleton Local Plan (Saved policies)**

PS8 - Open Countryside

PS12 - Strategic transport corridors

GR6 – Amenity and health

GR7 & GR8 – Amenity and Health

GR11 – Development involving new roads and other Transport Projects

GR13, GR14, GR 15 & GR 16 – Public transport/cycling/footpaths

GR18 – Traffic Generation

DP10 - New Road Schemes

NR2, NR3, NR4 & NR5 - Nature Conservation

BH4 – Heritage Assets

### **Neighbourhood Plans:**

The proposed bypass is largely located within Middlewich, although a small element to the south is located in Moston.

**Middlewich Neighbourhood Plan:** The Plan was rejected at referendum on 14 March and at this stage its status is uncertain. However for completeness the following proposed policy is highlighted:

“Policy T1: Middlewich Eastern Bypass Proposals for the Middlewich Eastern Bypass will be supported where:

1. The scheme supports the delivery of over 70 hectares of employment land and provides much needed local job opportunities; and
2. The scheme assists with improving traffic management and reduces traffic flow through the narrow roads of Middlewich; and
3. Air pollution in the town centre will be reduced; and
4. Proposals include a link road from the Middlewich Eastern Bypass on to Cledford Lane to enhance the connectivity for HGV Traffic.

Also relevant are:

Policy TC3: Improving Quality of Place in the Town Centre

Policy DH4: Special Blue and Green Routes and Encouraging Walking and Cycling

Policy E3: Midpoint 18

Policy ECHW3: Protecting Local Biodiversity

**Moston Neighbourhood Plan:** Made following a referendum on 14 February 2019.

LCD1 – Design and Landscape Setting

LCD2 – Dark Skies

INF3 – Surface Water Management

ENV1 –Wildlife Habitats, Wildlife Corridors and Biodiversity

ENV2 – Trees, Hedgerows and Watercourses

REC1 – Footpaths, Bridleways, Cycleways and the Canal Towpath

HER1 – Heritage

## **Other Material Considerations**

The National Planning Policy Framework

National Planning Practice Guidance

## **CONSULTATIONS (External to Planning)**

**Environment Agency:** There are no objections in principle but the following conditions are recommended:

- Development to be carried out in accordance with the FRA
- Contaminated land remediation strategy to be submitted
- No infiltration of surface water drainage into the ground
- Verification report for contaminated land
- Scheme to remove suspended solids from surface water drainage

In addition informatives/advice are recommended re: flood risk and waste on-site/off site.

**Natural England:** Additional information was requested to determine the impacts on Sandbach flashes SSSI which is important for the assemblage of bird species. The applicant has provided the additional information and Natural England now write:

*“Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which*

*the above mentioned site has been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application."*

**United Utilities:** No objections but asked that they be involved in further discussions and that the approved scheme must be in line with United Utilities' document 'Standard Conditions for works adjacent to pipelines'. A condition requiring a method statement to be submitted to protect UU assets was required.

**Cadent Gas:** No objections subject to a number of recommendations including the need to liaise with them before any works are undertaken.

**National Grid:** No objection, but highlight the location of the National Grid high-pressure gas pipeline(s) within the vicinity of the site.

**Network Rail:** As they have been fully informed of the proposals, they had no comments or objections to make.

**Canal and Rivers Trust:** No objections are raised but they identify the following possible issues:

- (a) The proposed canal bridge crossing and associated works
- (b) Potential contamination of the canal
- (c) Creation of new towpath access and surfacing
- (d) Surface water drainage
- (e) Street lighting

As a result conditions are recommended regarding:

- Agreeing the design, materials and external materials of the canal bridge
- Agreeing associated landscaping with the above
- A CEMP to include measures to avoid contamination of the canal during construction
- Agree proposed access points to the canal towpath

Informatives are also recommended.

**Cheshire Wildlife Trust:** They raised a number of concerns:

- Evaluation/Impacts – this has not been undertaken correctly for many receptors and several consultee comments relating to this issue have been overlooked or refuted. Cumulative impacts have not been addressed appropriately.
- Botanical/habitat surveys are incomplete meaning that the evaluations of importance and impact are invalid for several land parcels.
- Ecological connectivity and indirect impacts have not been adequately accounted for.
- The scheme will directly impact three areas which support habitat important for breeding birds. Under the mitigation hierarchy these areas should be avoided or as a last resort compensated for. No suitable mitigation/compensation for these county level impacts has been proposed. This is unacceptable.
- Net gain for biodiversity - poor quality or missing survey information has meant that the information utilised in the metrics is incorrect and the mitigation hierarchy has not been applied. Combined with overly ambitious target conditions this means that significant losses in biodiversity are likely.

- There are no details relating to long term habitat management or monitoring and there is no reptile mitigation plan.

The applicant has sought to address these points – alongside the issues raised by the Council's Ecology Officer, and the CWT have updated their comments. Whilst they continue to raise some issues, they are generally pleased with revised submissions and feel matters can be addressed by conditions they suggest should be applied if planning permission is granted.

**Cheshire Brine:** *"As the proposed development doesn't appear to include foundations the board would not normally make any comments."*

**Cheshire West and Chester Council:** No formal comments have been received, but they are fully aware of the proposals and indeed a small element of the road scheme, and more substantial areas of proposed mitigation works are within their Borough, which they will need to determine in due course.

**CEC Head of Strategic Infrastructure:** No objections, but detailed comments are set out below.

**CEC Public Rights of Way:** No objections are raised but note that the development will have a direct and significant effect on the Public Rights of Way. They raise the following specific issues:

*"Middlewich Footpath No. 22: It is noted that some of the route labelled as Middlewich FP22 is actually Sproston FP4 in CWAC. This needs to be correct for the Side Roads Order to enable the amendments to be made to the Definitive Map and Statement, the legal record of public rights of way. Questions have also been asked of the design team why the proposed diversion is remote from the embankment of the road.*

*A small diversion of Middlewich Footpath No. 19 is proposed, to cross the road via a central refuge. The questions of what gradient the Footpath will follow up/down the road embankment has been posed.*

*A diversion of Middlewich Footpath No. 20 is proposed, to cross the road via a central refuge. The questions of what gradient the Footpath will follow up/down the road embankment has been posed. Further, the proposed diversion is close to the river and may create a longer term management issue for the public right of way. It is requested that this proposed diversion be moved further from the river.*

*Moston Footpath No. 6 is not annotated on this plan but may be affected during the construction period."*

These matters are discussed below, but they conclude by saying that should approval be granted a number of conditions/informatives are recommended.

**CEC Environmental Health:** No objections raised in relation to Noise, Air Quality and Contaminated Land subject to conditions.

**CEC Flood Risk Manager:** The application is acceptable in principle and they would support the Environment Agencies comments as works are predominantly affecting a main river. They recommend conditions and an informative.

**Cheshire Archaeology:** In four areas the study has identified relict areas of ridge and furrow which will be destroyed by the scheme and in these cases it is proposed that, in addition to recording the form of the surviving earthworks, trial trenching should be undertaken to check for the presence of earlier features under the ridge and furrow.

A basic record of the form of the feature, without further intrusive investigations, is proposed for a number of less significant boundaries mainly those identified as potentially historic hedgerows.

The two most significant sites affected by the scheme are the probable late prehistoric or Roman enclosure, which was previously evaluated as part of the evaluation work carried out in connection with an earlier scheme, and a possible ring ditch or prehistoric barrow identified by the geophysical survey. In both these cases, it has been agreed with the archaeological consultant that the most effective approach would be to proceed to a strip and record exercise across the footprints of both of these sites and their immediate environs followed by the excavation and recording of any deposits present.

