

Application No: 15/4480C

Location: Proposed, CONGLETON LINK ROAD, CONGLETON

Proposal: The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road.

Applicant: Andrew Ross, Cheshire East Council

Expiry Date: 02-Feb-2016

## **CONCLUSION:**

**Developments are required to be determined in accordance with the Development Plan, in this case the Congleton Borough Local Plan, under Section 38(6) of the Planning Act unless material considerations, in this case principally the emerging local plan and the NPPF indicate otherwise. As the existing Local Plan makes no reference to a link road, but equally does not preclude it, it falls that the other material considerations are determining factors in this case.**

**The proposal complies with most of the policies in the Development Plan (in particular GR11), but there is some conflict with policies PS8 & PS9 of the Congleton Local Plan. However the road is a significant proposal in the emerging Local Plan and would be fully supported by the main thrust of and policies contained within the NPPF. In summary the benefits/impacts can be summarised as being:**

### Scheme Benefits

- To support the economic, physical and social regeneration of Congleton by creating and securing jobs;
- To open up new development sites and improve access to Radnor Park Industrial Estate and Congleton Business Park;
- To relieve existing town centre traffic congestion / HGVs, remove traffic from less desirable roads and facilitate town centre regeneration;
- To improve strategic transport linkages across the Borough facilitating wider economic and transport benefit;
- To reduce community severance along key town centre corridors;  
To reduce traffic related pollutants within the town's declared Air Quality Management Areas.

Balanced against this must be considered the negatives:

- Impacts upon the Dane Valley and in particular Ancient Woodland
- Loss of agricultural land including Best and Most Versatile (BVM)
- Ecological disturbance during the construction phase
- Some disruption including amenity impacts during the construction phase

- Potential traffic impacts on adjacent roads

Overall it is considered that many of the negative impacts can however, be mitigated against (Dane Valley and loss of BMV Land excepted) and overall the planning balance is considered to be significantly weighted in favour of the application.

**SUMMARY RECOMMENDATION:**

**Minded to approve subject to conditions and referral to the Secretary of State**

**REPORT STRUCTURE**

The report starts by introducing the proposal, its objectives and listing the accompanying application documentation. It then describes the scheme's locational context, the main elements of the scheme (from its western extent to its eastern extent), including the 'off-site' associated road improvements, phasing and the changes made in response to comments during the determination of the planning application. In summary these introductory sections describe the proposal being considered for Planning Permission.

The next sections of the report summarise the background to the road scheme and how it evolved through the various stages of consultation with a variety of stakeholders - including the public.

The report then goes on to assess how the scheme conforms to Local Planning Policy (including emerging policy from the CEC Local Plan Strategy) and National Planning Policy.

The next main section of the report describes about consultee responses to the actual planning application:

- firstly how the Statutory Consultees have responded to the planning application; and as appropriate, the response of the applicants, and
- representations from the public and other community groups.

The final part of the report is the detailed appraisal of the main considerations in the determination of the planning application, including compliance with planning policy, environmental impacts, and highway considerations – focussing on the main application issues. The report concludes with a recommendation to approve subject to conditions themes and referral to the Secretary of State.

**PROPOSAL:**

This full application seeks planning permission for a 5.7 km link road between the west and the north of Congleton, linking the A534 Sandbach Road near the junction with Sandy Lane, to the A536 Macclesfield Road near the junction with Moss Lane.

The objectives set by Cheshire East Cabinet for the Congleton link Road are:

- To support the economic, physical and social regeneration of Congleton by creating and securing jobs;
- To open up new development sites and improve access to Radnor Park Industrial Estate and Congleton Business Park;
- To relieve existing town centre traffic congestion / HGVs, remove traffic from less desirable roads and facilitate town centre regeneration;
- To improve strategic transport linkages across the Borough facilitating wider economic and transport benefit;
- To reduce community severance along key town centre corridors;
- To reduce traffic related pollutants within the towns declared Air Quality Management Areas.

The link road forms part of the emerging Cheshire East Council Local Plan Strategy (LPS), and would assist in meeting the LPS's objective of employment led growth within Congleton.

The application consists of the following documents/drawings/reports:

Planning application drawings/sections

Environmental Statement (and appendices) covering the following areas:

A. Consultation

B. Planning Policy

C. Landscape and Visual Impact

D. Ecology

E. Cultural Heritage

F. Air Quality

G. Noise

H. Soils, Geology, Hydrogeology and Materials

I.1. Flood Risk Assessment (also refer to Appendix B of Addendum to ES)

I.2. Water Quality Appendix (also refer to Appendix C of Addendum to ES)

J. Geomorphological Assessment and Water Framework Directive Assessment

K. Effects on All Travellers

L. Private and Community Assets (also refer to Appendix D of Addendum to ES)

M. Traffic and Transport

N. Environmental Masterplan

O. Health Impact Assessment

Environmental Statement Addendum

Combined Planning, Design and Access Statement

Transport Assessment

Statement of Community Involvement.

## **SITE DESCRIPTION:**

Taken from the Design and Access Statement the route is described as follows:

*“The proposed road scheme passes between the west and north of Congleton across agricultural land and grassland interspersed with field ponds and woodland areas. It runs along the outskirts of the Congleton conurbation, which is to the south, and there are also a number of properties and farm buildings along the route (though no properties need to be removed for the scheme). From a westerly direction, its route runs through a series of fields parallel and to the west of Sandy Lane. It then crosses Loach Brook and passes through more open farmland to the west of properties fronting onto Chelford Road. It then passes under Chelford Road and through fields along the south of Back Lane. It then crosses Back Lane and has a short connecting road which runs south to connect back into Back Lane and then along an updated Back Lane to the Radnor Park Trading Estate. The route continues through more farmland until it crosses the River Dane corridor, which is also the location of an area of Ancient Woodland. It then spans this river corridor and passes through more farmland to the east of the river. It then has a spur road to the south, which is to connect to the Congleton Business Park, and then onto the A34 before passing to the south of a former quarry, surrounded by woodland, and joining the A536 Macclesfield Road south of Eaton Village.”*

The route lies entirely outside the Congleton settlement boundary in open countryside, and passes through the eastern edge of the Jodrell Bank Radio Telescope Consultation Zone, an Area of Special County Value (ASCV) and a Local Wildlife Site (along the river Dane). There are no conservation areas on or adjacent to the route, but there are some listed buildings close to the proposed route in the Hulme Walfield area.

## **Main elements of scheme:**

The proposed road scheme is a 5.7km link extending between the A534 Sandbach Road (west of Congleton) to the A536 Macclesfield Road (to the north of Congleton). The road would have a speed limit of 60 mph along its length, with the exception of the section from the A54 Holmes Chapel Road to Radnor Park Junction, which would have a 50mph limit. The road would consist of a two way single carriageway with a 3.65m wide lane and 1m wide exterior hard strip in each direction. A combined cycleway footpath is provided along the route from the Radnor Park Road junction to the A536 Macclesfield Road junction, to connect into adjacent facilities. Pedestrian, cycle and equestrian access between Sandbach Road and Radnor Park is available along the retained part of Sandy Lane, Chelford Road and the realigned Back Lane. Two underpasses would be provided, enabling pedestrians,

cyclists and equestrians to pass underneath the link road to the west of the A34 Junction and then underneath the A34 to the south of the link road connecting with Moss Lane. The road is not lit in order to reduce its visual impact, but lighting is proposed at the junctions with Radnor Park and Congleton Business Park - in the interests of safety.

It was originally proposed the road would be built in 4 phases, to allow flexibility of its implementation, though the applicant has recently confirmed that phases 1 and 4 are to be combined into a new phase 1. The revised proposed phases are:

- Phase 1- A534 Sandbach Road to A536 Macclesfield Road including main site compound at Congleton Business Park.
- Phase 2 - Spur Road from Congleton Link Road to Congleton Business Park
- Phase 3 - Back Lane improvements.

Travelling in an easterly direction, the route would consist of a new roundabout junction to the west of Wallhill on the A534 Sandbach Road. The route would run parallel to the west of Sandy Lane, until it connects with the A54 Holmes Chapel Road with a new roundabout junction.

The route would then travel in a northerly direction to the west of Somerford, to cross Loach Brook on a new bridge. The route would then continue and pass beneath Chelford Road, which would be taken over the link road on a new bridge.

The proposed link road would continue by severing Back Lane, which would be stopped up and diverted, and a new roundabout junction formed to provide a new connection, via an upgraded Back Lane, into Radnor Park Trading Estate to the south of the proposed route.

The main route would then continue in a north easterly direction and cut through Radnor Wood, before crossing the River Dane and part of its associated valley on an 85 m long bridge. This section of the alignment would require earthworks cutting up to 10m deep into the valley side to the west of the River Dane and an approximate 9m high embankment to the east of the river.

A new roundabout junction would be provided in the River Dane valley area, which would provide a connection into Congleton Business Park to the south of the proposed route. From this junction the route would cross under Giantswood Lane, which would be taken over the link road on a new bridge. The route would rise out of cutting to cross a tributary of the River Dane, which would be culverted, before connecting into the A34 Manchester Road with a roundabout junction.

The new link road would then continue on and meet the A536 Macclesfield Road to the south of Eaton, at a new roundabout junction.

## **Associated Road Improvements**

In most cases the assessment indicates the CLR would reduce traffic on existing roads, however traffic is forecast to increase on some roads including Brownlow Heath Lane, Child's Lane, Wallhill Lane, Padgbury Lane and the A536 through Eaton. In order to mitigate the impact of this traffic, measures to reduce traffic speeds are being investigated. These may take the form of the introduction of lower speed limits, changes to road markings, "Gateway" treatments or other physical measures. The exact measures to be used are subject to the outcome of engagement with residents / stakeholders on the affected roads. These matters are subject to a proposed planning condition to ensure their implementation and to be discharged before the opening of the road.

## **Post Submission Changes**

In addition since the initial submission at the end of September 2015, there have been some further changes to the scheme following comments and representations from stakeholders and consultees. The changes largely relate to:

- Boundary treatments;
- Drainage trenches/culverts;
- Site accesses/gates;
- Additional requirements for non-motorised users;
- Additional Environmental Management and Mitigation; and
- Environmental screening.

The more significant changes relate to:

- Additional Mitigation areas, following discussions with the Cheshire Wildlife Trust and the CEC ecologist, and relating to:
  - 5.7 ha of extra managed woodland area;
  - 1.57 ha of extra grassland, wetland and new pond;
  - 1.53 ha of extra grassland, marshy grassland and woodland management;
  - 0.67 ha of extra grassland shrubs and woodland management.
- Introduction of noise attenuation fencing along Back Lane following comments from the Environmental Protection Officer;
- New drainage attenuation facilities at the eastern end of the road scheme following comments from the Environment Agency - including relocated pond, new wetland area new culvert and new headwall to existing culvert;

- Public Rights of Way (PROW) updates in response to comments from the PROW officer and members of the public, including a new route beneath Loach Brook.

