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## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Highways and Transport Committee** held on Thursday, 9th December, 2021 in the The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

### PRESENT

Councillor C Browne (Chair)  
Councillor L Crane (Vice-Chair)

Councillors M Benson, B Evans (Substitute), H Faddes, A Gage, L Gilbert, M Hunter, D Stockton and P Williams

### COUNCILLOR IN ATTENDANCE

Councillor D Murphy

### OFFICERS IN ATTENDANCE

Mrs S Baxter (Democratic Services Officer), Mr D Brown (Director of Governance and Compliance), Mr C Hindle (Head of Infrastructure), Ms J Wilcox (Head of Financial Management), Mr J Thomas (Principal Planning and Highways Solicitor) and Mrs M Withington (Principal Lawyer)

### 35 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S Akers Smith, L Braithwaite, B Burkhill and M Sewart.

### 36 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 37 MINUTES OF PREVIOUS MEETING

#### RESOLVED

That the minutes of the previous meeting held on 16 November 2021 be approved as a correct record and signed by the Chair.

### 38 PUBLIC SPEAKING/OPEN SESSION

There were no members of public present.

### 39 MIDDLEWICH EASTERN BYPASS-TO AUTHORISE THE MAKING OF A COMPULSORY PURCHASE ORDER, SIDE ROADS ORDER AND BRIDGE SCHEME FOR THE DELIVERY OF THE MIDDLEWICH EASTERN BYPASS SCHEME

Consideration was given to a report requesting the Committee to authorise the making of a Compulsory Purchase Order, Side Roads Order and Bridge Scheme for the delivery of the Middlewich Eastern Bypass Scheme.

## **RESOLVED**

1. That it be noted that recommendation 2.1 made by the Cabinet on 15 January 2019 meant that the Council approved the underwriting and forward funding of the costs of the Scheme up to £25.5m up to the submission of the Full Business Case to the Department for Transport.

2. That the ongoing requirement to forward fund expenditure on the Scheme in lieu of external contributions be noted. And it be noted that this presented financial risks as outlined in the financial implications of the report.

3. That confirmation be given that the acquisition of the land identified in the Map accompanying The Cheshire East Council (A533 Middlewich Eastern Bypass) Compulsory Purchase Order 2022 ("the Order Map") attached to the report was necessary for highway purposes.

4. That the draft Statement of Reasons, the draft CPO (including the form and contents of the Schedules to the CPO ("the Order Schedules") and the draft Order Map both substantially in the form annexed to the report for the purposes of the CPO be approved.

5. That the draft plans accompanying The Cheshire East Borough Council (A533 Middlewich Eastern Bypass) (Classified Road) (Side Roads) Order 2022 ("the SRO Plans") substantially in the form annexed to the report for the purposes of the SRO be approved.

6. That the draft SRO Schedule substantially in the form annexed to the report for the purposes of the SRO be approved.

7. Is notified of the Statutory Blight regime that requires the Council to respond to Statutory Blight Notices pursuant to Part VI, Chapter II of the Town and Country Planning Act 1990 (as amended) ("the Act") as a consequence of the relevant land becoming blighted by virtue of relevant trigger events as contained within Schedule 13 of the Act.

8. Is notified of the submission of the Full Business Case to the Department for Transport Large Local Majors Scheme funding and any material changes to the Scheme funding.

9. That the Director of Highways and Infrastructure in consultation with the Director of Governance and Compliance be authorised;

- (i) To make minor modifications to the draft Statement of Reasons, draft CPO and draft Order Map as necessary.
- (ii) To make minor modifications to The Cheshire East Borough Council (A533 Middlewich Eastern Bypass) (Classified Road) (Side Roads) Order 2022 and the SRO Plans as necessary.
- (iii) To determine the form and contents of the Schedules to the CPO (“the Order Schedules”), which identify the interests in the land and new rights to be acquired pursuant to the CPO, as identified within the Order Map.
- (iv) To make if necessary, any a minor or technical amendment to the CPO and SRO and Bridge Scheme, prior to the making of the CPO and SRO and the Bridge Scheme.
- (v) In the event that any local Public Inquiry was convened to consider objections to the CPO, SRO and/or Bridge Scheme (as the case may be) to prepare and submit such evidence as was necessary in support of the CPO, SRO and/or Bridge Scheme, including enlisting the assistance of outside consultants and Counsel to assist in the preparation and presentation of such evidence.