No further work is proposed on a number of other sites listed in the gazetteer due to the minimal interest of the features or the limited impact of the scheme.

It is advised that the above proposals, which will also necessitate a programme of post-excavation analysis, reporting and (if necessary publication) represents an appropriate scheme of mitigation. The work may be secured by condition.

## **VIEWS OF THE TOWN/PARISH COUNCILS**

### **Middlewich Town Council:**

Middlewich Town Council express very strong support of for the Planning Application for the much needed and long awaited Eastern Bypass for Middlewich.

*“The Town has suffered from a lack of infrastructure improvements for many years, and its poor and restricted road layout results in many bottlenecks and pinch points within the town.*

*The strategic location of Middlewich is also a big issue. Proximity to J18 of the M6 can be an advantage, but not when the traffic is tailing back towards the junction, struggling to get through the town. Furthermore, the position of the town between J18 and Winsford BID causes problems in terms of volume of traffic and the economic wellbeing of Winsford*

*A sustainable, far-reaching solution needs to be found in order to solve the problems of today but also to anticipate the needs of the future. It makes sense to realign the route to permit a 50mph speed limit rather than 30. The connection to the waste transfer facility at Cledford Lane is a most welcome amendment to the plan.*

*The targets within the emerging Local Plan include up to 1,900 new dwellings, either currently planned or being allocated to sites. The road network, and the route of the bypass must anticipate the impact of this in terms of movement around and through the Town.*

*If we get this right, the bypass can be a genuine force for regeneration, helping to deliver the aspirations of the Neighbourhood Plan, (which is now at Referendum stage), to make Middlewich a better, safer, more efficient and prosperous place to live and work.*



*We are quite a self-sufficient Community, prepared to do things to support and promote quality of life in the Town. The FAB Festival is a great example of this; a music and cultural event attended by thousands each year; enjoyed by residents and visitors alike and providing a massive boost to the local economy.*

*This is achieved in spite of poor transport links, including the road network, but including poor public transport links and the lack of a railway station.*

*The Town Council hopes that the successful delivery of the Eastern Bypass can be the catalyst to help make Middlewich prosper and thrive over the next 30 to 50 years and provide solutions not just for Middlewich but for neighbouring towns such as Winsford and Crewe and indeed the whole sub region. HS2 is another factor that should be taken into consideration, when we are considering the strategic position of Middlewich, as it is in many ways the Gateway to Cheshire East and indeed the North West.*

*Members appreciated the updated information at a recent briefing meeting, which addressed key issues such as funding, timescale, amended layout at the Tetton end and bridging arrangements over the Mid Cheshire railway line and Trent & Mersey canal.*

*The Town Council is pleased to endorse its support for this highly important project.”*

#### **Moston Parish Council:**

Moston Parish Council, whilst supporting the application for the Middlewich Eastern Bypass, do have concerns about the impact the bypass could have on local lanes with extra traffic using roads never intended for anything other than local usage.

Particularly vulnerable will be Tetton Lane, a narrow lane which is poorly surfaced and has been subject to subsidence, a lane without footpaths which is frequently used by dog walkers and horse riders. A riding school specialising in children's riding lessons located just beyond the lane and a large equestrian centre on the lane with land on both sides of the road are likely to be most affected along with private residences adjacent to the lane.

At the present time, acknowledging the fact the lane is narrow and twisty with many undulations, there are recommendation signs at either end of Tetton Lane indicating the road is unsuitable for large vehicles.

It was our understanding that in the previous plans for the MEB (The preferred route) a weight restriction was to be placed on the existing canal bridge which is adjacent to Tetton Lane and that in turn would have applied to all vehicles using Tetton Lane.

Whilst we understand traffic management measures on Booth Lane are to be finalised, the route has now been altered and we are led to understand this weight restriction would not be required on the existing Trent and Mersey Canal Bridge.

Moston Parish Council request this is addressed by a Planning Condition restricting vehicles using Tetton Lane to 7.5 tonnes with the usual exception of 'Except for Entry'. It is particularly important this weight restriction is applied before any construction takes place by virtue of the close proximity to Material Storage Areas, Contractors Compounds and Working areas for the bypass.

They request a further condition that 2 traffic counts take place on Tetton Lane. one immediately after any permission is granted and a further one a month after the MEB opens to traffic. This will give an accurate figure of the impact the MEB has on Tetton Lane. Consideration should then be given if any other form of Traffic Calming is required on this or other Moston lanes. The Parish Council would expect to be consulted throughout.

The applicant has sought to address these points in discussion with the PC.

### **Sandbach Town Council:**

The Town Council objects to the application. They understand the need for the bypass, *“but are concerned that this is at the expense of a detrimental effect on Sandbach”*. Their concerns are:

**Traffic Issues:** They do not feel all the recent housing developments in Sandbach have been adequately assessed, and are concerned the bypass will attract additional southbound traffic to Sandbach adding to already congested junctions in the town. In addition they are concerned about additional traffic using Bradwall Road, which is a substandard road.

**Air Quality Issues:** They are concerned that the assumptions on Air Quality within the Environmental Statement (“that there would not be any significant cumulative effects”) are *“dangerous”* as air quality in the area has deteriorated.

**Footways and cycleways:** They are concerned that they are too narrow at 2m wide, and should be a minimum of 3m wide, and where space allows 5m.

### **OTHER REPRESENTATIONS**

To-date some 21 comments have been made, including those from a representative of Cycle UK and agents on behalf of landowners. The issues raised can be summarised as follows:

- Bradwall Road will become a rat-run to the detriment of vulnerable users
- Concern Cledford Lane is unsuitable as too narrow with a low bridge
- Impact on Air quality in Sandbach
- Impact of traffic on residents of Holmes chapel Road & Centurion Way
- Departures from standards in road design being below desirable minimum.
- Footway/cycle lane widths are below standard
- Agents for Kinderton Lodge Farm are concerned about access arrangements, mitigation measures & clarification of Pochin Way measures.
- Seeking assurances with regards to the short term impacts of the construction process largely concerning environmental impacts.
- The bypass should start closer to the M6
- Concern about the land-take for the road and the required mitigation that will reduce development potential in Midpoint 18
- Concern that access points to development parcels is not indicated on the plans
- The drainage impacts need to fully consider future developments in the area

Support has also been expressed for the scheme as the proposals will improve congestion in Middleswich, which suffers in particular from many HGV movements. It is long overdue.

## **OFFICER APPRAISAL**

### **Principal of Development**

Within the Local Plan Strategy (LPS), Middleswich is identified as a 'Key Service Centre' and paragraph 15.491 states:

"The timely delivery of the Middleswich Eastern Bypass is key to ensuring that Middleswich realises its full sustainable growth potential as a Key Service Centre and also contributes to the prosperity of the borough as a whole. The completion of the bypass should be delivered alongside new developments."

A number of sites within Middleswich are identified, including LPS 44 Midpoint 18, Middleswich, which is allocated for the phased delivery of up to 70 hectares of employment land and the:

"provision of and where appropriate, contributions to the Middleswich Eastern Bypass".

Whilst the line of this proposed road scheme has now changed, the principle has been established by the previous consents granted (see planning history above) and is clearly supported by the LPS and saved policies of the Congleton Local Plan. The Middleswich Neighbourhood Plan again supports the principle of the eastern bypass, although given the plan was rejected at referendum the weight this can be given is uncertain.