The changes are reflected in the updated documentation submitted in March 2016 and May 2016, including the Environmental Masterplans and Planning Drawings that specify all the changes. Information detailing the environmental updates and changes is provided in the Addendum to the ES, which was initially submitted in March 2016 and then updated in May 2016.

### **RELEVANT PLANNING HISTORY:**

There is an extensive planning history for sites on and adjoining the line of the link road, including proposals/approvals for housing developments. However all are independent of and would have no impact upon the road line, and none are known to be of significance to the determination of this application.

### **BACKGROUND TO THE SCHEME:**

The need to undertake a study into a new transport solution for Congleton arose from the public and business community response to the early Local Plan work for Congleton, which took place between March/April 2012. Strong representations were made supporting a link road to the north of the town, in particular to support potential development sites. The potential for a link road around Congleton was included in the Draft Congleton Town Strategy in August 2012.

In September 2012 CEC Cabinet approved the commencement of the work necessary to establish a range of transport infrastructure options that support the sustainable economic growth of Congleton – leading to the identification of a preferred option. The objectives for the solution were also agreed at this Cabinet meeting. At a subsequent Cabinet meeting, on 15th April 2013, revised scheme objectives (those outline in the ‘Proposal’ section above) were agreed and a series of broad options, to be explored, were approved.

A total of 28 improvement strategies (based on the approved scheme objectives) were identified during an optioneering exercise culminating in the selection of a preferred transport option (a link road to the north of Congleton), connecting the A534 Sandbach Road to the A536 Macclesfield Road) at a CEC Cabinet meeting on the 22nd July 2013.

A route appraisal exercise was then undertaken to identify and provide an assessment of alignment options by considering the advantages and disadvantages of each, and those that should be taken forward to the options development stage. Four individual route options (Red, Blue, Green and Purple) were subsequently developed. In order to identify the best route option, each of the four route options were then qualitatively assessed against a number of factors including: costs, area unlocked for development, public endorsement, safety and environmental impacts.

It was subsequently concluded that the Preferred Option would be a combination of the Red and Purple Options. It was recommended that the Red Option was taken forward as the Preferred Option, but is modified immediately east of the River Dane so that it ties in with the Purple Option.

Feedback received from members of the public throughout the consultation process resulted in numerous alternative alignments being considered and designed. Each of the alternative alignments were individually appraised and compared to the alignment taken to Public

Consultation. Options which were deemed to be an improvement on the original alignment were incorporated into the Preferred Option, which was endorsed by Council in May 2014.

Following the approval of the Preferred Route the design of the scheme was progressed with consideration given to more detailed engineering, environmental and cost assessments, as well as further consultations with land owners and other local interest groups.

Through this design development exercise, a number of alignment and / or junction modifications were identified that were considered to represent an overall improvement to the scheme. Alignment modifications were considered in four separate areas along the length of the scheme; these were:

- Sandbach Road to Holmes Chapel Road including Wallhill. The alignment of the mainline was amended to run closer and immediately adjacent to the existing Sandy Lane. An additional modification has also been implemented to avoid an existing GCN pond;
- Holmes Chapel Road to Chelford Road. The alignment of the mainline amended to run in a north-westerly direction to minimise impacts on the activities and residences on Chelford Road and allow the removal of a proposed retaining wall to the east of Chelford Road;
- Radnor Park Junction. The location of the roundabout was moved approximately 100m west to that proposed in the PRA 2014. This amendment opens up opportunities to develop to the north of the link road;
- Congleton Business Park to Manchester Road/Macclesfield Road. Alignment amended to pass further south (along Mainline 4) and further north (along Mainline 5). This amendment results in a series of environmental benefits, as well as a reduction in scheme costs. There is an overall benefit even though development potential is slightly reduced.

The recommendations of the Modified Preferred Route Assessment Report, were then presented and approved at the Cheshire East Council Cabinet meeting of 6 January 2015.

Since this approval of the modifications to the Preferred Option at the Cabinet meeting in January 2015, further public consultation on the Preferred Option was held in March 2015, and discussions with landowners, stakeholders and the Council's Development team (part of a formal Pre-application process) also helped shape the final scheme for submission.

The consultation processes, following the approval of the Modified Preferred Route in January 2015, produced a number of changes - the main ones being:

- Introduction of the Back Lane improvement and removal of Radnor Trading Estate spur;
- Alignment of the scheme moved 15m south at Radnor Wood to provide sufficient space for a 15m buffer zone to the ancient woodland;
- Additional underpass introduced under the A34 Manchester Road;
- Increase in size of A536 roundabout and introduction of an additional arm to provide direct access to the south west. This change arose as a result of the Stage 1 Road Safety Audit;
- Additional environmental mounding including north-west of Chelford Road overbridge and south of Link Road, between Black Firs Lane and Radnor Park Roundabout junction;

- Minor realignments to Chelford Road and Giantswood Lane for buildability reasons;
- Replacement of soakaways with attenuation ponds and removal of balancing pond to north-east of Holmes Chapel Road Junction;
- Changes to the temporary 'haul' bridge to be required to construct the River Dane bridge; which was initially located alongside the line of the permanent bridge, but after discussions with the CEC Development Team this has been re-located to a position as close as possible to the permanent bridge and with access from the east in order to reduce the impact on the ancient woodland to the absolute minimum; and
- Increase in extent of environmental mitigation.

## **CONSULTATION**

Following a route selection process, four options emerged (referred to as the purple, green, blue and red routes) and the first main public consultation exercise was held for 7 weeks in early 2014. A total of approximately 400 people attended this consultation exercise and approximately 1300 questionnaires were returned. The main purpose of the consultation was to gauge a level of support for the Congleton Link Road and let people comment on the four proposed route options.

Overall the Purple Option received the most endorsement and the least opposition of the proposed options. One of the issues raised during the Public Consultation for the main scheme was the impact the proposed link road would have on local traffic flows, in particular along Wallhill Lane. In response to these concerns, a 'supplementary' consultation was held between 30 May 2014 and 14 June 2014 on two proposed options to minimise the traffic impacts for the local area. From detailed analysis of all Consultation information, and review of the comparative traffic assessment, it was considered that provision of traffic calming along Wallhill Lane / Brownlow Heath Lane is the most effective way to address concerns over forecast traffic flows.

In the meantime CEC and their designers Jacobs UK Ltd had ongoing consultations with local landowners and stakeholder, which helped shape the design of the scheme further. In January 2015 a Modified Preferred Route was approved by CEC Cabinet and then a Pre-Planning Application Public Consultation took place between 2 March 2015 and 31 March 2015. Approximately 400 people then attended the Public Consultation Events. 14,000 leaflets and questionnaires were distributed and approximately 1500 questionnaires were returned.

The responses indicated that there was overwhelming public and business support for the scheme with approximately 95% of respondents being in favour of the link road (fully or partly). Amongst respondents with a business interest the area, almost 100% of the business respondents were fully supportive of Congleton Link Road.

Running in parallel to this was a series of formal Pre-application meetings with CEC's Development Team (with representatives from planning ecology, landscape and flood risk), as well as meetings with the South Cheshire Chamber of Commerce, developers/landowners and consultants who were developing the North Congleton Masterplan in connection with the emerging Local Plan.

In summary, the consultation demonstrated that whilst issues with the scheme have been raised, it has had high levels of public and business support. Following the consultation, feedback and suggestions for improvement have been incorporated into the design, resulting in the proposed scheme.

## **NATIONAL & LOCAL POLICY**

### **Development Plan:**

The Development Plan for this area is largely covered by the **Congleton Local Plan 2005**.

The relevant Saved Policies are: -

PS8 This policy seeks to protect the Open Countryside from inappropriate development. A new road is not listed as an appropriate development, although it does state development “will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements”. A new road clearly cannot be accommodated in the built up area of Congleton and, as will be set out in this report, has major economic and social benefits.

PS9 This policy seeks to protect Areas of Special County Value from “development which would damage the character and features” of these areas. There is conflict with this policy.

PS12 This policy on Strategic Transport Corridors does not list a Congleton Link Road, but does seek to improve the corridor from the A534 to junction 17 of the M6.

GR1 This policy lists the General Criteria for Development which will be examined in the main body of the report.

GR2 This policy sets out Design criteria development is required to meet. Again visual impact/design is considered in the main body of the report.

GR4 & GR5 This policy considers the Landscaping considerations both in terms of impact and implementation.

GR6 This policy considers general Amenity considerations.

GR7 & GR8 This Pollution policy considers air, land, water, light and noise pollution.

GR11 This policy on New Roads sets criteria against which proposals for new roads are assessed. They are:

- Discourage the penetration of non-essential traffic into towns – clearly this is an aim of the CLR.
- Improve safety and movement of traffic – Whilst not a specified objective for the CLR it is a key consideration for the CLR.
- Lead to improvements for pedestrians and cyclists – Again an aim of the CLR
- Provide improved access to industrial, business and commercial areas – As above
- Enhance public transport – As above
- Reduce noise, congestion and pollution – As above

- Not have a significant detrimental effect on landscape/nature conservation – The impact on the Dane valley in particular is discussed below.
- Incorporate mitigation measures into the design – Which this scheme does.

GR13, GR14, GR 15 & GR 16        These policies address Sustainable Transport Measures including public Transport, cycling, pedestrians and the right of way network – The scheme affects the PROW network, but provides a series of safeguards and some instances can be argued that it improves the network.

GR18 This policy on Traffic Generation seeks to ensure the capacity of the highway network is not significantly “worsened”. The proposal of course seeks to improve the highway network.

GR19 Development under this policy requires adequate Infrastructure provision. The road of course is part of the infrastructure for Congleton.

GR21 This policy requires adequate Flood Prevention measures to be incorporated into any developments. This issue has been addressed in these proposals.

NR1 Trees and Woodlands should be considered as part of any development. Mitigation for impacts on trees and woodlands is included within the proposal.

NR2, NR3, NR4 & NR5    Are policies on Nature Conservation seeking to protect both statutory and non-statutory sites and enhance habitats. Mitigation for impacts on such habitats is included within the proposal.

BH4    Seeks to protect Listed Buildings and their settings – There is no significant issue in this case.

Finally the following 3 Development Proposals sites are close to the line of the Link Road and would benefit from improved access:

DP1    Employment Sites (C1 Eaton Bank)

DP3    Mixed Use Sites (C1 Bank Street)

DP5    Recreation, Leisure and Community Use Sites (C1 Back Lane)

In addition a small part of the proposed new road (to the north east) falls within the former Macclesfield Borough area and as such policies of the **Macclesfield Borough Local Plan 2004** (saved policies) are relevant:

NE2    The Borough Council will seek to conserve and enhance the diversity of landscape character areas and ensure that any development respects local landscape character.

