
Highways and Transport Committee

Date of Meeting: 13th January 2022

Report Title: A500 Dualling from Meremoor Moss Roundabout to M6 Junction 16 - to authorise the making of a Compulsory Purchase Order and Side Roads Order for delivery of the A500 Dualling scheme

Report of: Jayne Traverse, Executive Director of Place
David Brown, Director of Governance and Compliance

Report Reference No: HT/13/21-22

Ward(s) Affected: Haslington Ward

1. Executive Summary

- 1.1. The purpose of the report is to seek the Committees approval to proceed with the making of the Compulsory Purchase Order and Side Roads Order for the A500 Dualling Scheme (" the Scheme") . The Compulsory Purchase Order is required to enable land and any other interest in the land not within the ownership or control of the Council to be acquired to allow the Scheme to be built. The Side Roads Order will enable work to be carried out on existing highways and to alter private means of access of adjacent premises to enable the Scheme to be built.
- 1.2. Since the Cabinet approval in May 2020 , further detailed design has taken place which has resulted in the identification of additional land being required for the proposed Scheme which was not included in the original report and it is therefore necessary to bring this matter back to the Committee for approval.

- 1.3. The Council has set out a clear vision and strategy for sustainable economic growth in the adopted Local Plan. A key element of this strategy is a significant investment programme in transport to support housing and jobs in the Borough.
- 1.4. The dualling of the A500 will deliver an improved highway network for Crewe and the surrounding area, it will relieve congestion in a number of locations, improve journey times on the wider highway network and will assist with the development of a number of local plan sites at Basford East and Basford West and the South Cheshire Growth Village.
- 1.5. The Dualling of the A500 between the M6 at Junction 16 and Meremoor Moss Roundabout ("the Scheme") is a key component of the Council's overall plan to support the regeneration and development of Crewe and supports strategic access to the HS2 Crewe Hub Station. The Scheme supports the aim to deliver environmental, social and economic benefits to residents of Crewe and the surrounding area.
- 1.6. The Scheme will convert an existing length of 3.3km of single carriageway into a 9.5m wide dual carriageway connecting the junction with the A531 and B5472 at Meremoor Moss Roundabout, to the west and the M6 Junction 16 roundabout to the east. The Scheme will also include the widening to the two lanes on the approach to Meremoor Roundabout and the widening of the existing three lanes at the M6 Junction for 650m, and as part of the Scheme it will be necessary to alter private means of access to properties, with the closure of the current access and a new access being created.
- 1.7. The A500 is a key route which connects Crewe and Nantwich to the M6 at Junction 16; and to Stoke and Staffordshire. The section of the A500 between Junction 16 and the junction with the A531 and B5472 at Meremoor Moss Roundabout is single carriageway and is the only section of the A500 corridor that isn't built to dual carriageway standard.
- 1.8. Currently congestion is experienced on the westbound A54, eastbound B5500, both north and southbound A530 and westbound A500. The dualling of the A500 will increase the network capacity and reduce the delays experienced. The current stretch of carriageway has a higher frequency of serious and fatal accidents compared with the remainder of the A500, by carrying out the works the carriageways will be separated and congestion and delay will be reduced.
- 1.9. The Council have been previously made aware of the proposed Scheme as their approval was sought to develop the Scheme through the former Cabinet system. This included the assessment of the extent of land required, the financial costs and the risk implications to the Council of progressing the Scheme, including the requirement to forward fund the Scheme until the submission to and approval of the Full Business Case to the Department for Transport ("DfT"). It is intended that a report will be presented to a future meeting of this Committee to approve the Full Business Case prior to its submission.
- 1.10. The Scheme's delivery programme, including for a CPO public inquiry, is for the main works to start in late 2023, with an estimated construction period of 27 months. Should it be determined that a public inquiry is not required then it may be possible to start the main works in early 2023. The overall expenditure on the Scheme is expected to be £68.7m which includes the initial grant of £1.8m from the DfT. The programme is subject to the timing of the completion of land

acquisition and the submission and DfT approval of the Full Business Case, which releases the Government funding.