As well as the scheme being embedded in the adopted LPS for Cheshire East, the scheme is consistent with Cheshire & Warrington Local Enterprise Partnerships' (LEP) Strategic Economic Plan and is a key element of the High Speed 2 (HS2) Growth Strategy for the Northern Gateway & Constellation Partnership.

The entire site (within Cheshire East) falls within the Midpoint 18 allocation.

### **Environmental Impacts**

#### Noise

The applicant has undertaken a noise assessment addressing both the construction phase and operational aspect in support of the application. Assessment has been completed in Department of Transports (1988) Calculation of Road Traffic Noise (CRTN). This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of nearby properties are not adversely affected by noise from the proposed development. The conclusions of the report and methodology used are acceptable.

As such, and in accordance with the acoustic report, the following conditions are necessary in order for this application to be approved.

- The mitigation recommended in the acoustic report shall be implemented in full prior to completion.
- The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.
- Appointed construction contractor will be required to undertake an updated construction assessment, once working methods, the plant and equipment to be used and the construction programme have been sufficiently finalised.

### Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality regard is had to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

This proposal is for a two-way single carriageway road scheme to bypass the town of Middlewich. Air Quality Impacts have been considered within the Air Quality Assessment submitted in support of the application prepared by CEC's Highways department, dated November 2018.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- Baseline 2015
- Do minimum 2020
- Do something 2020

At first glance it would be assumed that a bypass around the town of Middlewich would be considered an acceptable proposal, especially given that there are areas of elevated nitrogen dioxide concentrations within the area and a declared Air Quality Management area on Chester Road. However, bypasses have the potential to increase concentrations as well as reduce them as they redirect traffic flow into other areas. The submitted assessment has selected 106 sensitive receptors which may be impacted by the development. Of these receptors, 83 are predicted to experience either no perceptible change or an actual improvement in nitrogen dioxide (NO<sub>2</sub>) levels, whilst 76 are predicted to experience an improvement in PM<sub>10</sub> concentrations. For those receptors predicted to experience an increase in concentrations the magnitude of change is stated as being either imperceptible or small. It can be concluded that the development of the bypass will see, in the majority of cases, an improvement in air quality across the town including within the air quality management area.

The assessment also makes reference to the potential of impacts from construction dust on nearby receptors so a dust management will be in place to reduce these impacts.

Therefore, based on the information submitted in the air quality assessment, there are no concerns regarding the development of the Middlewich bypass subject to the correct procedures surrounding construction dust being followed.

Sandbach Town Council have raised the concern that Air Quality in the town will be made worse as a result of the bypass. The traffic modelling however does not indicate there will be any significant increase in vehicle movements through Sandbach Town Centre (the location of the main AQMA – the other being to the east of Junction 17 on the M6), with the only increase being vehicles turning at Ellworth to go through to Wheelock via the B5070. The impacts of the bypass on Air Quality are considered to have been fully assessed and it is not considered there will be any unacceptable impacts on Sandbach.

### Contaminated Land

The Contaminated Land team has no objection to the above application. The application area has a history of a variety of commercial and industrial use in places, and therefore the land in these areas may be contaminated. As part of the Environmental Statement, submitted in support of the planning application, a Phase I Preliminary Risk Assessment for land contamination was appended (Report Ref: BRJ10403, Jacobs, 12 October 2018). The following have been reviewed: the Soils chapter (Chapter 11) in the Environmental Statement, and also the Human Health chapter (Chapter 15) as this is relevant to land contamination as well.

With regards to Section 2.6.3 (c), when we provided our search response in 2016, the search area used was different to that of the current application area. It is suggest that an updated search would be beneficial, especially for the south west of the application area. A Phase II ground investigation has been proposed in order to further assess identified contaminant linkages. The proposal is acceptable, and appropriate sampling/monitoring should be undertaken within these works.

Some assessment should be provided on how the proposed scheme may mobilise or change the regime of contaminants within the soil (for example increasing impacts upon water bodies or creating preferential pathways for migration), or in the example of ground gases, how the scheme may alter the gassing regime on infilled sites. This could be undertaken once the Phase II ground investigation has been completed, and more information is known. Conditions and informatives are therefore recommended.

### Lighting

The proposal is to utilize low level lights (with a bat hat cover) along the main lengths of road, with 10m lighting columns only being used at and on the approaches to junctions. This is considered acceptable and will help minimise light pollution in the open countryside.

### **Highway Implications**

The key elements of the scheme are to provide:

- A new four arm roundabout at the northern end at the junction of Pochin Way and the new MEB.

- A new four arm roundabout at the junction of Cledford Lane and the new MEB.
- A new three arm roundabout at the southern end at the junction of the A533 Booth Lane and the new MEB.
- The introduction of traffic signals at the railway bridge on Cledford Lane to manage traffic flows using this narrow section of carriageway.

The MEB mainline consists of two lanes, each 5.0m in width, on the eastern side of the bypass there is a 2.5m verge and on the western side a 1.0m verge and also a 3.0m shared footway/cycleway. The MEB would be subject to a 50mph speed limit.

#### MEB Scheme Assessment

A Saturn model (Middlewich and Winsford model updated) has been used to assess the impact of introducing the MEB infrastructure. The forecasting undertaken has been based upon an opening year of 2020 although it is now expected that MEB would be completed in 2021. Additionally, a future year assessment has been undertaken in 2035, 15 years post opening.

A Do Minimum (No MEB) and Do Something modelling comparison show that there is a significant reduction in traffic flow for all time periods and future years along the main roads through central Middlewich with the MEB in place.

A number of junction capacity assessments have been undertaken when the scheme would be operational, these are detailed below:

- a) The existing roundabout at A54 Holmes Chapel Road/Pochin Way/Centurion Way.
- b) Pochin Way/New MEB roundabout junction.
- c) Cledford Lane/New MEB roundabout junction.
- d) A533 Booth Lane/New MEB roundabout junction,
- e) A533 Booth Lane/Cledford Lane/Cross Lane
- f) Leadsmithy Street/Kinderton Street signal junction.
- g) Cledford Lane bridge signalisation

The results of the capacity assessments show that the existing roundabout on the A54 Holmes Chapel Road with Pochin Way will operate well within capacity in the opening year in both the DM and DS scenario, with the junction working slightly worse in both the am and pm periods with MEB in place as would be expected with the redistributed traffic flow. The 2035 assessment shows the junction operating at capacity levels but not producing excessive queueing on any of the arms of the junction.

The capacity assessments for the new roundabouts on the MEB at the junctions of Pochin Way, Cledford Lane and A533 Booth Lane indicate that both these roundabouts have no capacity problems up to 2035.

In regard to the other junctions tested, the existing signal junction at Leadsmithy Street/Kinderton Street is shown to be operating well above capacity in all scenarios both am and pm peak in the Do Minimum (DM) situation with extensive queueing occurring. The introduction of the MEB significantly reduces the length of the queues and the junction is shown to operate within capacity in the both the am and pm peak in 2020 and at capacity in 2035. Overall, the town centre junction will operate much better due to

the predicted reduction in flow as a result of the MEB being in place. The existing signal junction at Cross Lane/Cledford Lane is shown to operate well within capacity at 2035 in both the am and pm peaks.

As part of the MEB scheme, traffic signals are to be introduced at the railway bridge on Cledford Lane. The introduction of shuttle running in this section of Cledford Road raises no capacity issues.

An analysis of journey times on the A553 and A54 travelling to J18 M6 has been undertaken and this indicates that journey times have been reduced in both the AM and PM peaks at 2020 and 2035 as a result of the construction of the MEB, there are significant reductions in times for traffic travelling eastbound and westbound from the A553 to the M6 J18.