NE7    The Borough Council will seek to retain and enhance existing woodlands by woodland management. Development which would adversely affect woodlands will not normally be permitted.

NE11 The Borough Council will seek to conserve, enhance and interpret nature conservation interests. Development which would adversely affect nature conservation interests will not normally be permitted.

NE14 Development proposals which involve the loss of ponds, wetlands, heathlands, ancient woodlands or ancient grassland together with newly created habitats will not normally be allowed and their conservation will be encouraged.

NE17 In major developments in the countryside, the borough council will seek improvements for nature conservation, tree planting and landscaping.

BE1 Sets out the design principles and standards for new development.

BE2 The Borough Council will seek to preserve, enhance and interpret the historic fabric of the environment. Development which would adversely affect the historic fabric will not normally be permitted.

BE16 Development which would adversely affect the setting of a listed building will not normally be approved.

BE21 The Borough Council will promote the conservation enhancement and interpretation of sites of archaeological importance and their settings. Development which would adversely affect archaeological interests will not normally be permitted.

RT7 The Borough Council will seek to create a network of cycleways, bridleways and footpaths.

T1 Sets criteria to judge new transportation schemes.

T3 Improve conditions for pedestrians.

T5 Development proposals will make provision for cyclists in accordance with policy IMP2.

T6 The Borough Council will support other highway improvement schemes which reduce accidents and traffic hazards.

T8 The council will seek to introduce traffic management measures and environmental improvements on and adjacent to the roads which will be relieved of heavy traffic as a result of the new road schemes referred to in policies T7.

IMP2 Infrastructure requirements from new developments

DC1 The overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

DC3 Development, including changes of use, should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses.

DC6 Circulation and access.

DC8 where appropriate, applications for new development must include a landscape scheme which should meet the certain criteria:

DC9 – Tree protection.

DC13 Noise generating developments which cumulatively would increase the ambient noise level to an unacceptable level, will not normally be permitted.

DC15 In cases where new infrastructure is required before development can proceed, a condition will be imposed to ensure that the development proceeds in accordance with the provision of new infrastructure and facilities.

DC17 Water Resources – To safeguard water resources.

DC18 Sustainable Urban drainage systems – To include SUDS.

DC63 Contaminated Land – To provide adequate safeguards in case contaminated land is encountered.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

At its meeting on the 28th February 2014, the Council resolved to approve the Cheshire East Local Plan Strategy – Submission Version for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The Local Plan Strategy was submitted to the Secretary of State for examination in May 2014. Following the second set of examination hearings in October 2015, the Inspector issued his Further Interim Views in December 2015. These Further Interim Views address the additional evidence produced by the Council during the previous suspension of the examination and its implications for the submitted plan.

Following the Further Interim Views, the Council has now published the proposed changes to the Local Plan Strategy (LPS), including changes to policies, supporting text and new and amended site allocations. These proposed changes were subject to formal public consultation until the 19th April 2016. It is anticipated that further hearing sessions on the LPS will be held in September 2016. Concerning the status of the CLR in the draft LPS, whilst there are still outstanding objections to it, these relate mainly to how it will be implemented rather than the principle of it. And as it is believed that that the CLR is deliverable within the LPS plan period and the support for the road and the associated sites will remain, through the LPS process, that the provisions of the draft LPS are material considerations for the determination of the CLR planning application.

LPS Paragraph 15.227 identified a set of scheme objectives have been developed for the Congleton Link Road:

The Congleton Link Road will assist in meeting the objective of employment led growth as it will support:

- The economic, physical and social regeneration of the town;
- The opening up of new development sites in particular to improve access to Radnor Park Industrial Estate and Congleton Business Park;
- The reduction in existing town centre traffic and to facilitate town centre regeneration
- The improvement of strategic transport links across the Borough;
- The reduction in community severance along key town centre corridors;
- The reduction in traffic related pollutants within the town especially on those areas declared Air Quality Management Areas.

Early consultation stages for the emerging LPS included individual Town Strategies. The Town Strategy for Congleton, developed alongside an advisory stakeholder panel of Town Council, community partnerships, local businesses and community groups identified the delivery the Congleton Link Road as a key objective to deliver improvements to the existing road network and support economic growth at Radnor Park and Congleton Business Park, amongst other objectives.

The Congleton Link Road proposal is fully in line with Strategic Priority 1 of the LPS. This priority seeks to promote economic prosperity by creating the conditions for business growth. The objective is to be delivered in part by capitalising on the accessibility of the Borough, including improved transport links.

Strategic priorities 2, 3 and 4 seek to create sustainable communities, protect and enhance environmental quality, reducing the need to travel, promoting more sustainable modes of transport and improving the road network.

Policy CO2 of the LPS - Enabling Business Growth through Transport Infrastructure – specifies that support will be given for schemes identified within the current Infrastructure Delivery Plan. The LPS notes, at paragraph 14.18, a selection of major highway schemes in the Infrastructure Delivery Plan which supports the proposals in the LPS, including the Congleton Link Road.

Policy PG6 (Spatial Distribution) in the Local Plan Strategy – Proposed Changes Version proposes 24 hectares of employment land and 4,150 homes to be delivered in Congleton, as a Key Service Centre. The focus for Congleton over the Local Plan Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town. New housing is seen as important as part of a balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and deliver the Congleton Link Road.

The layout and extent of the sites to the north of Congleton have been informed by the proposed route for the Congleton Link Road. A key element of the route is the crossing of the River Dane. The LPS includes a number of mixed use strategic sites proposed to the north of the town, facilitated by direct access from the Congleton Link Road.

The Council has commissioned independent masterplanners Barton Willmore who have produced a masterplan framework (the North Congleton Masterplan) to inform the allocation of land, consider the relationship of the proposed LPS sites to the Congleton Link Road and provide further guidance on the following sites:

- Back Lane and Radnor Park (CS 44);
- Congleton Business Park (CS 45);
- Giantswood Lane to Manchester Road (CS 46);
- Giantswood Lane South (CS 16); and
- Manchester Road to Macclesfield Road (CS 17).

The LPS – proposed changes version, includes, at figure 15.25, the proposed route of the Congleton Link Road alongside the proposed sites to the north of Congleton.

The Council's stated aims for the delivery of the sites to the north of Congleton are that they should be delivered on a comprehensive basis in line with the North Congleton Masterplan. The sites cannot be comprehensively delivered without additional highways capacity provided by the proposed Congleton Link Road.

### **National planning guidance**

**National Planning Policy Framework** (the Framework) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- approving development proposals that accord with the Development Plan without delay; and
- where the development plan is absent, silent or relevant policies are out of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or
  - specific policies in the Framework indicate development should be restricted.

The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 32 states that all developments that generate significant amounts of movements should be supported by a Transport Statement or Assessment.

Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people;

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development; and
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposed development has been supported by a Transport Assessment (TA), which identifies the traffic impacts of the construction and operation of the development. The TA includes mitigation measures, and complementary mitigation measures which are proposed to mitigate impacts of the development and increase sustainable transport choices.

Paragraph 41 – Local Planning Authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to wide transport choice.

Paragraph 103 advises that determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential and Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including emergency planning; and it gives priority to the use of sustainable drainage systems.

As part of the planning submission the applicant has provided a Flood Risk Assessment (FRA) prepared in accordance with the NPPF technical guidance. Full commentary and responses from statutory bodies can be found in the body of the report.

Paragraph 109 – The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Full discussion on the natural and local environment can be found within the report, however, on balance it is considered that the scheme accords with the general principles of para 109.

Paragraph 112 – Local Planning Authorities should take into account the economic and other benefits of the ‘best and most versatile agricultural land’ (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality land. Full discussion can be found within the analysis section, however, in summary, the scheme would result in the loss of approximately 51 ha of agricultural land and approximately 76% of this (39ha) is classed as BMV. Although this is quite large, and the overall importance of this on a national scale is therefore considered to be low. It is also acknowledged that land take has been minimised as much as possible, and in order to mitigate the loss of productive agricultural soil (associated with BMV land), the soil would be re-used sustainably in the landscape planting and creation of bunds. The benefits and need for the scheme are considered to outweigh the potential harm.

Paragraph 118 – When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the sites notified special interest features is likely, an exception should only be made where the benefits of the development, clearly outweigh both the impacts that it is likely to have on the features of the site and any broader impacts;
- opportunities to incorporate biodiversity in and around developments should be encouraged.

Opportunities for mitigation and biodiversity have been taken where possible to ensure that the impacts of the development are acceptable. It is considered that the ES fully assesses the impacts and, with mitigation the scheme, would ensure compliance with para 118.

Paragraph 120 – To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the areas or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 123 – Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development;

- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of conditions;
- recognise that development would often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 124 – Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Paragraph 128 – In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site includes or has the potential to include heritage assets within archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The applicant has provided in full an assessment of the potential impacts, which is considered to be sufficient to determine the proposal.

Paragraph 132 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important and asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss of a grade II listed building, park or garden should be exceptional. Within Cheshire East, no such harm is identified as a result of the proposed development.

Paragraph 135 – The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement would be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 139 – Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Paragraphs 186 and 187 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 215 – states that 12 months after the publication of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework the greater the weight that may be given).

#### Cheshire Replacement Minerals Local Plan' 1999

The boundary of the quarried area, associated with Eaton Hall Quarry, is adjacent the proposed length of road between the Manchester Road Junction and the Macclesfield Road Junction towards the eastern end of the route.

Given the current status of the quarry, as an active mineral extraction site, the sensitivity/value of the mineral resource is considered to be high. However, the preferred areas for future expansion of the Eaton Hall Quarry, as presented on Map Inset 5 and included in the 'Cheshire Replacement Minerals Local Plan' 1999, are all to the north of the current quarry, and thus the proposed Road would not affect the potential future exploitation of this resource. No change was therefore assigned as the magnitude of the impact in the accompanying ES. In addition, other allocated areas for potential future mineral resources will not be directly affected by the proposed scheme and consequently overall the impact of the scheme upon mineral resources was therefore considered to be neutral.

#### Neighbourhood Plans

The line of the link road fringes the extreme eastern boundary of the Brereton Parish, but then passes through the Parishes of:

Newbold Astbury - Regulation 14 (Draft for Consultation). No specific reference is made to the link road.

Somerford – Designated Neighbourhood Area

Hulme Walfield - Designated Neighbourhood Area

Eaton – No substantive work to date

There is no conflict with the scheme proposals from the local neighbourhood plans

### **CONSULTATIONS:**

#### Environment Agency:

##### *Flood Risk:*

There was concern regarding the capacity of the three ordinary watercourse culverts, in terms of being able to accommodate a 1 in 100 year flood flows. 1 in 100 year flood flows were determined and amendments to the culverts were made. Originally 900 mm diameter culverts were considered, but following discussions with EA this was increased to 1250 mm diameter, which would also allow for maintenance access.