- 1.11. The Council's Medium-Term Financial Strategy, as reported to Cabinet in February 2021, makes provision for this expenditure, where £9.3m is included in the approved Capital Programme and £59.4m in the Addendum, pending completion of the Full Business Case and approval from the Department of Transport Local Majors grant funding approval to the value of £55.1m .
- 1.12. In May 2020 Cabinet approval was sought for the making of Compulsory Purchase Orders and Side Road Orders for the Scheme. Subsequently, through the development of the Scheme and detailed design, the Scheme requires more land than previously shown in the documents considered by the Cabinet in May 2020 and the Compulsory Purchase Order has been amended to reflect the increased land requirements and changes to any rights required over the land.
- 1.13. Accordingly, it is now necessary to seek the Committee's authorisation to consider the use of compulsory purchase powers to acquire the land and new rights required for the construction of the Scheme, and to make The Cheshire East Council (A500 Dualling) Compulsory Purchase Order 2022 ("the CPO"). This will be in parallel with negotiations to acquire the land and new rights required by agreement, reflecting the land requirement that has now being established as necessary to deliver the Scheme.
- 1.14. To bring the Scheme forward and to make the necessary changes to the existing highway network and to alter private means of access to adjacent premises, it is necessary to make The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2022 ("the SRO").
- 1.15. This report details the affected landowners and plots required to deliver the Scheme, with such further detail allowing the Council to make a fully informed decision on the proper consideration of the use of powers of compulsory purchase.
- 1.16. The Council has initiated discussions and will continue to seek to negotiate the acquisition of all the legal interests in the land required for the construction of the Scheme by agreement. However, the Council needs to ensure it has the ability to use compulsory purchase powers if it considers that it may not be possible to agree terms for the acquisition of all the remaining interests in the land required to allow the Scheme to come forwards. The use of such powers would be as a matter of last resort and would be in parallel to continued efforts to negotiate private acquisitions.

2. Recommendations

2.1 That the Committee:

- 2.1.1 Notes that recommendation 2 made by the Cabinet on 15 January 2019

OFFICIAL

- means that the Council approved the underwriting and forward funding of the costs of the Scheme up to £54.79m up to the submission of the Full Business Case to the Department for Transport
- 2.1.2 Notes the ongoing requirement to forward fund expenditure on the Scheme in lieu of external contributions, and notes that this presents financial risks as outlined in the financial implications of the report.
- 2.1.3 Confirms that the acquisition of the land identified in the Map accompanying The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) Compulsory Purchase Order 2022 (“the Order Map”) attached to the report is necessary for highway purposes.
- 2.1.4 Approves the draft Statement of Reasons, the draft CPO (including the form and contents of the Schedules to the CPO (“the Schedules”) and the draft Order Map both substantially in the form annexed to the report for the purposes of the CPO.
- 2.1.5 Approves the draft plans accompanying The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2022 (“the SRO Plans”) substantially in the form annexed to the report for the purposes of the SRO.
- 2.1.6 Approves the draft SRO Schedule substantially in the form annexed to the report for the purposes of the SRO.
- 2.1.7 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.
- 2.1.8 Is notified of the submission of the Full Business case to the Department for Transport and any material changes to the Scheme funding.
- 2.2 Authorises the Director of Highways and Infrastructure in consultation with the Director of Governance and Compliance to;-
- 2.2.1 To make minor modifications to the draft Statement of Reasons, draft CPO and draft Order Map as necessary.
- 2.2.2 To make minor modifications to The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2022 (“the SRO Plans”) as necessary.
- 2.2.3 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.
- 2.2.4 To make if necessary, any a minor or technical amendment to the CPO and the SRO, prior to the making of the CPO and the SRO.

2.2.5 In the event that any local Public Inquiry is convened to consider objections to the CPO and/or the SRO (as the case may be) to prepare and submit such evidence as is necessary in support of the CPO and/or the SRO, including enlisting the assistance of outside consultants and Counsel to assist in the preparation and presentation of such evidence.

2.3 Authorises the Director of Governance to;

2.3.1 To make The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) Compulsory Purchase Order 2022 ("the CPO") pursuant to Sections 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.

2.3.2 To make The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2021 ("the SRO") under Sections 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.

2.3.3 To submit the CPO and the SRO 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.

2.3.4 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.

2.3.5 That as soon as the CPO and the SRO 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.

2.3.6 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.