### Summary and Conclusions

The proposed MEB is a road infrastructure scheme that links the A533 to the A54 and is required to reduce congestion in Middlewich and also to provide growth and access to a number development that are contained within the Local Plan.

As this is a new infrastructure scheme there is no impact resulting from development although there is a need to assess the likely affects on the road network from introducing such a scheme and the likely redistribution of traffic that results. A number of the major road junctions that are affected by the MEB have been tested both with and without the scheme in place as a comparison in the opening and a future year. The capacity results show that there are capacity and journey time savings resulting from the scheme at the principal junctions in Middlewich with much lower levels of congestion indicated at the signal junction of Leadsmithy Street / Kinderton Street where there are extensive existing traffic queues.

The MEB is a single carriageway scheme with 5m lanes with the provision of 3m footway/cycleway on the western side. Whilst, in regard to design standards the provision of 5m lanes is acceptable and is not a reason to refuse the application, it is considered that the road could be considered to be overly wide given the projected level of flow using the MEB. The wide carriageway would likely lead to higher vehicle speeds than the 50mph speed limit, it is preferable if the width of the carriageway was reduced.

The applicant has explained this as follows:

*“Both the 10m width in the application and a reduced width of 7.3m comply with design standards (DMRB) and both are generally suitable for the bypass for the modelled design flows. The modelled flows are at the higher end of the 7.3m economical capacity range and the lower end of the 10m economical capacity range, and the main difference therefore is that the wide single has greater flexibility for un-forecast growth in future traffic. It also offers greater opportunity for safe passing of slower moving vehicles which is an important consideration with the traffic mix that may be expected (cars, large goods vehicles, and slow moving farm vehicles).*

*The decision for the wide single standard was taken at an early stage in the project and is consistent with the standard adopted for the previously consented and partially constructed bypass (Pochin Way).*

*The comment relating to the potential for vehicles to travel at higher speeds than the 50mph limit is a reasonable observation but we consider that falls into the realms of engineering judgement as to whether it is significantly worse than if the carriageway was a standard single carriageway at 7.3m wide. The Safety Audit has not identified this as a risk.”*

The MEB scheme has been assessed in regard to its impact on the road network and is considered to be beneficial as it improves traffic flow and reduces existing congestion problems on the local highway network.

The construction of the MEB will generate considerable number of HGV movements predominately associated with the earthworks element of the scheme and a Construction Traffic Assessment has been submitted with the application to assess the impact of the HGV traffic. The distribution of HGV movements to and from the MEB has been indicated to be 5% from the A530/A54, 17.5% from the A533 and 77.5% from M6 J18. The proposed routing of construction traffic is predominantly based upon the A54 motorway network which is an acceptable routing proposal.

There are no highway objections raised to application.

### **Public Rights of Way/Cycle routes:**

The comments of the public rights of way team are outlined above, however it is important to highlight the bypass will be an all-purpose highway and as such there is a legal right to walk along, and to cross the road. Where existing Public Rights of Way (PRoWs) cross the bypass, consideration has been given to providing safe crossing points to enable users of the PRoWs to safely cross the bypass.

The main footpaths and cycle routes and their usage are further discussed in Chapter 13, "People and Communities" of the supporting ES.

There are four footpaths that would be crossed by the proposed scheme. Middlewich FP22 would be severed by the bypass. The footpath would be diverted around the eastern side of the Pochin Way roundabout to connect into Sproston FP4X.

Middlewich FP19 and Middlewich FP20 would also be severed by the bypass. Pedestrian islands would be provided where these footpaths cross the scheme to ensure users are able to cross the bypass safely.

Moston FP9 would be affected by the construction of the tie in of the roundabout junction with the A533 Booth Lane. A new access point for this PRoW would be installed as part of the proposed scheme.

Dealing specifically with the rights of way team's issues, the comments are noted re labelling of routes and Moston FP6, and it is confirmed that the gradients will be 1:12 and the realignment further away from the river is agreed and will be reflected on Side Roads Order Plans.

Footpath/Cycle routes will be provided for the length of the bypass giving cyclists in particular greater choice on safer routes. The existing cycle route along Cledford Lane will be retained, and improved on the realigned section west of the bypass to beyond the railway crossing. The new roundabout will provide safe crossing points.

### **Landscape**

The road runs through the East Lowland Plain Wimboldsley Character area as described within the 2009 CC Landscape Assessment. The Congleton BC landscape assessment is also referenced, but



this is no longer appropriate. However, this does not affect the overall conclusion of the assessment with which are agreed with subject to the comments and requirements for planning conditions below.

The Landscape and Visual Impact Assessment (LVIA) notes that the proposed scheme would result in adverse effects on elements of the landscape, Landscape Character Areas and visual receptors. The effects would be greatest during construction, but these are temporary. Following construction there would continue to be adverse effects, many of which would be permanent without the implementation of landscape mitigation. The provision of ecological mitigation contributes towards and forms part of the landscape mitigation of the scheme.

The route is elevated for much of its length and at the southern end is 10m above existing ground level due the railway and canal bridges. The A533/MEB roundabout junction is between the two bridges. This elevated feature has a substantial impact on the Trent and Mersey Canal Conservation Area, the landscape character to the south of Middlewich and immediately adjacent properties. It is however mostly seen against the industrial dominated landscape to the north and there is substantial tree planting on the embankments which will over time soften the impact. If possible the woodland planting on the SE side of the roundabout should be extended (see attached plan). Noise fencing is shown in two places (at back of kerb) to mitigate noise impacts on adjacent properties – this requires careful design and further consideration is required as part of any condition.

Further north on the MEB route it crosses the existing field pattern east of Middlewich which results in the loss of hedgerow boundaries (some are Important Hedgerows). Field shape and size would be altered, and pasture fields would be lost. These changes result in a substantial impact on the character of the landscape and there is considerable impact on users of Sproston footpath 4 which runs parallel to the new road. Additional mitigation woodland planting is required on either side of the road/grassland mitigation areas as shown on the attached plans, which the applicant has now agreed to and amended plans now reflect this.

## **Trees**

### Arboricultural Impact Assessment

This application is supported by a tree survey and Arboricultural Impact Assessment. The Assessment has identified 33 individual trees, 66 groups of trees, 1 woodland and 35 hedgerows within the application site. Of these, 25 individual trees, 46 groups of trees, 1 woodland and 26 hedgerows have been designated as moderate (B) category features under the British Standard assessment criteria.

A further 8 individual trees, 20 tree groups and 9 hedgerows have been assessed as low (C) category which are considered of limited arboricultural merit and/or transient landscape benefit.

The Assessment has not identified any trees that are of High (A) category.

Para 4.1 (Table of Impacts) identifies both direct tree losses and trees 'encroached' by the proposed scheme. Under the Moderate (B) category designation, sixteen individual trees and eleven groups of trees will require removal with a further 13 groups requiring partial removal .

Of those low quality trees 5 individual trees and 12 groups will require removal, with 4 groups requiring partial removal.

A total of fourteen hedgerows have been identified for removal, with eleven hedgerows requiring partial removal.

A summary of these impacts is provided at para 7.1 of the Assessment which indicates the arboricultural impact of the proposals is of high severity based upon the number of trees/groups indicated for removal of partial removal. Of those 135 arboricultural features identified within the area proposed for development, 86 features (64%) are proposed for removal or partial removal.

### Woodland W99

The proposed two lane carriageway is located to the north east of Woodland (W99). This woodland is designated as Priority Habitat under the Priority Habitat Inventory published by Natural England and is not directly affected by the proposed development

### Veteran Trees

The Assessment does not identify any Veteran trees within the proposed site boundaries, however there are a number of substantial trees that are proposed for removal which appear to have features/decaying wood habitat that may be considered to be veteran characteristics.