##### *Groundwater:*

The EA also had concerns regarding the use of soakaways, as part of the surface water runoff system, where an additional treatment prior to discharge was requested to be included along with confirmation of at least 1 m of unsaturated zone between the top of water table and bottom of the drainage outlet. It has been identified, from further review of the groundwater level monitoring and soakaway design, that a soakaway would not be feasible at the proposed location due to the high water table.

Consequently, two options were considered including re-design of attenuation pond and use of existing drainage system on Macclesfield Road. This identified the best option, as the use of the existing network drainage system and this would include a new outfall in a tributary of River Dane to the east (which was a post submission addition to the application scheme and area).

These changes have also been assessed for potential effects to ecology, geomorphology and Water Framework Directive and flooding, and have been reported in the Addendum to ES and Addendum to FRA. In response and in terms of flood risk, the EA and CEC - Drainage and Flood Risk officers confirmed that they were happy with the alternative proposals.

The assessment of water quality associated with this alternative proposal was also reviewed by the EA, who advised that a wetland treatment be included in the treatment process, as well as the wet pond (attenuation pond). Outline details of the wetland treatment have been included in the submitted Addendum to ES and corresponding Planning drawings.

Notwithstanding these agreed changes, a Planning Condition regarding an appropriately designed surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance (NPPG), has been included as a proposed Planning condition.

#### United Utilities

Whilst United Utilities support the principal of the Congleton Link Road Scheme, they are keen to ensure their infrastructure and service to their customers are not detrimentally impacted by it. Consequently they have suggested the imposition of a number of planning conditions and an associated condition is proposed.

#### Natural England

Natural England has no objection to the proposal in terms of its proximity to internationally and nationally designated sites e.g. SSSI's. Concerning issues of local importance they state that reference should be made to local records centres and groups for advice.

#### Sport England

No Comment.

#### Highways England

No objections.

#### Sustrans

A number of opportunities along the various sections of the road were raised in relation to the cycle network and in response the applicant made a number of changes e.g. at Loachbrook Bridge and Moss Lane footpath. Some other suggestions e.g. an additional underpass, were discounted due to the land take involved and due to expected low volumes of NMUs in certain locations that could not justify the significant additional costs.

#### Cheshire Wildlife Trust

The Cheshire Wildlife Trust (CWT) were concerned that the scheme will reduce the ability of the existing ecological networks to withstand change, due to a reduction in the connection between similar habitats, (and therefore does not comply with NPPF). In addition they suggested that there was insufficient information regarding the following:

- i) evaluation of grassland species;
- ii) how the construction and operational phases would avoid impacts to the conservation status of bats;
- iii) to provide more information regarding the evaluation and mitigation of several species of birds (both breeding and wintering); and
- iv) further details regarding the difference between summary habitat loss and gain quantities given in ES and the detailed information provided in metric calculations.

Details responding to these issues and the inclusion of additional compensation habitats have been included in the addendum to the ES.

A more recent representation was received in response to the ES Addendum (Rev 0) and the Planning, Design and Access Statement (Rev2), which were submitted in March 2016. This representation asked for clarification of the residual impacts on sensitive ecological receptors and species. In addition, it was requested for the more recent Local Wildlife Site (LWS) selection criteria to be used in the assessment. In turn the applicant responded by reinforcing the case that there is very little residual impact caused by the scheme and that the benefits created by the scheme far outweigh any such negative residual impacts. In addition, the LWS criteria was used in the reporting of the assessment. This additional information was subsequently included in ES Addendum (Rev 1) and the Planning, Design and Access Statement (Rev3) submitted in May 2016.

#### Cheshire Archaeology Planning Advisory Service

APAS recommended that further mitigation works in the area opposite the existing farm be added to the proposed schedule of archaeological mitigation. This was agreed by the applicant and APAS recommended that the applicants be required to undertake of programme of archaeological work (excavation and recording, and the reporting of that work) and that such work be secured by means of a planning condition (which is proposed).

#### Nature Conservation Officer - Cheshire East Council

The CEC nature conservation officer requested the following:

- i) changes to the mitigation for GCN, including the inclusion of GCN compensation/enhancement habitat
- ii) clarification of Loach Brook bridge and specifically for the passage of bats
- iii) details of hydrological impacts on Local Wildlife site

- iv) clarification regarding replacement hedgerows and badgers tunnels
- v) clarification regarding access for the management of habitat areas
- vi) clarification of bird evaluation and mitigation.

Details and the inclusion of additional compensation habitats have been included in the addendum to the ES.

A more recent representation was received in response to the ES Addendum (Rev 0) and the Planning, Design and Access Statement (Rev2) submissions in March 2016, which acknowledge the changes included in the ES Addendum (Rev 0). Similar to the comments from CWT, it was requested for the more recent Local Wildlife Site (LWS) selection criteria to be used in the assessment. As outlined above, this change was made and reported in ES Addendum (Rev 1).

Notwithstanding this, the Nature Conservation Officer requested that should planning permission be granted that a number of planning conditions be applied to a permission - several associated planning condition(s) are therefore proposed.

#### Public Rights of Way - Cheshire East Council

The CEC PROW officer suggested a number of changes to the proposed alterations to the PROW network. The main ones related to:

- An at-grade uncontrolled crossing at Hulme Walfield Footpath No. 7, west of Giantswood Lane, and the design speed of the road would be unacceptable to potential users;
- The Manchester Road junction does not show footway provision for pedestrians heading south on Manchester Road to tie into the existing footpath provision as shown on the Public Rights of Way Plan;
- Limited cyclist facilities at roundabouts and there is no indication of a crossing of access track 6 for the footway/cycleway, south of Radnor Park junction; and
- The provision of a continuation of the Giantswood Lane overbridge footway, as far south as Hulme Walfield Footpath No. 4, would be beneficial.
- Meeting the British Horse Societies recommendations at overbridges and at underpasses.
- For the Brereton Footpath No. 21 and Newbold Astbury Footpath No. 8 connection, it was noted that the route for pedestrians wishing to walk from Brereton Footpath No. 21 to Newbold Astbury Footpath No. 8 would have their route extended in length four-fold. Concerns were raised that this may also create a desire line to cross the new road which may raise safety implications.

In response the applicant has proposed the following alterations:

- Removal of at-grade crossing of link road for Hulme Walfield FP No. 7 and diversion along Giantswood Lane and the south side of the proposed link road;
- Increased footway provision for pedestrians heading south on Manchester Road;
- Improved facilities for cyclists at roundabouts and at access track 6;
- Agreement to meet the British Horse Society's requirements for bridge parapets and for underpasses.
- It was agreed that the connection from Brereton FP 21 to Newbold Astbury FP 8, would lead to an increase in the distance walked, although only a relatively short distance. To prevent people crossing the road fencing and hedgerows are proposed.
- Notwithstanding this the PROW team suggested the imposition of a number of planning conditions, should the application be approved.

#### Regulatory Services and Health Comments - Cheshire East Council

Queries were raised about the assessment of the impact of traffic along Back Lane near Radnor Park. They expressed concern that the impacts would affect residential properties along this section of road towards Congleton town centre. They also queried whether acoustic fencing could be included as part of the noise mitigation to the south of Congleton Link Road at the Chelford overbridge. Furthermore, they requested the consideration of the option to extend the acoustic barrier to the east of Back Lane/Radnor Park link roundabout junction and which had been previously discussed with the Environmental Protection Officer

This was reviewed where the option of including an acoustic barrier along Back Lane (towards Longdown Road) was examined and discussed further with the Environmental Protection officer, who agreed with the proposed benefits of including the barrier in the scheme. It was also subsequently demonstrated that minimal benefit would be provided by additional acoustic fence at Chelford overbridge and also by the extension of the fence at Back Lane/Radnor Park link roundabout junction. The explanation of the additional noise mitigation and the identification of the beneficial effects to the noise assessment have been included in the noise assessment in the ES Addendum (Rev 0).

The Environmental Protection Officer, in response to the additional information submitted, has advised that the scheme is considered acceptable in terms of noise with the inclusion of the mitigation scheme as per the ES.

In terms of air quality, the Environmental Protection Officer advised that the link road is considered to have a significant beneficial impact on air quality and provide public health improvements for residents within the towns AQMA's. It can also be considered to positively contribute to our local air quality management objectives to improve air quality and aligns with paragraph 109 and 124 of the NPPF. They confirmed that, in principle, they fully support the planning application. A number of planning conditions has been suggested.

Furthermore, they requested that an Environmental Management Plan (EMP) shall be submitted to address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase.

The Contaminated Land team confirm that they have no objection subject to a watching brief being carried out and an associated condition is proposed.

Highways Authority

The highway comments were focused on the impact that the proposed development would have on the road network and the likely benefits it may or may not have.

The introduction of the CLR is forecast to substantially reduce the through traffic using the A34 congested junctions. Journey times for through traffic are also improved and also due to the reduction in flow on the A34, local journey times in Congleton would improve. There are locations where traffic flows would increase to reassignment of traffic as a result of the CLR, these are the A536 Manchester Road and the A34 Congleton Road. There are mitigation measures proposed on these routes to reduce the impact of the additional flow on these sections of the road network.

In summary, a comparison of the road network with the CLR scheme or without it clearly shows that overall it would be beneficial to provide the new link road as it would materially reduce the congestion in Congleton. The scheme also has environmental benefits in reducing through HGV movements and providing improved conditions for sustainable travel modes.

A further highway report has been submitted by the applicant on this planning application, the report is titled 'Design Standards Report' that provides technical design detail on the Congleton Link Road.

The highway design standards report supports the general design speed philosophy for the CLR. This is summarised as a 60mph road, with the exception of the link between the A54 Holmes Chapel Road Roundabout and the Radnor Park roundabout; where a 50mph limit is proposed. The joining spur roads are proposed to be 30mph roads.

Having considered the highway design standards report and the stage1 safety audit, it is considered that the scheme has been designed in accordance with DMRB standards and that the speed limits proposed on the CLR raise no safety concerns at this stage.

It is noted that a departures from standards report will be prepared prior to the detailed design of the road for the acceptance of the highway authority.

This further report provided clarification of the technical design standards used for the CLR, it does not raise concerns that alters the original recommendation provided on this application.

#### Flood Risk Manager

No comments received.

#### Landscape

The road runs through three landscape character areas (Cheshire Landscape Assessment adopted March 2009) – in the west Lower Farms and Woods LF2 Brereton Heath; in the mid-section River Valleys R5 Upper Dane; and to the east Higher Farms and Woods HFW1 Gawsworth. The middle section of the route cuts through the Dane Valley Area of Special County Value (ASCV) (Congleton Local Plan 2005 policy PS9). The ASCV boundary runs along the valley of the River Dane and at the line of the proposed road it stretches from several hundred metres into the flat farmland on the western side of the valley to Giantswood Lane in the east. Land either side of the ASCV is designated as "open

countryside” within the Congleton Local Plan. Potential routes for the link road and development sites south of the link road have been identified within the Cheshire East Local Plan Strategy Submission Version (March 2014), policy SE4 within this document is also of relevance. NPPF paragraphs 7, 9, 17, 109, and 113 are also relevant.