- 2.3.7 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.

2.4 Authorises the Head of Estates to;

- 2.4.1 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.
- 2.4.2 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.

3. Reasons for Recommendations

Compulsory Purchase Order

- 3.1. The acquisition of the land enables the Council to proceed with the development and delivery of the Scheme A Scheme plan can be found at Appendix *.
- 3.2. The Scheme involves the construction and widening of the existing A500 for 3.3km from Meremoor Moss Roundabout to the east to the roundabout servicing the M6 at Junction 16.
- 3.3. The Scheme has been identified as a key piece of infrastructure vital for the successful delivery of new development sites and is explicitly listed in the Cheshire East Infrastructure delivery Plan within the Local Plan the Scheme is stated as a key development in the Local Plan and Local Transport Plan necessary to improve the capacity of the road network.
- 3.4. The Scheme will enable future development across the region and support

OFFICIAL

major investment opportunities, including High Speed Two (“HS2”) and the Crewe Hub for HS2. A number of sites from the Cheshire East Local Plan Strategy 2010-2030 (adopted July 2017) (“the Local Plan”) are also located within close proximity to the Scheme including; Basford East/West (LPS2/LPS3), the South Cheshire Growth Village (LPS8), the Radway Green Extension (LPS24) and the White Moss Quarry in Alsager (LPS20).

- 3.5. The Scheme is stated in the CEC Infrastructure Delivery Plan (2015-2030) as a necessary improvement to the local road network: “there is a need to improve traffic flow at Junction 16 of the M6 and link capacity on the A500 Barthomley Link Road”
- 3.6. The Scheme is well integrated into the wider growth plan for both Crewe and Cheshire East, contributing to Cheshire and Warrington Strategic Economic Plan (SEP) aims through contributing to economic growth via improving access to HS2 and attracting increased levels of investment.
- 3.7. Through increasing the capacity of the highway network and improving local and regional connections, the Scheme significantly contributes to the wider growth plan. The development of the HS2 Crewe hub will generate a significant amount of traffic and attract a considerable amount of investment to the area. The scheme proposes to increase the capacity of the highway network and support the operation of HS2.
- 3.8. The construction of the Scheme cannot be achieved without the acquisition of the land and the new rights identified on the Order Map. The acquisition of the land and new rights enables the Council to proceed with the development and delivery of the Scheme.
- 3.9. Acquiring the necessary land and rights by negotiation is preferable and the Council must be able to demonstrate that it has made all reasonable efforts in this regard. However, it may not be possible to conclude voluntary acquisitions with all affected parties and for all land title issues to be dealt with within the funding window for this Scheme. Accordingly, the authorisation of compulsory purchase powers is sought so that the project programme can be maintained and to demonstrate the Council’s intention to proceed with the Scheme. The Council will continue to make every effort to acquire by negotiation all necessary interests that are needed to deliver the Scheme (and will continue to do so in parallel to the compulsory purchase process), but it recognises that it may not be possible to agree terms for the acquisition of all interests. Without the acquisition of all interests, the delivery of the Scheme will be impinged and/or unable to proceed.
- 3.10. The Scheme will require a total of 46 hectares of land and new rights. This includes the acquisition of 14 hectares of land for the new road, drainage works, and environmental mitigation areas, and a further 1 hectare of land over which new rights are to be created. C17ha of the land is the existing highway land, currently registered to National Highways, plus a small parcel of land that is already owned by the Council. The remaining 14 hectares is required for site compounds, temporary haul routes, and proposed private

means of accesses, and the intention would be to return this land to the pre-existing landowner on completion of the Scheme. The interests of 6 freeholders, 1 leasehold and 7 tenancies are affected. The Order Map will be available for inspection by members at the meeting and a reduced size version is annexed to this report (Appendix C).