The following trees taken from the survey schedule have been identified as requiring further consideration; Oak (T42, Oak (T43), Alder (G46), Oak (T53), Ash (T90, Oak (T92), Crack Willow (G95 and G97) and Oak (T103).

Aged or Veteran trees have cultural, historical, landscape and nature conservation value because of the age, size or condition and are irreplaceable. As such their loss or harm will not be permitted, and the design and layout of development will be expected to integrate them into development.

The Ecological Assessment within the Environmental Statement also states that no Ancient or Veteran trees are present, however in the absence of any detailed evidence in the submitted Assessment, it is advised that further clarification should be sought on those trees identified to determine their potential Veteran status in accordance with Natural England Specialist Survey Method for Veteran Trees. This matter will be clarified in the Update report to Members.

### Noteable Tree Species

A large-leaved lime was noted within the Cledford Lane Lime Beds (Local Wildlife Site). The Ecological Assessment states there are no direct impacts predicted on this tree due to the distance from the proposed scheme

### Hedgerows

Existing Hedgerows under the Hedgerow Regulations 1997 have been assessed in the Hedgerows Survey Report (Appendix D.4 Vol 3 of the ES) with the total number of hedgerow units identified as 40 (49 hedgerow units) as a desk top study compared with 35 hedgerows identified in the Arboricultural Assessment. Within the Hedgerow Survey Report 12 hedgerows are identified as 'Important' from an Ecological perspective and 36 from a heritage perspective. A summary shown on Table 7.11 of the Environmental Statement (Volume 2) identifies 750 metres of species-rich hedgerow and 1205 metres of species poor hedgerow loss (within CEC) where it is stated to predict a significant negative effect at site level.

## Mitigation and Ecological habitat gains

Details of proposed mitigation are provided at para 6.8 of the ES (Vol 2) and the Environmental Master Plan (Appendix K.1 in Volume 3 of the ES) and Landscape and Ecology Supporting Information (Appendix K.2 in Volume 3 of the ES)

The application is supported by an Environmental Statement which proposes the reinstatement of lost trees and hedgerows by planting on embankments and cutting slopes and a proposed woodland within a landscape scheme to be agreed with the CEC Landscape Architect, as part of the Environmental Masterplan to show landscape planting along the by pass.

Native woodland planting around new bridge structures, Sanderson's Brook and the River Croco and the planting of hedgerows, hedgerow trees along the highway boundary are also proposed and will be considered in more detail by the Council's Landscape Architect.

The Arboricultural Impact Assessment shows trees to be retained and protected. Should the application be approved conditions are recommended.

## **Ecology**

### Environmental Statement Addendum

The submitted Environmental Statement (ES) refers to an Addendum ES which assesses the impacts of the temporary works compounds associated with the scheme.

### Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones for transport infrastructure related applications. It is noted that Natural England have been consulted on this application and have advised that the proposed development would not result in an adverse effect on statutory designated sites.

### Non-statutory Sites

The submitted Environmental Statement predicts that the proposed scheme would have a beneficial effect of the Cledford Lime Beds Local Wildlife Sites (LWS) due to a reduction in air pollution as a result of traffic being diverted away from the roads located closest to the LWS.

There is however some incursion into boundary of the Local Wildlife Suite as a result of the proposed works to upgrade Cledford Lane. Jacobs advise that this incursion would be up to the existing fence boundary located adjacent to Cledford Lane. It is advised that this level of incursion is unlikely to have a significant long term impacts upon the features for which the LWS was designated.

### Ecological Connectivity and proposed culvert design

The loss of ecological connectivity is one of the most significant ecological effects resulting from linear transport schemes. Ensuring ecological connectivity is maintained along water courses crossed by a scheme is one way of reducing these effects.

Loss of ecological connectivity along water courses is relevant to wildlife in general and specifically to the following species in this instance: Badgers, Bats, Grass snake and Otter.

The proposed mammal ledges will provide connectivity for otter and if wide enough also for badger. However in the event that planning permission is granted a condition should be attached which requires the design of the ledges to be agreed with the Council and Environment Agency.

The proposed water course crossings are however all standard box culverts which retain no existing vegetation along the stream corridor which would reduce ecological connectivity for wildlife in general.

In respect of maintaining connectivity for grass snakes it is uncertain whether this species would be able to move through box culverts particularly in an upstream direction. Confirmation should be sought from the applicant as to whether they are aware of any evidence of grass snakes utilising box culverts.

In respect of bats the following comments are made in relation to each of the watercourse crossings:

Crossing name	Permeability for bats	Recommendations in respect of bats
River Croco Culvert	This culvert appears likely to be permeable to the most common bat species (Pipistrelle and Brown Long Eared bat).	None
Sanderson's Brook tributary culvert	This culvert would allow Brown Long Eared to pass but not Pipistrelle bats.	If possible the culvert should be increased in size to allow pipistrelles to pass through.  Jacobs however advise that this is a very minor water course and is not considered likely to offer significant bat foraging habitat.
Tributary of River Croco culvert	This culvert would allow Brown Long Eared to pass but not pipistrelle bats.	If possible the culvert should be increased in size to allow pipistrelles to pass through.  Jacobs however advise that this is a very minor water course and it is not possible to provide a larger culvert at this location.
Sanderson's Brook culvert 1	This culvert would allow Brown Long Eared to pass but not pipistrelle bats.	Sandersons Brook is described in the submitted Bat Survey as being one of the highest areas of bat activity in the study area. The culvert <u>must</u> be increased in height to a minimum of 4.5m to allow pipistrelles to pass through.  Jacobs have advised that it is not possible to provide a larger culvert at this location.
Sanderson's Brook Culvert 2	This culvert appears likely to be permeable to the most common bat species (Pipistrelle and Brown Long Eared bat)	None
Trent and Mersey Canal Bridge	This culvert appears likely to be permeable to the most common bat species (Pipistrelle and Brown Long	None

In order to increase connectivity under the culverts for wildlife in general it is advised that some provision is made within the edges of the culvert channel to create terrestrial habitat at each side of the culvert at just above normal water level. This would allow vegetation to develop underneath the culverts and provide a greater range of habitats under the culverts.

### Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the Loss of 750m of species rich hedgerow and 1210m of species poor hedgerow. Under the proposals 5.5km of new hedgerows would be planted to compensate for this loss.

It is usual to provide a greater extent of replacement hedgerow planting to be provided in relation to that lost due to the time taken for the newly created habitats to mature, which is reflected in the current proposals.

### Grassland Habitats

Extensive areas of semi-improved grasslands and marshy grassland habitats were identified at various points throughout the route of the scheme during the initial Phase One Habitat survey. These habitats were then subject to more detailed botanical National Vegetation Classification (NVC) survey.

Further botanical survey data has been submitted in support of the application since initial comments were made. Based on Jacob's assessment the following grassland compartments qualify as Local Wildlife Site quality grassland and would be considered a Priority Habitat. These are: Grassland 2, Cledford lane, Grassland 6. Just over 1ha of this habitat would be lost as a result of the proposed development.

Of the grassland habitats affected by the temporary works the Grassland located south of the British salt works support sufficient indicator species to qualify as a Local Wildlife Site and achieve Priority Habitat status.

This habitat type is a material consideration during the determination of this application.