A number of route options and river crossing points were previously considered as described within the Design and Access statement. The chosen route creates the least landscape harm.

An Environmental Impact Assessment has been undertaken and the corresponding ES includes a Landscape and Visual Impact Assessment (LVIA) which has been carried out in accordance with the Guidelines for Visual Impact Assessment Version 3. View-points and the extent of visual influence of the road were agreed at the commencement of the LVIA. Special attention was given to the River Dane crossing and valley, including a specific site visit with landscape officers to identify visual impacts and consideration of 3 different design options for the bridge. The final design for the bridge and valley crossing seeks to achieve a balance between minimising visual impact on the ASCV and ecological impacts on the river corridor and Ancient Woodland. Elsewhere along the route visual and landscape character impacts and appropriate mitigation have also been carefully considered and discussed with officers.

The ES concludes that the impact on landscape character after mitigation and at 15 years from construction would be significantly adverse for the River Dane corridor while elsewhere no significant effects would remain. During construction 30 receptors would experience significant adverse visual impacts, although the proposed mitigation would reduce this to 12 receptors (8 properties, 3 footpaths and Back Lane) after construction and as the mitigation takes effect. The landscape section of the ES has been fully reviewed and the conclusions are agreed. Where significant harm remains further mitigation would be inappropriate, either due to conflicts with landscape character and ecology or in a small number of cases due to lack of appropriate space. The harm caused to the ASCV means that the road is in conflict with Policy PS9 of the Congleton Local Plan.

The response concludes with the recommendation that should the application be approved, then a number of planning conditions would be required, and therefore associated planning conditions are proposed.

#### Heritage Officer

Having reviewed the scheme there is a general agreement with the Environmental Statement section 8 and the proposals to mitigate to reduce any identified harm to those heritage assets. There are several heritage assets that due to the layout of the land and proximity to the proposed site that are looked at in more detail.

Brickhouse Farm - grade II listed 3 storey 18<sup>th</sup> century house. The site sits over 300m from this property but due to the properties elevated position and the bridge proposal it is considered that the proposed road will have a minor adverse change in setting however landscaping should help reduce this impact.

St Michaels church – a grade II listed 1850's village church. The impact of both construction and operation will cause moderate adverse harm to the setting of the church, by virtue of noise and vibration, and to a lesser extent seasonally visually. Landscaping should help reduce this impact

Of the major adverse impacts on heritage assets there is no objection to the loss of the revetment (asset 77) and are pleased to note the reinstatement of the milepost (asset 78 - we suggest a condition to decide its location). The impact on Rose Tree/Ivy Cottage/Paddock House Farm which are non designated heritage assets and visible on the tithe maps is of some concern, however landscaping should help reduce the impact on the buildings over time.

The current A34 Clayton bypass/West Road/Sandbach Road has 7 listed buildings within the immediate vicinity, a conservation area and several locally listed buildings. The setting of these heritage assets will improve as the reduction in traffic due to the proposed link road will have a moderate beneficial impact.

It is considered that the degree of impact on the significance of the heritage assets as a whole would be towards the lower end of the spectrum of less than substantial harm. Nevertheless there would still be a loss of significance. Where there is less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the Framework requires the harm to be balanced against the public benefits of the proposal. In this instance It is considered that the benefit of reducing traffic congestion and the benefit that will give to the town centre and heritage assets currently immediately impacted by traffic, outweighs any harm that would be caused by the proposed works.

Should approval be recommended then a Milepost Reinstatement condition is recommended.

## **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

Approximately 200 letters have been received from local residents in response to the planning application and just over 50% of those who commented on the application supported it. Those who had objections to the scheme had concerns about the following issues (listed according to the level of concern):

1. Increased traffic and detrimental impact upon surrounding roads
2. The Scheme should have been designed to connect with the A34 north to A536 and A34 south to A534
3. Detrimental impact on residents and businesses along Back Lane due to increased noise and disturbance caused by increased traffic;
4. Noise, air and light pollution along surrounding roads to the detriment of the local community
5. Insufficient traffic measures to appropriately mitigate impacts upon surrounding highway network and associated communities;

6. Insufficient consultation on the scheme.
7. Questionable economic benefits
8. Disagreement with estimated changes to traffic travel patterns
9. Road design could be improved
10. Conflict with land use and sustainability policy.

In addition an agent has written in on behalf of a landowner suggesting the mitigation measures proposed to compensate for loss of Ancient woodland should be located in a different location.

Responses from the following parish / town councils:

**Congleton Town Council;**

**Eaton Parish Council;**

**Hulme Walfield & Somerford Booths Parish Council;**

**Newbold Astbury cum Moreton Parish Council**

**North Rode Parish Council**

**Odd Rode Parish Council**

**Somerford Parish Council**

**Marion Parish Council**

Issues these groups raised included:

- Increased traffic on other areas:
  - Rat running on Brownlow Heath Lane and Wallhill Lane leading to increased congestion;
  - Increased traffic volumes through the Astbury Conservation Area;
  - Traffic to Back Lane industrial estate would affect local traffic;
  - Traffic from the A34 to Wallhill Lane via both Childs Lane and Brownlow Heath Lane through Wallhill Lane, Sandbach Road, including 'cross country' HGVs.
- Link road should be extended to the A34;
- The roundabout close to the school should be relocated;
- Impact on neighbouring existing dwellings;
- The justification for building the CLR has not been proved;

- Would result in the loss of a considerable amount of unspoilt countryside and prime agricultural land;
- Insufficient regard has been given to alternative options;
- Concern over the crossing of the Holmes Chapel Road and effects on public rights of way;
- The road should be constructed entirely as presently proposed and not in phases;
- Development should not be permitted north of the Congleton Link Road;
- Mitigation measures in Eaton Parish Council should be implemented prior to the scheme opening;
- Due to the construction phasing if the budget runs out there would be many unsuitable rural roads used as rat runs;
- New housing development would worsen congestion;
- River Dane bridge would be a large structure impacting upon setting of many popular walking routes;
- The route severs access to the countryside for many people and doesn't provide appropriate crossings;
- The original proposed access to Back Lane is preferred;

Other groups to respond included:

### **Congleton Sustainability Group**

They support the principle of the Congleton Link Road, but did have a number comments relating to:

- Ensuring no future development beyond the boundary of the Link Road;
- Footpath/Cycleway comments;
- Extension to A54;
- Water Treatment;
- Phasing of Link Road.

### **Somerford Neighbourhood Plan Steering Group and also the West Heath Action Group**

Issues they raised included:

- Significant changes have been made to the scheme without consultation particularly in Somerford Parish around Back Lane;

- Lack of detail to support the need for a Link road and there is no information as to how the Link road would help create jobs;
- Severance issues for the community
- Rat running on Back Lane, Blackfirs Lane and Chelford Road would cause road safety problems
- Increase in air and noise pollution
- Severance of footpaths including access to Somerford Chapel
- Effect on landscape character
- Traffic impact on Padgbury Lane and safety of pedestrians and cyclists
- Mitigation works should be in place prior to the scheme opening

All the above comments and the applicant's responses are available on the Council's website.

## **APPRAISAL:**

### **The principle of the development, the development plan and other material considerations**

As set out above, the development plan consists of the Congleton and Macclesfield Local Plans, and these need to be considered besides the material considerations of the emerging Local Plan and NPPF. In this case relevant Neighbourhood Plans are at too early a stage in their production to be considered material in this case.

An assessment against the policies in the documents set out above, is made in the policy section above, but in very broad terms the Development Plan policies in the Congleton and Macclesfield Local Plans were written at a time when the Link Road was not considered, and as such there will be some friction with open countryside policies and of course with landscape policies especially with regards to the Dane Valley which falls within the ASCV. That said the proposal is in accordance with the majority of the policies and policy GR11 New Roads would fully support the proposal.

As outlined above, the emerging Local Plan Strategy, which is a key material consideration in the determination of this application, and the corresponding Master-plan, fully endorse these proposals and the policies with the NPPF would also fully support the scheme. This adds significant weight in support of the proposals.

### **Environmental Sustainability**

This section looks at issues relating to Landscape and visual impacts, highways impacts/benefits, other road users, ecology, heritage impacts, flooding/drainage and design in relation to proposed structures. The section then looks at what are considered to be the

two most sensitive locations on the proposed road line, Loach Brook and the Dane Valley in relation to all significant environmental issues.

### Landscape and visual impacts

Whilst the visual impacts of the most sensitive location, the Dane Valley, are considered below, clearly there will be some visual impacts all along the route. However as much of the road runs at grade (ground level), or below ground level (for example where it goes under Chelford Road or Giant's Wood Lane), the use of earth mounds and the extensive landscaping proposed will greatly reduce any visual impacts. In this regard the Council's Landscape Officer feels that overall the landscape impact is acceptable, and that no significant impacts will remain after a 15 year period.

### Highways impacts/benefits

The main impacts and benefits of the scheme are set out in the introduction section to this report and in effect is what this development is all about. The proposals will result in significant highway benefits for Congleton, and any potential negative impacts can be mitigated through appropriate measures. The main highways benefits can be summarised as:

Direct Impacts will focus on the A34 corridor through Congleton between the Lower Heath Gyratory (A34/A536 junction) and the Waggon and Horses roundabout (A54 / A534 / A34), where traffic flow will decrease and congestion is relieved. The A54 Holmes Chapel road and A534 Sandbach Road (within the urban area) will also be relieved.

The town centre will benefit indirectly from reduced traffic levels, as traffic currently "rat running" on Mill street / West Street can use the more appropriate route via A34 Rood Hill and A34 Clayton By-pass.

Holmes Chapel close to Junction 18 of the M6 will benefit from reductions in traffic on the A54 and A535, as traffic to / from the Macclesfield area to/from the M6 (south) is likely to transfer to the route via the CLR to access the M6 Motorway at Junction 17.

### Highway safety

Following the submission of the "Design Standards Report" which looks at the technical detail on the road, as reported above under highways comments there are no objections on safety grounds.

### Loach Brook bridge crossing

A number of potential environmental issues have been highlighted associated with the location of the Loach Brook crossing including the following:

- Flood risk;
- Severance of bat foraging routes along Loach Brook and noise disturbance to a bat maternity roost;
- Visual impacts to residential properties;
- Noise impacts to residential properties.

### *Flood risk*

Consultation with EA during the scoping stage determined the need for detailed flood modelling to be carried out in the vicinity of the proposed location of Loach Brook crossing, in order to determine the required soffit height required for the bridge.