- 3.11. The land to be acquired is predominantly agricultural land and the Scheme does not require the acquisition of any residential property (save for part of the garden at Bluemire Farm). The Scheme does not require the acquisition of land in any of the categories where land must be provided in exchange, such as common land or public open space.
- 3.12. Some of the areas where the freehold interest is to be acquired are needed for ecological mitigation works necessary because of the Scheme and, subject to negotiation, it may be possible for the freehold interest to be retained by the landowners, subject to the landowners entering into binding legal obligations with the Council providing for pre-agreed maintenance works to be undertaken by the landowner following construction of the Scheme.
- 3.13. Some areas where the freehold title is to be acquired will not be required for the permanent works and, subject to negotiation, is expected to be offered back to the current owners along with the payment of compensation in due course in accordance with the Crichel Down rules.
- 3.14. Some areas of land required for the Scheme are within the ownership of the Duchy of Lancaster, under section 293(1) of the Town and Country Planning Act 1990 this is deemed to be Crown Land. Unlike other land, interests in Crown land cannot be compulsory acquired, therefore land required for the Scheme will need to be acquired through negotiation and bilateral agreement. However, the Scheme will impact upon 6 tenancies, it will therefore be necessary to acquire the tenant's rights and interests in the land with the use of CPO powers once the Council has acquired the freehold to the land.
- 3.15. Discussions are proceeding with the Statutory Undertakers and these may disclose additional requirements for service diversions for which land or rights may require to be obtained under the CPO.
- 3.16. The land that is proposed to be acquired is the minimum considered to be reasonably required to achieve the selected design option.
- 3.17. In the event that the Scheme is not completed, the A500 will continue to be a congestion constraint for traffic travelling between the south of Crewe and the M6 and the wider Cheshire East, Stoke and Staffordshire region.

Side Roads Order

- 3.18. The SRO will authorise the stopping-up, diversion and creation of new lengths of highway or reclassification of existing highways, together with the stopping

up and/or amendments to private means of access to adjacent premises and agricultural land, and re-provision of private means of access to those premises and agricultural land.

- 3.19. The CPO will include land that is required to enable the works authorised by the SRO to be carried out and makes provision for the acquisition of land and new rights to enable new, replacement private means of access to be provided as part of the Scheme.
- 3.20. All beneficiaries of any stopped up private means of access will be provided with a reasonably convenient and commodious alternative means of access unless there is no need for an alternative access to be provided.
- 3.21. The plans of the works and alterations to be authorised by the SRO will be available for inspection by members at the meeting.

4. Other Options Considered

4.1. Land Acquisition by Negotiation

- 4.1.1 Land acquisition could be pursued solely by negotiation and subsequent agreement. However, relying on land acquisition by agreement alone does not guarantee that the land required for the scheme will be secured and may delay the delivery of the Scheme.
- 4.1.2 It is intended to acquire all the land for the Scheme by agreement where possible and to only use the powers under the Highway Act to compulsory purchase land and interests (where these powers are applicable) that cannot be acquired through agreement beforehand to support deliverability of the Scheme.

4.2. Cancel the Scheme

If a decision is made to cancel the Scheme, there will be no benefit from monies spent to date. Furthermore, the benefits derived from the Scheme will not be delivered.

5. Background

- 5.1. Since the Cabinet approval in May 2020 , further detailed design has taken place which has resulted in the identification of additional land being required for the proposed Scheme which was not included in the original report and it is therefore necessary to bring this matter back to the Committee for approval
- 5.2. The Scheme is the making into dual carriageway the single carriageway section of the A500 between the M6 at Junction 16 and the junction with the A531 and B5472 at Meremoor Moss Roundabout.
- 5.3. The Dualling of the A500 is a key component of the Council's overall plan to

support the regeneration and development of Crewe and supports strategic access to the HS2 Hub Station. The scheme supports the aim to deliver environmental, social and economic benefits to residents of Crewe and the surrounding areas.