10. That the Director of Governance be authorised to;

- (i) To make The Cheshire East Council (A533 Middlewich Eastern Bypass) Compulsory Purchase Order 2022 (“the CPO”) pursuant to Sections 8, 239, 240, 246, 250 and 260 of the Highways Act 1980, and Section 3, Parts II and III of Schedule 2 and Schedule 3 to the Acquisition of Land Act 1981 and all other powers as appropriate for the purpose of acquiring the land and new rights shown on the Order Map and described in the Schedules to facilitate the construction of the Scheme, and that the Common Seal of the Council be affixed to the CPO and to the Order Map.
- (ii) To make The Cheshire East Borough Council (A533 Middlewich Eastern Bypass) (Classified Road) (Side Roads) Order 2022 (“the SRO”) under Sections 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve, stop up existing highways, stop up and/or amend private means of access and provide replacement private means of access, and construct lengths of new highway as

required to deliver the Scheme, and that the Common Seal of the Council be affixed to the SRO and the SRO Plans.

- (iii) To make The Cheshire East Council (A533 Middlewich Eastern Bypass -Trent and Mersey Canal Bridge) Scheme 2022 under Section 106(3) of the Highways Act 1980 to enable the construction of a road bridge over the Trent and Mersey Canal and that the Common Seal of the Council be affixed to the Bridge Scheme.
- (iv) To submit the CPO, the SRO and the Bridge Scheme to the Secretary of State for Transport for confirmation and to comply with all associated requirements in respect of personal, press and site notices, and to take all other relevant action thereon to promote the confirmation of the Orders, including any necessary modification.
- (v) In the event that no objections are received to the CPO (or if any objections made are subsequently withdrawn, or the Director of Governance and Compliance certifies that they may be legally disregarded) and no modifications are required to be made to the CPO, to obtain the appropriate Certificate under Section 14A of the Acquisition of Land Act 1981 enabling the Council to confirm the CPO as made.
- (vi) That as soon as the CPO, SRO and/or Bridge Scheme have been confirmed and become operative, to comply with all associated requirements in respect of personal and press notices and to make and give notice of a General Vesting Declaration under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or Notices to Treat and Notices of Entry in respect of the land and rights to be acquired compulsorily.
- (vii) In the event that any question of compensation in respect of such interests or rights is referred to the Upper Tribunal (Lands Chamber) for determination, to take all necessary steps in relation thereto including advising on the appropriate uses and compensation payable and issuing the appropriate certificates and appointing external legal advisors (including Counsel where required) to represent the Council in respect of any such reference.
- (viii) In respect of Statutory Blight, delegate authority to the Monitoring Officer in consultation with the Finance Sub-Committee Chair and the Executive Director (Corporate

Services) (as necessary) to agree appropriate terms in accordance with statutory provisions.

11. That the Head of Estates be authorized to;

- (i) Negotiate and agree terms to seek to acquire the land and rights (or extinguish the same) required for the Scheme by agreement and to instruct the Director of Governance and Compliance to negotiate and enter into the legal agreements necessary to facilitate any such agreements.
- (ii) Negotiate and approve the payment of any relevant and reasonable professional fees incurred by landowners and others with compensatable interests in taking professional advice in connection with the acquisition of their interests required for the Scheme and to negotiate, approve and document by way of settlement or other legal agreement payment of all related compensation claims in advancing the development or implementation of the Scheme, including the advance payment of compensation pursuant to Section 52 of the Land Compensation Act 1973 and the settlement of any claims made pursuant to Part 1 of the Land Compensation Act 1973.

(During consideration of the item, Councillor D Stockton arrived to the meeting).

#### **40 EXCLUSION OF THE PRESS AND PUBLIC**

##### **RESOLVED**

That the press and public be excluded from the virtual meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 as amended on the grounds that it involves the likely discussion of exempt information as defined in Paragraphs 1, 2,3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

#### **41 MIDDLEWICH EASTERN BYPASS-TO AUTHORISE THE MAKING OF A COMPULSORY PURCHASE ORDER, SIDE ROADS ORDER AND BRIDGE SCHEME FOR THE DELIVERY OF THE MIDDLEWICH EASTERN BYPASS SCHEME (APPENDIX G)**

Consideration was given to appendix G of the report.

##### **RESOLVED**

That appendix G be noted.

The meeting commenced at 10.30 am and concluded at 10.48 am

Councillor C Browne (Chair)