The flood risk modelling has identified the 1:100 year flood level (plus an allowance for climate change) to be 78.75 m above Ordnance Datum (AOD) for Loach Brook. Therefore, based on the standard requirement for the soffit level to be 600mm above 1:100 year level (plus climate change), the minimum soffit level would need to be 79.35m AOD. The proposed design soffit has taken this into account and allows for the 1 in 100 year flood flows. As a result the bridge structure has been made higher than originally designed.

### *Bats*

The bat surveys carried out in the vicinity of the location of the Loach Brook bridge crossing have indicated that there is a large maternity bats roost associated with 'the Hollies' property immediately to the east and that Loach Brook is an important foraging and commuting route for Brown Long Eared Bat and Myotis species. In order to maintain the foraging route, a minimum clearance between the average water level and soffit of 2 m has been allowed. This has been coupled with the 25 m wide crossing, (to allow for the future passage of mammals along the banks which was requested by EA), which provides the required clearance area of 50 m<sup>2</sup> for the movement of bats below the structure. In the unlikely occurrence of the bats following a route over the bridge, the 2 m high noise fence and bat hop overs either side on the embankments would force the bats to fly over the bridge at a height to reduce vehicle collisions.

In addition, the presence of the road adjacent to a large maternity roost has been considered in terms of potential disturbance due to noise. The proposed inclusion of the 2 m high noise barrier along both side of the bridge, and also extended along the embankment, would reduce these potential noise disturbance impacts to this roost.

### *Noise impacts*

The location of the Congleton Link Road close to several properties along Homes Chapel Road and Chelford Road, and as the result of the elevation of the road over Loach Brook, could cause potential disturbance to these properties due to noise increases. To reduce the noise impacts there has been the inclusion of a 2 m high noise barrier in the design, along the both sides of the bridge crossing which continues along the eastern side of the road to the Holmes Chapel Road roundabout junction. To the north of the bridge crossing the noise barrier continues and ties in with a noise bund. These noise measures would reduce the potential noise to acceptable levels for the residents along Holmes Chapel Road and Chelford Road.

### *Visual Impacts*

The design of the scheme also considered visual impacts e.g. several properties along Holmes Chapel Road and Chelford Road. It is considered that the noise barrier, noise bund and extensive screen planting on the embankments to the bridge, would also reduce these potential visual impacts. Furthermore, the design of the bridge, in terms of materials used,

would also be sympathetic to the local landscape character, in order to reduce these impacts, planning conditions are proposed to address these matters.

### River Dane Bridge crossing

A particularly environmentally sensitive impact of the scheme is where it crosses the river Dane in the Dane Valley.

Overall, there are several potential environmental issues have been highlighted associated with the location of the River Dane crossing including the following:

- Flood risk;
- Loss of Ancient Woodland;
- Severance of badger foraging routes;
- Impact to River Dane Locally Designated Landscape.

### *Flood Risk*

One of the key challenges with the crossing of River Dane, was the consideration of flood risk in terms of needing to avoid construction of the embankment on the eastern side within flood plain. In order to determine the extent of the flood plain in this area, detailed flood modelling was carried out. This has identified the 1:100 year flood level (plus an allowance for climate change) to be 69.60m AOD. Therefore, based on the standard requirement for the soffit level to be 600mm above 1:100 year level (plus climate change), the minimum soffit level has been identified to be 71.2 m AOD. The design soffit level is well above this level and this has been agreed with EA.

### *Loss of Ancient Woodland*

The proposed road crossing of the Congleton Link Road passes through an area of Ancient Woodland. As part of the route selection process it was established that crossing the River Dane and the associated Ancient Woodland was unavoidable. Though the steepness of the embankments and the design of the temporary haulage route, close to the alignment of the road, has reduced the footprint of the scheme on this woodland. there will still be 0.2 ha loss of Ancient Woodland.

It is acknowledged in ES that this loss of Ancient Woodland cannot be mitigated, by virtue of it being ancient, however in order to compensate for this loss, 3.9ha of new woodland immediately adjacent to the Ancient Woodland would be created. As part of this compensation, some of the soil from the current Ancient Woodland to be lost would be translocated into the area of new woodland, and where possible natural re-colonisation would be encouraged. Furthermore, an area of Forge and Radnor Woods Ancient Woodland Local Wildlife Site, immediately adjacent to the road at the River Dane crossing, would be incorporated into the management of the compensation area (this area of woodland is approximately 5.7 ha in area). This woodland would be subject to appropriate management, to be secured by the agreement of rights of access for management or compulsory rights acquired under the CPO for the scheme. Alternatively, an appropriate management agreement and management plan will be secured. This would have the benefit of implementing remedial management tasks to address the non-native invasive plant species and to maintain and enhance the value of these woods, whilst also providing a buffer to the

proposed compensation ancient woodland trial areas and habitat creation areas. A Planning Condition is proposed to secure the appropriate management of the woodland.

#### *Severance of badger foraging routes*

The badger surveys carried out in the vicinity of the River Dane crossing, have identified the presence of badger activity, including the use of the woodland on the western bank of the River Dane as a foraging route. The potential crossing of River Dane severs this badger foraging route. In order to maintain the badger foraging route and in order to allow the future movement of other mammals along River Dane, a back span has been included on both sides of the bridge in order to maintain the habitat connectivity.

#### *Landscape and visual impacts*

The most sensitive landscape features and landscape characteristics are found in the River Dane Valley. This is due to the distinctive topography and hydrology, Ancient Woodland and its sense of tranquillity, aesthetic appeal and remoteness. The River Dane crossing would have a significant adverse effect on all of these features by cutting into and building onto the valley slopes, removing Ancient Woodland and introducing construction activity and a new road into an otherwise undeveloped landscape.

As highlighted by the Council landscape officer, special attention has been given to the River Dane crossing and valley as part of the landscape assessment. This has included a site visit and consultation meeting with Council landscape officers to identify visual impacts and consideration of 3 different design options for the bridge. The resulting design for the bridge includes two back spans on either side of the river channel, in order to maintain some of the openness. Furthermore, landscape planting has been included to help to soften earthworks and screen views of traffic. It has been concluded by the Council landscape officer, that the final design for the bridge and valley crossing seeks to achieve a balance between minimising visual impact on the ASCV and ecological impacts on the river corridor and Ancient Woodland.

Overall, it is acknowledged by the applicant, in their ES and by the Council landscape officer, that significant adverse effects would remain after mitigation, though given the wider highways/ travel benefits of the scheme it is considered that these would outweigh the adverse effects on the river Dane Valley.

#### Other key issues raised:

##### *Back Lane Link including access to Radnor Park*

Following the pre-planning consultation exhibition in and during the preparation of the North Congleton Masterplan, consultations took place with landowners and developer organisations. It became clear that there were other ways of providing access to Radnor Park other than the direct link that was presented at the exhibitions in March 2015. This included an option which included improved accessibility along an improved Back Lane, which had the following advantages:

- Works better with land ownership constraints and the North Congleton Masterplan for the area leading to more efficient use of land. The removal of the proposed 'Radnor Park Spur' means that land identified for development is not effectively sterilised;

- Proposed developments in the Back Lane area means that it is likely that Back Lane would be developed by others irrespective of whether the link road went ahead. By recognising this, the Council is able to utilise this section of road and save the costs of a direct link whilst at the same time increasing potential development areas.
- Improve HGV access to Radnor Park and thus predicted removal of HGV traffic from most of the residential areas of Back Lane. With the current arrangement HGVs will not be able to move beyond the southern roundabout on Back Lane because they will be directed to the industrial estate along the Radnor Park Link.
- There were no significant differences in traffic impacts for both the Back Lane link and the direct link to Radnor Park; and
- Allows new purpose built footpaths/cycleways to be built along existing section of Back Lane from the end of the existing residential areas, making it safer for non-motorised travellers.

The applicant acknowledges that this option does not provide the most direct access to Radnor Park and that some vehicle movements are closer to the residential properties on Chestnut Drive; and the perception that this option will attract more traffic to access Radnor Park from the Waggon and Horses Roundabout. However, on balance, the applicant considered that the accessibility and more efficient use of land advantages outweigh the disadvantages and therefore included the Back Lane improvement in the planning application.

Regarding the potential effect of increased traffic flows along Back Lane from the centre of Congleton to the Back Lane/Radnor Park roundabout junction and the impact on housing, an acoustic assessment was carried out. This found that noise levels at dwellings located immediately to the west of Back Lane are predicted to increase in both the year of opening (short term) and the future assessment year (long term) therefore, major adverse noise impacts would be predicted for a number of dwellings located near to Back Lane. In order to reduce these predicted noise levels, a 2 m high acoustic fence extending 391 m along Back Lane has been included. This mitigation has been accepted by the Council's Environmental Health Officer. It is claimed that this mitigation may also offer some benefits from existing factory borne noise issues.

It should also be noted that the southern arm of the Radnor Park Roundabout will restrict HGV movements, along Back Lane, both by its geometry and the imposition of HGV restrictions.

#### *Link Road not connecting to A54 north from A536 or A34 south from A534*

The traffic model shows that the volume of 'through traffic' on the A34 Newcastle Road is low and subsequently only a small proportion of traffic could potentially divert onto the CLR if a link was provided to connect the A34 Newcastle Road to the A534 Sandbach Road. Consequently only limited traffic is forecast to use a link between the A34 Newcastle Road and the A534 Sandbach Road. The applicant claims therefore that it is currently not possible to justify the significant additional funds that would be required to construct this extension to the proposed CLR although it is noted that the design of the link road does not preclude this happening in the future.

A qualitative assessment of an extension of the CLR between the A536 Macclesfield Road and A54 Buxton Road has concluded that there is little demand that could potentially transfer to use this link. Traffic flows on the A54 Buxton Road are lower than on the other radial roads approaching Congleton and the proportion of through traffic is low. This link would also require an additional crossing of the river Dane valley.

As above, the design of the link road would not prejudice the provision of such a link in the future if it could be justified.

#### *Wider highway network impacts (Wallhill Lane, Padgbury Lane, Eaton)*

Representations have been made by members of the public, local parishes and the West Heath Action Group regarding the effects of the link road on other local roads. In particular, there is concern that one of the effects of the link road would result in increased traffic in the Wallhill area, Padgbury Lane and through Eaton.

In most cases the scheme reduces traffic on existing roads; however traffic is forecast to increase in the Brownlow Heath area. In order to mitigate the impact of this traffic, measures to reduce traffic speeds are proposed. Traffic management measures would be provided on Padgbury Lane following consultation with local residents. Measures on Wallhill Lane and Childs Lane include reduced speed limits, installation of "give and take" priority features and reduced junction widths. The effects of these measures have been tested in the traffic model and the results show that forecast traffic flows would be less than at present, due to the traffic measures and most traffic would use the by-pass or the town centre in order to travel through Congleton. Over the entire day, compared to the baseline position, daily flows on Wallhill Lane and Padgbury Lane would be lower than they would be without the scheme.