- 5.4. The A500 is a key route which connects Crewe and Nantwich to the M6 at Junction 16; and to Stoke and Staffordshire. The section of the A500 between Junction 16 and the junction with the A531 and B5472 at Meremoor Moss Roundabout is single carriageway and is the only section of the A500 corridor that isn't built to dual carriageway standard.
- 5.5. The A500 will serve as the main route from the M6 to the centre of Crewe and the HS2 Hub Station. Without dualling there would be significant congestion on this part of the road network. The dualling therefore facilitates the council's plans for Crewe, will reduce congestion and improve air quality as a result.
- 5.6. The Scheme is identified in the Cheshire East Local Transport Plan (2019–2024) and in the Cheshire East Local Plan Infrastructure Delivery Plan (2015–2030) as a necessary improvement to the local road network.
- 5.7. Planning permission was originally granted on 24th April 2019 for the original application for the Scheme (application reference: 18/3766N). Following the approval of the planning permission, the construction contractor identified a number of changes required to the design of the Approved Scheme and in April 2020, a planning application for the amended scheme design was submitted (application reference: 20/1709N). The Strategic Planning Board in August 2020 resolved approve the application, subject to confirming the final amount of biodiversity off-setting. In addition, there was an outstanding objection by the Environment Agency regarding the detail of the Barthomley Brook culvert. As the carriageway is to be extended it will increase the extent of the existing Barthomley Brook culvert under the A500, which would result in a reduction in the length of natural watercourse and this would have a negative impact on riverbank ecology. The solution, agreed in principle with the EA, is to re-align part of the remaining natural watercourse to create more riverbank and to provide some additional riverbank planting.
- 5.8. A number of further design changes were subsequently identified, in particular associated with the re-alignment of Barthomley Brook following ongoing discussions with the Environment Agency. These amendments were submitted to the Council (as local planning authority) in November 2021 to be incorporated into the pending planning application reference: 20/1709N. The planning officer is currently carrying out a consultation on the amended design and will prepare a short report in due course for the planning committee chair/development control manager to agree.
- 5.9. Currently the Scheme affects three major pipelines, two National Grid high Pressure gas mains and the Mainline Pipelines Ltd fuel oil pipeline (this part of the national network of pipeline that carries a variety of fuels around the country). The proposed Scheme will require the diversion of one of the

National Grid gas mains and the protection of the Mainline Pipelines Ltd fuel oil pipeline. The cost estimate of the Scheme includes an estimate costs of the works required but the final costs will not be known until the Council fully understand the requirements of the utility companies.

- 5.10. The current programme is, subject to the timing of DfT final funding approval and the completion of the land acquisition without the need for a CPO Public Inquiry, for the main works to start by the end of 2022, with an estimated construction period of 27 months.
- 5.11. To meet the programme for the Scheme, the Council will need to undertake further work as follows:
 - 5.11.1. Negotiations with affected landowners to secure land required for the Scheme by agreement whilst proceeding with the making of a CPO and SRO should agreements fail, and statutory powers of acquisition need to be used.
 - 5.11.2. A market-tested cost estimate for the main works is required for inclusion in the Full Business Case to be submitted to DfT to obtain the Large Local Majors scheme grant funding.
 - 5.11.3. Advance works are required to be completed in sufficient time to ensure ecological mitigations and utilities diversions are sufficiently progressed to enable the main works to commence on time.
 - 5.11.4. A suitable supply chain is required, including local companies as far as is possible, to ensure timely commencement of the main works.
- 5.12. The majority of the land required for the Scheme is in the ownership of the Duchy of Lancaster. The Council cannot rely on powers of compulsory purchase to acquire the Crown's interest in the land and must secure this land by agreement.
- 5.13. The Duchy of Lancaster has confirmed its support for the scheme and the intention to reach an agreement with the Council for the acquisition of its land that is required for the scheme. The Duchy has agreed to the inclusion in the CPO of the land interests of its tenants that are within the Scheme CPO boundary and to the Council exercising its powers of compulsory acquisition to acquire new rights and/or other interests in this land.
- 5.14. It is intended to acquire all of the land for the Scheme by agreement where possible and to only use the powers under the Highways Act to compulsorily acquire land and new rights (where these powers are applicable) that cannot be acquired through agreement beforehand to support the deliverability of the Scheme. The remainder of the land required to deliver the Scheme can be acquired compulsorily but the Council is required to demonstrate that it has sought to engage with landholders to agree acquisition only relying on CPO powers as a last resort.
- 5.15. The Council has appointed an external consultant and solicitors to undertake

OFFICIAL

preparatory work, including the drafting of the Orders required to deliver the Scheme. Chartered surveyors have also been appointed to deal with negotiations on land acquisition by agreement with a view to securing all land necessary to deliver the Scheme by agreement. However, voluntary acquisitions of all the land affected and rights required may not be possible.