Construction work relating to the new road and temporary compounds will take place adjacent to valuable grasslands that may be retained. I advise that these adjacent habitats would need to be safeguarded during the construction phase to avoid any indirect impacts. This matter may be dealt with by means of a planning condition which requires the submission of proposals for the safeguarding of retained LWS quality grasslands located adjacent to temporary and permanent works.

The submitted ES (page 150) states that 1.73ha of semi-improved grassland would be lost as a result of the proposed scheme.

In accordance with the mitigation hierarchy losses of habitat should be avoided if possible, therefore to avoid a loss of biodiversity associated with the temporary compounds, it is advised that they should be relocated onto areas of improved grassland habitats of lower nature conservation value. The applicant's agent has responded to this point and provided further information on the rationale for the selection of the temporary works compounds.

A total of 13.2ha of species rich grassland creation is proposed as compensation for that lost as part of the proposed development.

#### Woodlands

A small area of wet woodland located near to the River Croco has been identified as being Priority Woodland. It is advised that wet woodlands are a priority habitat and hence a material consideration. 0.08ha of this habitat would be lost as a result of the proposed development.

The addendum ES states that a total of 1.52ha of woodland would be lost as a result of the proposed scheme. The habitat compensation scheme associated with the proposed development would provide a gain of 7.87ha of tree planting to offset this loss.

It is advised, that it is usual practice for a considerable greater area of tree planting to be provided in relation the area of woodland lost, as a means of compensating for the temporal loss of habitat during the time it takes for the new habitats to mature which is reflected in the proposals.

#### Great Crested Newts

This protected species was recorded from numerous ponds located within 500m of the proposed scheme. This included five ponds meeting the Local Wildlife Site selection criteria for this habitat.

The proposed development will result in a high level adverse impact on Great Crested Newts as result of the loss of four breeding ponds, associated terrestrial habitats and the risk of animals being killed or injured during the construction phase. The proposed development would also result in the severance of three identified great crested newt meta-populations.

#### ***EC Habitats Directive***

#### ***Conservation of Habitats and Species Regulations 2017***

#### ***ODPM Circular 06/2005***

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2017 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no

conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts (GCNs), and as noted above the bypass is seen as a very important piece of infrastructure bringing significant public benefits.

### Alternatives

There is an alternative scenario that needs to be assessed, this is:

#### No bypass

Without any development, specialist mitigation for GCNs would not be provided which would not be of benefit to the species.

In order to reduce the risks of great crested newts being killed or injured during the construction phase the applicant proposes the removal and exclusion of newts from the scheme footprint using standard best practice methodologies under the terms of a Natural England licence. Replacement ponds and terrestrial habitat are also proposed.

In anticipation of future phases of development the majority of compensatory habitat is proposed to the East of the road scheme. Tunnels are also proposed under the road as a means of mitigating for the fragmentation of amphibian habitat as a result of the proposed development.

It is advised that amphibian tunnels cannot not be entirely relied up to fully mitigate the severance effects of the proposed scheme. Whilst a number of new ponds are proposed these are all located within the vicinity of meta-population 7 located to the south of Cledford Lane. In order to compensate for the severance effects of the development on other great crested newt meta-populations It is advised that additional ponds should also be proposed to the East of the road within the vicinity of meta-populations 2 and 5. The applicant’s agent have amended the proposals to include three additional ponds in the vicinity of meta-population 2 and advised that further pond creation in the vicinity of meta-population 5 is not feasible.

It is advised that in the event that planning permission is granted the proposed great crested newt mitigation would be sufficient to maintain the favourable conservation status of the great crested newts.

### Common Toad

This priority species was also recorded at a number of ponds. It is advised that a robust mitigation strategy designed to address the impacts of the proposed development upon great crested newts would also provide a suitable level of compensation for this species.

### Reptiles

Grass snakes were recorded at two locations during the reptile surveys undertaken to inform the Environmental Statement. Only one of these locations occurs within the scheme footprint. It is advised

that insufficient survey effort has been undertaken to assess the size of the population present, however all sites supporting this species would qualify for selection as a Local Wildlife Site and so should be considered of County importance. It is advised that the importance of this species is underestimated by the submitted Environmental Statement.

Whilst Grass snakes were recorded at only two areas during the survey the species is wide ranging and so is likely to occur across a wider area of the scheme.

The proposed development will result in the loss of suitable habitat utilised by reptiles and result in the fragmentation of suitable habitat. It is advised that severance effects would partly be mitigated by the inclusion of suitable culverts at points where the scheme crosses the various watercourses.

No mitigation for reptiles is described in the ES, but reptile corridors are shown on the Environmental Master Plans.

It is advised that a reptile mitigation method statement should be submitted prior to the determination of this application. This should include measures to minimise the risk of reptiles being killed or injured during the construction phase.

#### White Clawed Crayfish

Surveys have been undertaken for this protected species. It is advised that this species is unlikely to be present or affected by the proposed development.

#### Water Vole

No evidence of this species was recorded during the submitted surveys. Confirmation of the weather conditions during the two survey visits should however be submitted prior to the determination of the application.

#### Otter

Evidence of this species was recorded in the broader locality of the application site including on water courses that would be crossed by the proposed scheme. No features used by otter for protection or shelter were identified during the survey, so it is advised that it is unlikely that the proposed development would result in an offence under the Habitat Regulations in respect of this species.

It must be however ensured that watercourse crossings are permeable to otter, as recommended by the Environmental statement, and a condition requiring an updated otter survey to be undertaken prior to the commencement of development is required.

#### Feiberg's Screw-moss

This priority species has previously been recorded from a number of locations on the Trent and Mersey Canal in Middlewich, including the point where the proposed scheme would cross the canal. The proposed scheme is likely to result in the localised loss of this species from the existing canal wall where it is affected by the proposed scheme. It is advised that this would result in a localised adverse effect on this species.

#### Ponds

A total of four ponds would be lost as a result of the proposed development all of which meet the Local Wildlife Site selection criteria. Three of the pond lost are also of Priority habitat quality.



In order to compensate for this loss 13 new ponds would be provided as part of the proposed scheme.

## Bats

### *Roosting Bats (Buildings)*

A minor bat roost has been identified at one building. This building will however be demolished independently of the proposed road scheme under the terms of an unrelated Natural England protected species license.

### *Roosting Bats (Trees)*

Minor bat roosts recorded in three trees. One of these would be lost as a result of the proposed development, but is located within the Cheshire West and Chester part of the scheme.

It is advised that roosting bats in Cheshire East are not reasonably likely to be directly affected by the proposed development.

If planning consent is granted a condition should be attached requiring an updated bat survey of the trees identified as having moderate/high potential to support roosting bats prior to their removal.

### *Levels of bat activity recorded*

It is advised that the assemblage of bat species recorded includes a sufficient number of species to qualify as a Local Wildlife Site, which would be considered to be of County Importance. The number of bat species recorded does however to a large extent reflect the extensive nature of the area surveyed.

The submitted ES states that the construction of the scheme would have an effect of up to 'Local level' on bats. The operation of the road would result in bat mortality as a result of road traffic collisions, but this is likely to be a relatively low impact.

In order to compensate for the adverse effects of the scheme on bats the provision of bat boxes, woodland and tree planting is proposed. The ES states that compensatory habitat for bats would be provided prior to construction or at the earliest opportunity during construction.

## Barn Owl

Barn Owl activity was recorded at a number of buildings and a barn owl box during the surveys undertaken. The ES states that no evidence of breeding by barn owls was recorded during the field surveys.

The barn owl survey report however notes breeding being recorded at a building subject to monitoring by the Barn Owl group. The known breeding roosts are however located a considerable distance from the scheme and so would not be directly affected by the proposals. These roosts may however be affected by mortality resulting from road traffic collisions.