Relatively minor increases in traffic are forecast for the Newcastle Road section of the A34 due to reduced delays at key junctions within Congleton when through traffic associated with the A534 Sandbach Road and A54 Holmes Chapel Road transfers onto the CLR. Junctions that experience reduced delay include the junction of the A534 / A54 and A34 (Waggon and Horses junction) and the A34 West Road / West Street / Clayton bypass roundabout. Traffic transfers onto the Newcastle Road section of the A34 from less suitable alternative roads including Wallhill Lane and Fol Hollow that are under increasing pressure in the situation without the CLR.

Traffic flows are also forecast to increase on the A536 Macclesfield Road through Eaton village as a result of some traffic travelling between Macclesfield and the M6 (and vice versa) re-routing to use the A536 and CLR. The applicant will consider a wide range of safety measures in Eaton and consult with the local community on these.

It is proposed that all mitigation measures should be implemented prior to the opening of the CLR and secured by a planning condition.

#### *Phasing*

Concern has been expressed by the parish councils and members of the public at the eastern end of the scheme that the phasing plan for the scheme would allow the link road to terminate at the A34 Manchester Road. The concern is that if Phase 4 were not to be built,

traffic would use inappropriate roads between the A34 and A536. They cite safety issues due to increased traffic on narrow and winding lanes, particularly at school times.

In response to this, the applicant has changed the phasing of the scheme so that phases 1 and 4 would be merged into one phase and thus to build the road from the A534 to the A536 as a single phase. The Spur Road from Congleton Link Road to Congleton Business Park and the Back Lane improvements would form the other two phases.. The applicant believes that this would still give them the flexibility of a phased permission in order to respond to external influences and are not to prescribe what would be delivered (and when).

#### Other road users – Cyclists/pedestrians/horse riders

Whilst there will inevitably be impacts on existing routes used by cyclists, pedestrians and horse riders, the overall scheme is considered to bring significant benefits. In areas directly impacted by the development there will be some diversions to avoid dangerous crossing points, however these changes are relatively minor and supported by the PROW Officer. It needs to be noted that benefits will include a new east west route following the new road with a segregated lane giving more route options for non-motorised users.

In the town itself, reduced traffic flows will bring significant benefits for cyclists and pedestrians. In addition there will be improvements for bus users as timings will be more reliable, as buses are less likely to get caught in traffic congestion.

#### Ecology

Protected Species (Badgers, Great Crested Newts, Bats)

##### *Badgers*

Detailed information regarding the location of badger setts has been made available to the Local Planning Authority for the determination of the application. This information is confidential relating to the protection of the species under the Protection of Badgers Act and as such has not been released to the general public.

The studies and surveys carried out along the whole route identified the following within 250m of the 250m of the scheme. These setts included;

- 7 Main setts;
- 2 Annexe setts;
- 6 Subsidiary setts; and
- 22 Outlier setts.

Numerous badger field signs including guard hairs, footprints, pathways and latrines were also recorded throughout the survey particularly in wooded areas, along vegetated embankments of waterbodies and along hedgerows (e.g. along Mill Brook and the unnamed drainage ditch east of the River Dane).

It is noted that the proposed scheme could result in potential loss or injury of badgers during construction works by virtue of inadvertent encroachment of individuals into the construction area. In addition, should planning permission be granted for the main alignment, there would

be certain loss of one main sett and three outlier setts. There would also be potential for disturbance of seven outlier setts outside of the main working areas as a result of construction activities.

The ES identifies mitigation measures to both avoid potential death, injury or disturbance during construction and to mitigate the loss of the main sett, as follows:

- Artificial sett construction; this would be required at the main sett, (which would need to be closed), which would be lost, at least in part, to the scheme (the creation of an artificial sett and closure of an existing sett would require a license from Natural England);
- Retain connectivity within badger territories including the provision of badger tunnels and directing badgers towards other crossing points including culverts with mammal ledges, oversized amphibian tunnels and pedestrian underpasses
- Badger fencing;
- Provide new foraging resources for badgers through the planting of fruiting species including crab apple (*Malus sylvestris*), hawthorn, blackthorn, elder and rowan.

The applicant is proposing that all findings would be clarified by additional field surveys prior to construction. Construction would therefore occur against up to date knowledge of habitats.

#### *Great Crested Newts*

The scheme would result in the permanent loss of one pond occupied by GCN, the loss of terrestrial habitats including grassland and hedgerows and the fragmentation of habitat. Although no other ponds used by GCN would be lost, as a direct result of the construction of the scheme, the scheme is located within 250m of twelve further GCN breeding ponds including ponds immediately adjacent to the working area. Furthermore, one pond not occupied by GCN would also be lost.

There is also a risk that GCN may be killed during clearance works, as they use the habitat to forage and find refuge. As a linear structure, the proposed scheme would split hedgerows and grasslands preventing breeding migrations.

Consequently the ES has identified mitigation to reduce impacts of the proposed scheme through the creation of four GCN mitigation habitats, and six new wildlife ponds to compensate for the loss of the one GCN pond, loss of one non-GCN pond and fragmentation effects due to the road. In order to assist with the fragmentation effects, amphibian tunnels are also proposed at two locations. In addition to pond creation, seven existing ponds would be enhanced to increase opportunities for GCN and other amphibians.

As part of the proposed mitigation works, the following would be undertaken:

- Ring fencing ponds(if works proceed in the GCN breeding season Feb - June);
- Creation of new ponds;
- Fencing of the working width of the scheme;
- Vegetation manipulation;
- Recording of number of animals caught;
- Works undertaken under licence from Natural England.

## *Bats*

The survey work for bats has identified that although no bat roosts would be directly lost to the construction of the scheme, though the road construction would result in:

- The loss of 6 trees with high potential to be used by roosting bats;
- The loss of 2 trees with moderate potential to be used by roosting bats.

The construction of the scheme would also result in the loss of significant areas of potential foraging and commuting habitat including hedgerows and woodland.

There would be disruption to the population as a result of construction related noise and vibration, disturbance of known and potential roost sites and severance of commuting and foraging routes.

Design and construction measures have been incorporated into the proposed scheme in light of the impacts, and mitigation measures proposed. This includes the creation of significant replacement foraging and roosting habitat, including the use of bat boxes in areas with high and medium category trees to be removed, creation of bat hop-overs through the use of embankments and mature tree planting or the use of large enough clearance space under bridge structure along with the planting of vegetation to encourage the movement below.

Overall with the proposed mitigation measures the potential impact upon Bats is limited to an acceptable level.

As a requirement of the Habitat Regulations as both Bats and Great Crested Newts are European Protected Species the three tests are outlined below:

EC Habitats Directive  
Conservation of Habitats and Species Regulations 2010  
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 2010 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 being 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 Link Road is considered to be in the public interest and the provision of mitigation would assist with the continued and enhanced provision for Great crested Newts and Bats

### Alternatives

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

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts and Bats would not be provided which would be of benefit to the species. Other wider benefits of the scheme as set out in the report need to be considered

### Detriment to the maintenance of the species

The Council’s Nature Conservation Officer has advised that with appropriate mitigation, as proposed, there should be no harm to Great Crested Newts or Bats.

### Heritage impact

The scheme’s Environmental Statement has confirmed the following impacts in relation to heritage assets:

- Physical impacts on 16 undesignated archaeological remains are predicted to result from construction of the proposed scheme, though after mitigation the residual significance of impact on these assets is predicted to be Neutral. No impacts on archaeological assets are predicted during operation of the proposed scheme;
- Impacts on 18 Historic Buildings are predicted during construction and operation of the proposed scheme, including physical impacts on two assets, and the remainder having impacts on their setting. After mitigation the residual significance of impact during operation of the proposed scheme is predicted to be slight for three assets;
- Impacts on five historic landscape types are predicted to result from construction of the proposed scheme. After mitigation the residual significance of impact is predicted to be Neutral for all five assets.

A programme of further archaeological investigation and mitigation has been set out that is designed to provide information on parts of the proposed scheme where there is the potential for previously unrecorded archaeological remains to be present, and to mitigate the predicted impacts in those areas where archaeological remains have been identified. This

approach, including the production of a Written Scheme of Investigation, has been suggested to the Archaeology Planning Advisory Service and an appropriately worded condition would need to be attached to any approval..

The Heritage Officer, as reported above has confirmed that whilst there will be some impact on heritage assets, these will be Less Than Substantial and at the lower end of the scale, and can be adequately mitigated. Overall the benefits to heritage assets in Congleton off set any impacts identified and overall the public benefits outweigh any harm caused by the proposed works.

#### Flood risk/drainage

Whilst no comments have been received from the Council's Flood Officer, the Environment Agency is now satisfied by the proposals, following discussions and some amendments to the original proposals. The specific issues at Loach Brook are addressed above, but overall there are not considered to be any flooding or drainage issues with the proposals.

#### Design of structures/materials

Whilst detailed drawings have been submitted for the various bridges and underpasses, including some information on finishes, it is felt these need to be considered in more detail and as such it is recommended that should the application be approved, the detailed design and materials should be subject to planning condition.

### **Social Sustainability**

#### Air quality

The Environmental Protection Officer (EPO) responsible for air quality has confirmed in their response that the scheme would lead to large magnitude improvements at 24 receptors. A number of these are within the Lower Heath Air Quality Management Area (AQMA), where improvements would lead to the removal of the AQMA. The remaining 12 receptors are located within the West Road AQMA, where although receptors are predicted to experience large magnitude improvements to NO<sub>2</sub> concentrations, they will still remain in exceedance of the objective.

They also noted that there would be no new exceedances of air quality objectives with the scheme in operation.

They concluded that the link road is considered to have a significant beneficial impact on air quality and provide public health improvements for residents in Congleton and in particular the town's AQMA's.

#### Noise and vibration

With respect to noise and vibration, the EPO responsible for noise initially raised concerns with respect to findings in the Environmental Statement, in particular with regard to potential 'major adverse' impacts upon residential properties along Back Lane.

In order to address this, an additional acoustic fence (to act as a noise barrier) along Back Lane has been included in the scheme and assessed further in the ES addendum (Rev 0). This assessment confirms that the properties likely to have a significant adverse impact, due

to noise, is reduced by 25 to 123 properties, and with all the mitigation included, as part of the scheme, it is considered acceptable to Cheshire East's EPO.

## **Economic Sustainability**

### Economic benefits for Congleton

The Congleton Link Road is anticipated to encourage and facilitate the regeneration of Congleton town centre, as traffic is discouraged from using roads closer to the town centre (such as Mill Street, West Street and Antrobus Street) to avoid delays on the A34 Clayton bypass that are forecast in the Do Minimum situation. Subsequently the Congleton Link Road will make Congleton town centre a more attractive location for businesses to invest.