The submitted ES states that, in the absence of mitigation collations with road traffic associated with the scheme would result in an adverse effect on barn owls significant in the local context.

The Environmental Statement recommends the provision of hedgerow and tree belts adjacent to the road to encourage barn owls to fly higher over the road as a means of minimising road traffic collisions. The ES does however acknowledge that these features would take around 5 years to establish.

The submitted ES states that 1.73ha of Type One (optimal) barn owl foraging habitat will be lost along side 2.12ha of Type Two habitat. The applicant's agent advises that this represents a small proportion of the available habitat for the two known roosts.

One acre of optimal barn owls foraging habitat was proposed at an offsite location which would be managed for 10 years. If planning permission is granted this approach to compensating for the impacts of the scheme is supported.

The ES states that the delivery of this off site habitat creation is subject to agreement with the landowner. It is advised that if this provision is not secured prior to the determination of the application, then the Council's Ecologist is in agreement with the imposition of a Grampian condition to secure it prior to the commencement of the development.

#### Lesser Silver Diving Beetle

This uncommon protected species was recorded at a number of ponds in the vicinity of the proposed scheme.

The proposed scheme would result in the loss of one breeding pond utilised by this species. Two ponds with potential to be used by this species in the future would also be lost. The submitted Environmental Statement assesses the impacts of the proposed scheme on this species as being significant at the Regional Level. Whilst mortality associated with road traffic collisions is considered to be a low risk, such mortality is still considered to be significant due to the rarity of the species.

To mitigate the risk of lesser silver diving beetle being killed due to the loss of pond 65, the ES recommends the translocation of this species to a receptor pond prior to the destruction of the breeding pond. Four new ponds would be provided as compensation for the lost ponds.

It is advised that due to the very specific habitat requirements of this species, there is a significant risk that the proposed compensatory ponds would not be successful in providing habitat for this species.

Ponds used by this species must be subject to light grazing to ensure they maintain suitable habitat. The required grazing is annotated on the Environmental Masterplans prepared in support of the scheme.

It is advised that whilst there is no guarantee that the habitat creation proposed for this species would be successful, the proposed habitat compensation does accord with current best practice as far as our knowledge of this species currently extends. If planning consent is granted a condition requiring an updated Lesser Silver Diving Beetle prior to commencement survey will be required.

#### Fish

Eel was recorded in River Crocco. This species is considered to be critically endangered and is a protected species. The presence of this species means that the River has been identified as being of County level importance. The proposed scheme crosses the River Crocco necessitating the diversion of the water course through large diameter pipes. The diversion would ensure an uninterrupted flow and so no significant impacts on Eel are anticipated as a result of the scheme.

#### Badger

Badgers are active in this broad locality.

The submitted ES states that the scheme would result in the loss of 6 badger setts within CEC. Most of these setts are related to a single clan and so in the absence of mitigation this clan would be likely to be displaced as a result of the development. The scheme would also result in the loss of an area of suitable badger foraging habitat. In order to assess the significance of the loss of badger foraging habitat the ES quotes average badger territory sizes of between 25 -150ha. Badger territories in the vicinity of the scheme were mapped during the detailed surveys undertaken to inform the ES. The territories in the vicinity of the scheme appear to be more of the range of 15-50ha, so smaller than the quoted national average. The ES may therefore have underestimated the significance of the loss of badger foraging habitat associated with the scheme.

The proposed development would also have a significant impact on badgers as a result of the severance of badger territories.

To compensate for the loss of the existing main sett a replacement artificial sett is proposed and the existing sett would be closed under the terms of a Natural England license to ensure badgers were not directly harmed as a result of the scheme. The effects of habitat severance would be reduced through the provision of badger tunnels under the road.

As the status of badgers can change in a short timescale it is recommended that a condition be attached which requires the submission of an updated badger survey prior to the commencement of development.

#### Wintering Birds and Breeding Birds

The assemblage of wintering and breeding birds recorded in the study area of the ecological assessment is sufficiently diverse to meet the Local Wildlife Site selection criteria and so should be considered to be of County importance. The number of bird species recorded however is partly as a result of the extensive area of habitat that was surveyed.

The Environmental Statement refers to three locations within the Study Area which were particularly important for wintering birds and breeding birds. To enable an assessment of the impacts of the proposed development on wintering and breeding birds to be made it is recommended that a plan showing these areas be submitted prior to the determination of the application.

#### Specially Protected Bird Species:

##### *Hobby*

Historical records of breeding by this species were identified during the desk study, but no evidence of breeding by this species was recorded during the field surveys.

##### *Little Ringed Plover*

Evidence of breeding by this species was recorded on derelict land near to the British salt works. This is an uncommon bird in Cheshire. The ES values presence of breeding LRP as being of regional importance.

The habitat used for breeding by Little Ringed Plover would be affected by a temporary works compound in that locality which would result in the loss of half of the available habitat for the species. This would be a temporary effect that would occur for one year.

It is advised that the loss of breeding little ring plover habitat would result in an impact which is significant at the County Level.

In accordance with the mitigation hierarchy losses of habitat should be avoided if possible, therefore to avoid a loss of biodiversity associated with the temporary compounds, It is advised that they should be relocated onto areas of improved grassland habitats away from Little Ringed Plover breeding sites. If it is not possible to avoid this impact, which the ES states it is not, then it must be ensured that the existing derelict land is restored to its current condition following the removal of the temporary works compound.

If planning consent is granted for a temporary works compound that result in the loss of Little Ringed Plover habitat a condition would be required for the submission of a method statement for the restoration of suitable Little Ringed Plover habitat on the site of the temporary works compound.

#### *Kingfisher*

This species is thought to breed within the study area, but no nests identified during the field surveys. Based on the available survey information the proposed development is not likely to have a direct impact upon this species. If planning permission is granted a condition should be attached which requires an updated kingfisher survey prior to construction of any bridge crossings.

#### Hedgehog, Polecat, Hare

These three species are all a priority for nature conservation and hence a material consideration.

Brown Hare was recorded on a number of occasions during the Phase One habitat survey. No detailed surveys have been undertaken to assess the significance of the site for this species. There are historical records of polecat and hedgehog and I advise that these species are likely to occur on site on at least a transitory basis.

It is advised that the proposed development will result in the direct loss and fragmentation of habitat utilised by this species. Impacts on these species can however be addressed if adequate compensatory habitat is delivered as part of the scheme.

#### White Letter Hairstreak Butterfly

Records of this priority species were identified during the desk study undertaken to inform the ecological assessment. To ensure some habitat provision is made for this species Wych Elm has been included in the proposed landscaping scheme.

#### Lighting

Artificial lighting can have a significant adverse effect on wildlife. Lighting is restricted to the junctions of the proposed scheme and low level lighting along the proposed footway/cycleway. This approach to lighting is supported. Lighting is however proposed on the roundabout proposed on Cledford Lane which was identified as one of the highest levels of bat activity in the study area. To reduce the effects of lighting on bats it is advised that lighting along Cledford Lane must be minimised as far as possible.

#### Biodiversity Net Gain

Local Plan policy SE 3 paragraph 5 requires all developments to aim to positively contribute to biodiversity and the NPPF seeks to encourage measurable net gains for biodiversity.

A biodiversity metric calculation has been submitted in support of the application. Whilst there is some difference in professional view on the potential distinctiveness (value) of the habitats that would be created as part of the scheme, there is agreement from the Council's ecologist that the scheme would deliver an overall gain for biodiversity.