The GVA (Gross Value Added) Assessment results reported in the Economic Assessment Report (February 2014) calculated that a link road of Congleton could result in an increase in Gross Value Added (GVA) to the local economy, which can be directly related to the impacts of the transport scheme, of £1.153bn over the 60 year appraisal period. This is a 'net' GVA figure, and incorporates the impacts of the potential redistribution of jobs from other areas. This equates to a benefit of around £19m per year in a Department for transport) DfT price base of 2010 (based on the total number of jobs in 2077).

### **Planning Balance/Conclusions:**

Developments are required to be determined in accordance with the Development Plan, in this case the Congleton Borough Local Plan, under Section 38(6) of the Planning Act unless material considerations, in this case principally the emerging local plan and the NPPF indicate otherwise. As the existing Local Plan makes no reference to a link road, but equally does not preclude it, it falls that the other material considerations are determining factors in this case.

The proposal complies with most of the policies in the Development Plan (in particular GR11), but there is some conflict with policies PS8 & PS9 of the Congleton Local Plan. However the road is a significant proposal in the emerging Local Plan and would be fully supported by the main thrust of and policies contained within the NPPF. In summary the benefits/impacts can be summarised as being:

#### Scheme Benefits

- To support the economic, physical and social regeneration of Congleton by creating and securing jobs;
- To open up new development sites and improve access to Radnor Park Industrial Estate and Congleton Business Park;
- To relieve existing town centre traffic congestion / HGVs, remove traffic from less desirable roads and facilitate town centre regeneration;
- To improve strategic transport linkages across the Borough facilitating wider economic and transport benefit;
- To reduce community severance along key town centre corridors;

- To reduce traffic related pollutants within the town's declared Air Quality Management Areas.

Balanced against this must be considered the negatives:

- Impacts upon the Dane Valley and in particular Ancient Woodland
- Loss of agricultural land including Best and Most Versatile (BVM)
- Ecological disturbance during the construction phase
- Some disruption including amenity impacts during the construction phase
- Potential traffic impacts on adjacent roads

Overall it is considered that many of the negative impacts can however, be mitigated against (Dane Valley and loss of BMV Land excepted) and overall the planning balance is considered to be significantly weighted in favour of the application.

The application is fully supported and recommended for approval.

## **RECOMMENDATION**

**Minded to Approved subject to conditions, and referral to the Secretary of State who has requested he be notified of the Council's decision and being given the opportunity of "calling it in" before a decision is issued.**

### Conditions

1. Development to commence within 3 years.
2. Development to be in accordance with the approved plans and documents
3. Development in accordance with Environmental Statement.
4. Details of materials for structures, lighting columns and fencing.
5. Further details of bridges, structures, underpasses, bridge wing walls, abutments and crossings.
6. Full construction details of proposed pedestrian and cycleway, footpaths and bridleways.
7. Lighting details (permanent)
8. Flood risk / drainage and contamination
9. Foul and surface water drainage in accordance with submitted details. Development in accordance with Flood Risk Assessment and Drainage Strategy Report.
10. Off site highway improvements

### Landscaping and Trees

11. Landscaping scheme (note to include planting hedgerows so there is no net loss)
12. Landscaping implementation
13. Tree and hedgerow retention
14. Tree protection
15. Tree pruning / felling specification

## Construction

16. Environmental Management Plan. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
17. Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
18. Waste Management: There shall be no burning of materials on site during demolition / construction
19. Dust generation caused by construction activities and proposed mitigation methodology.
20. Details of the phased occupation of the site to protect new occupants. The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
21. Acoustic mitigation scheme as detailed in the Environmental Statement and subsequent addendum shall be implemented in full and maintained in perpetuity.
22. The proposed traffic management works aimed at discouraging the use of minor roads to access the link road shall be assessed prior to implementation for their air quality impact.
23. A construction management plan should be prepared and agreed before works commencing and include safeguards to existing infrastructure, such as pipelines, to the satisfaction of the LPA.

## Contamination

24. Contaminated Land assessment (Phase I)
25. Remediation strategy agreed if contaminated land found

## Archaeology/Heritage

26. Programme of archaeological mitigation works
27. Milestone protection during works

## PROW

28. Submission of a Public Rights of Way scheme of management to include:
  - the design of access and Public Rights of Way routes within the development and their surfacing, widths, gradients, landscaping, signage and structures;
  - proposals and timetable for the diversion/stopping-up of the Public Rights of Way within the side roads order under the Highways Act 1980; and
  - proposals and timetable for the temporary closure of any Public Rights of Way within the phasing of the construction, along with alternative route provision, where possible.

## Ecology

29. A woodland management scheme for the whole ancient woodland Local Wildlife Site.
30. A detailed bat mitigation scheme should be provided.

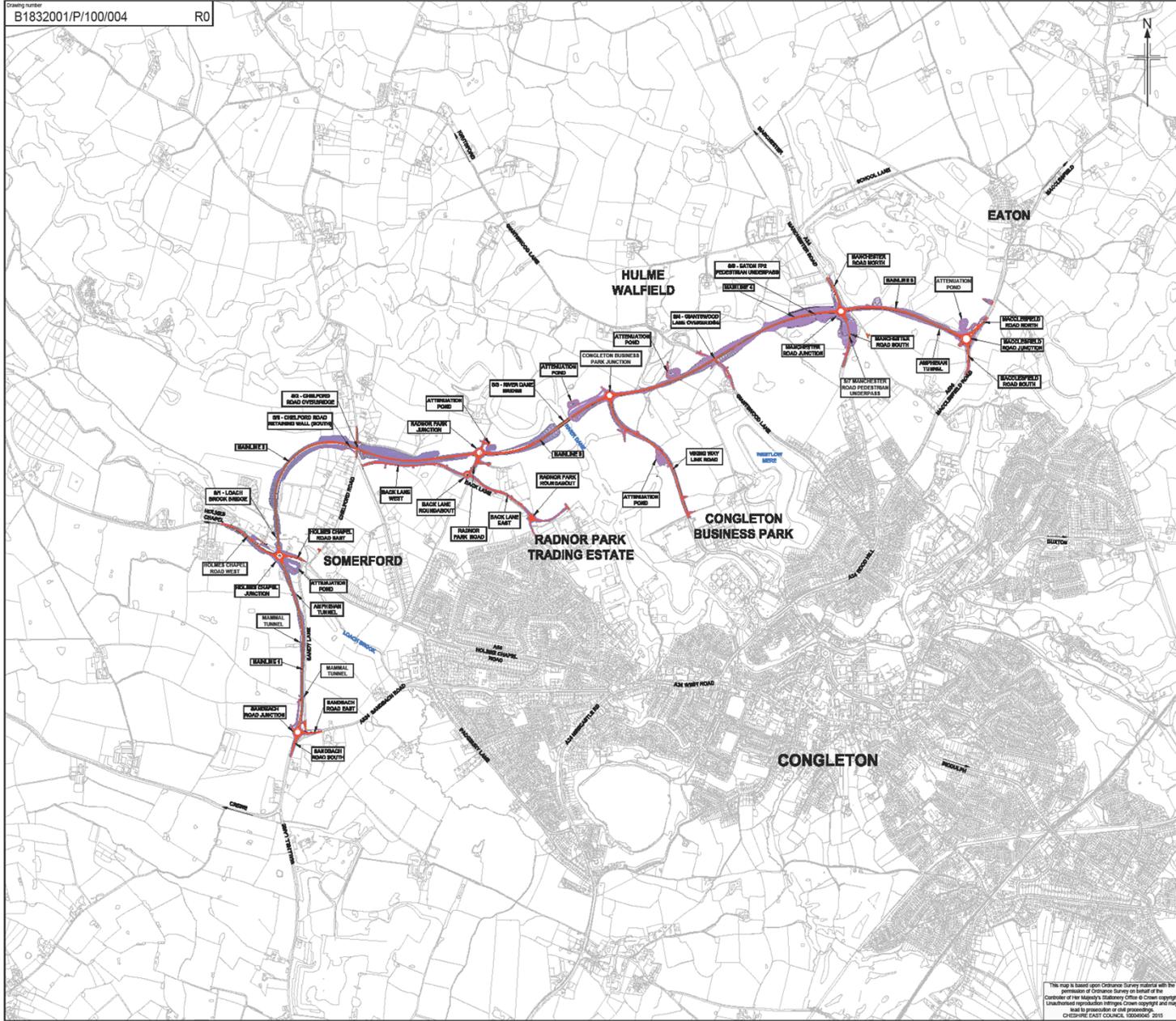
31. 'Hop overs' and hedges along the entire scheme should be established early in the construction phase to provide mitigation for species such as barn owls. Grass verges should be regularly mown or nutrient poor substrate utilised. Alternatively verges should be planted with shrubs.
32. Locally sourced plant material should be used in the scheme where possible. Plant communities created should aim to replicate local communities.
33. Environmental Action Plan to draw together mitigation, enhancement, management, monitoring and funding details; Submission of updated ecological surveys and revised mitigation strategies prior to commencement for: Badgers, Otter, Kingfisher
34. Submission of Habitat Management Plan
35. Submission of a methodology for the creation of woodland and grassland habitats including ground preparation and planting/seeding specification to include introduction of native bluebells.
36. Safeguarding of Nesting Birds (general)
37. Submission of detailed proposals for provision of bat boxes, kingfisher nest sites, bat hop-overs and barn owl mitigation planting and the incorporation of Wych Elm.
38. Submission of method statement for the safeguarding of Little Ringed Plover at Eaton Hall Quarry and kingfisher.
39. Submission of hedgerow and ancient woodland translocation method statement
40. Management plan for ancient woodland mitigation area.
41. Method statement for the eradication non-native invasive plant species.
42. No night working in the vicinity of the River Dane and Loach Brook.
43. Submission of Construction Environment Management Plan including appointment of ecological clerk of works

#### Surface Water Condition

44. Submission of surface water drainage scheme.

*The specific detail and wording of the proposed planning conditions still need to be finalised. Subject to the Strategic Planning Board's decision (such as to delete, vary or add conditions titles/informatives/ or reasons for approval/refusal) and prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority to add the wording for the conditions in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

Drawing number  
**B1832001/P/100/004** R0



Notes:  
 1. This drawing to be read in conjunction with drawing nos B1832001/P/100/001 to 003 and B1832001/P/100/005 to B1832001/P/100/023



1	JACOBSON	Project Review	Rev	DR	AT	AD
Rev	Rev	Rev	Rev	Rev	Rev	Rev



Client  
**CONGLETON LINK ROAD**

Drawing title  
**GENERAL LAYOUT**

Drawing status	PLANNING APPLICATION		
Scale	1:10000 @ A1	1:20000 @ A3	DO NOT SCALE
JACOBSON No.	B1832001		
Client No.			
Drawing number	<b>B1832001/P/100/004</b>	Rev	<b>0</b>

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