The ability of the proposed habitats to achieve their target condition, and the scheme to deliver a net gain for biodiversity in accordance with Local Plan Policy SE3 is however dependant upon the long term management of the newly created habitats being secured through the planning process. It is recommended that if consent is granted a condition should be attached requiring the submission and implementation of a 25 year habitat management plan.

The offsite woodland planting proposed as part of the scheme is supported and is a key part of the proposed compensatory habitat required to offset the effects of the scheme.

### **Built Heritage/Structures**

Whilst there are no listed buildings on the line of the road that would be directly or indirectly affected by the proposals (Cledford Hall having been demolished), the proposed road does cross the Trent and Mersey Canal Conservation Area, and therefore clearly will have an impact at this point as the bridge will be a sizable structure and at an angle to the canal.

The matter has been discussed with the Council's Conservation Officer who has raised a number of issues with this element of the scheme including the need to see a detailed design for the canal bridge and to highlight there will be a negative impact on this heritage asset.

This area of the canal could be described as being in an area of transition between the more historic setting within Middlewich with it's variety of uses fronting the canal and the open countryside beyond Tetton Bridge to the south. That said it is considered that there is harm to the Conservation Area but it is considered to be "less than significant harm", and as set out in para. 196 of the NPPF "this harm should be weighed against the public benefits of the proposal...". The benefits in this case being the highways and economic benefits of the scheme, as set out elsewhere in the report. The area most affected by the road is very open in character and there are sizable vacant brownfield sites south of Cheshire Salt. The Canal and Rivers Trust have raised no objections, subject to being involved in discussions over the bridge finish and associated landscaping/towpath access.

The proposed bridge and culvert designs will be modern concrete structures with a simple appearance. The application provides typical engineering drawings but with little information on the proposed materials and finishes. As most of these structures are not readily visible from any public vantage points, no objections are raised to the approach taken subject to approval of finishes. The canal bridge crossing is in a sensitive location – being in a Conservation Area and more visible from various public viewpoints and whilst the Canal and Rivers Trust have suggested that this structure could be subject to more detailed design and conditioned accordingly, the form of the bridge needs to be agreed at this stage.

Discussions over the structure have taken place with the applicant and whilst it is accepted it should be modern in design, it is considered it needs to have a high quality of finish. The applicant has submitted further plans and supporting information to show how a high quality finish can be achieved with a relatively simple concrete and steel designed structure. The detailed finishes can be conditioned. It is

considered that the proposals can achieve a high quality of finish which is appropriate to the Conservation Area.

### **Flood Risk/Drainage**

This matter is fully considered in the supporting Environmental Statement, and the Councils Flood Risk team have raised no issues, subject to conditions/informatives. Similarly the Environment Agency have raised no objections subject to a number of conditions.

### **CONCLUSIONS**

The proposed Middlewich Eastern Bypass is a key highway infrastructure project for Cheshire East Council. The need for an eastern bypass of Middlewich has been acknowledged for many years, following the development of a scheme by Cheshire County Council in the early 1990's. Completion of the proposed bypass will provide traffic routes to avoid the town centre and enable access to the Midpoint 18 strategic employment site.

The scheme is predominantly within the borough of Cheshire East plus a small area that extends into the borough of Cheshire West and Chester.

Provision for the proposed scheme has been identified in the CEC Local Plan Strategy as an investment priority for infrastructure.

The Cheshire East Local Plan Infrastructure Delivery Plan highlights the recent investments including: "Regional Growth Funding secured to deliver the 2.2km Middlewich Eastern Bypass, opening up an employment development opportunity at Midpoint 18."

The proposed scheme would contribute to achieving the objectives of local and national planning policy in terms of enabling the delivery of housing and employment sites in Middlewich, including Midpoint 18, and helping to boost business productivity in the local area through improving the efficiency and reliability of the highway network. It would also enhance connectivity by providing an improved route for freight and business travel.

The nature of the scheme and its location, within areas of open land, would result in some adverse effects on the environment, particularly in terms of the landscape and visual impacts during construction and flood risk once operational. The Environmental Statement that accompanies this application identifies the impacts, assesses them and describes any proposed mitigations. Where possible, mitigation has been proposed, but not all effects can be mitigated.

The proposals will have landscape, tree and ecological impacts, but it is considered they can be mitigated through the measures proposed. In addition there will be some harm to the Canal Conservation Area, but this 'less than substantial harm' and the public benefits of the road outweigh any harm. Other issues are neutral while there are clear highway and economic benefits to the scheme.

### **RECOMMENDATION**

**Approve subject to the following conditions;**

1. 5 year start time
2. Development to proceed in accordance with the approved plans/report recommendations.
3. Landscaping
4. Landscape implementation & maintenance (5 years)
5. Prior to the commencement of development a Tree Protection Scheme is to be submitted and approved
6. Prior to the commencement of development an Arboricultural Method Statement for tree retention is to be submitted and approved
7. Prior to the commencement of development a scheme for arboricultural supervision is required to be submitted and approved
8. Submission of proposals for the safeguarding of LWS quality habitats located adjacent to permanent and temporary works. Updated protected species surveys and mitigation method statements for felling of any trees with bat roost potential lost as a result of the scheme and for otter, badgers and Lesser Silver Diving beetle. Mitigation and compensation proposals to be informed by the proposals included with the ES.
9. Notwithstanding the proposals detailed in section 2.1 of the submitted Appendix K.2: Landscape and Ecology Supporting Information a Habitat Creation method statement is to be submitted for the creation of the species rich grassland and the grassland mitigation areas.
10. Updated Kingfisher survey to be undertaken prior to the implementation of any watercourse crossings.
11. Design of mammal ledges under culverts to be agreed with the Council and EA.
12. Timing of works to Safeguarding Nesting Birds.
13. Method statement for the reinstatement of habitat for Little Ringed plover following the removal of the Temporary Works Compound. Method statement for the creation of species rich grassland
14. Time table for the implementation of habitat creation measures.
15. Grampian condition to secure off site barn owl habitat provision and management.
16. Submission and implementation of an ecological monitoring strategy. If any deficiencies in the agreed ecological mitigation/compensation then revised proposals are to be submitted to the LPA for agreement and then implemented in full.
17. Submission of a 25 year habitat and landscape management plan. To include proposals for the management of woodland planting, species rich grassland ponds, lesser silver diving beetle, non-native invasive plant species, hedgerows and the control of non-native invasive plant species. The management plan should also include a strategy to secure the long term future of the created habitats such as transfer to an appropriate body such as the Land Trust.
18. Prior to the commencement of development a Construction Environment Management Plan is to be submitted and approved – to include dust suppression measures & measures to avoid contamination of the canal.
19. Implementation of great crested newt mitigation.
20. Submission of bat friendly lighting scheme.
21. Submission of a reptile mitigation method statement.
22. Contaminated land remediation strategy to be submitted.
23. No infiltration of surface water drainage into the ground/ measures to avoid contamination of the canal
24. Verification report for contaminated land.
25. Works to be carried out in accordance with the FRA
26. Detailed strategy/design of surface water runoff to be agreed

- 27. Scheme to remove suspended solids from surface water drainage.**
- 28. Method statement to be submitted to protect UU assets was required.**
- 29. Agreement on material finishes for the bridge crossings, new towpath access and associated landscaping for the canal bridge crossing.**
- 30. PROW**
- 31. Archaeology**

**Informatives;**

- **Public Rights of Way**
- **Water Course - Land Drainage Act**
- **Contaminated Land**
- **Canal & Rivers Trust**

**In the event of any changes being needed to the wording of the Boards' decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.**