- 5.16. Whilst acquisition of land by agreement will be pursued, initiating the CPO process over the third-party land holdings required for the Scheme affords greater certainty that the Scheme will proceed if negotiations break down. This is in line with national guidance on the use of CPO powers set out in “Guidance on Compulsory Purchase Process and the Crichel Down Rules” (July 2019) (“the Guidance”).
- 5.17. It is expected that the CPO and the SRO will be made during early 2022. The Secretary of State for Transport will consider whether the CPO and the SRO should be confirmed, and such confirmation may be considered following a local Public Inquiry to deal with objections.
- 5.18. Mitigation against the adverse environmental effects of the construction and subsequent operation of the new highway will be subject to agreements made under section 253 of the Highways Act 1980 with the owners of land in the vicinity of the highway. This will provide for mitigation areas which will result in a net gain in biodiversity and include tree and shrub planting. The intention is that the areas will be managed by the landowners according to arrangements set out in the agreements which will include detailed maintenance schedules approved by the local planning authority.
- 5.19. The Council’s overall expenditure on the Scheme is expected to be £68.7m as reported to Cabinet in May 2020. The Council has so far invested around £9.0m on developing the Scheme, £1.8m of which was DfT grant for the Outline Business Case and £1.6m S106 contributions.
- 5.20. The Outline Business Case submitted to the Department for Transport (DfT) in May 2019 was based on the total scheme cost of £68.7m. The total requested contribution from the DfT was £55.1m with the total local contribution therefore being £13.6m.
- 5.21. The Council’s Medium-Term Financial Strategy (“MTFS”), as reported to Cabinet in February 2021, makes provision for this expenditure, where £9.3m is included in the approved Capital Programme and £59.4m in the Addendum making up the scheme total of £68.7m. The 2022-26 Capital Programme is due to be considered by the Corporate Policy Committee for recommendation to Full Council in February 2022, where updates will be made to include the total scheme cost in the Budget’s Capital Programme.
- 5.22. In June 2020 the DfT confirmed that the Scheme had entry onto the Large Local Majors Schemes Programme and secured commitment to £53.3m in government grant funding in addition to the £1.8m already received from the

DfT, subject to DfT approval of the Final Business Case.

- 5.23. The Highways and Transport Committee approval will be sought prior to the submission of the Full Business Case to access the Department for Transport Local Majors grant funding to the value of £53.3m.
- 5.24. The local funding contribution, anticipated to be £13.6m, is a combination of direct Council funding and developer Section 106 (S106) contributions. The current estimate of funding from S106 developer contributions is in the range of £2.4m to £6.7m based on developments that may be released by the Scheme as set out in the Local Plan Strategy. The Council have agreed to forward fund the Scheme with the funding covered in the MFTS.
- 5.25. A draft Statement of Reasons has been prepared which sets out the reasons for building the Scheme and explains the need for the CPO and the SRO. This can be found in draft at Appendix E.

The need and justification for the Compulsory Purchase Order

- 5.26. The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. These proposals would enable the Council to meet its statutory purposes and highway objectives within the shortest realistic timescale in the most appropriate way.
- 5.27. The Council recognises that a CPO for the Scheme can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests in land and the creation of new rights sought to be acquired. A compelling case exists here. A CPO is necessary and justifiable in the public interest.
- 5.28. The Council would be making the Order to secure the outstanding interests and new rights required to enable implementation of the Scheme, which is necessary to achieve the Council's objectives for the area. Discussions have taken place with landowners and the owners of relevant interests in an attempt to reach agreement but the CPO remains necessary to ensure that the Scheme can proceed.
- 5.29. The draft CPO can be found at Appendix D and the draft plans referred to in the CPO at Appendix C.

The need and justification for the Side Roads Order

- 5.30. The purpose of the Side Roads Orders ("SRO") is to maintain access to all land and property directly affected by the Scheme and to make necessary changes to the highway network. In order to build the new road, it is necessary to improve, or stop up existing highways and construct new highways to link into the new road. It will also be necessary to stop up some existing private means of access to land or premises and to replace those where necessary with new means of access. To enable it to carry out those

works the Council is promoting the SRO.

- 5.31. The draft SRO can be found at Appendix B and the draft plans referred to in the SRO at Appendix A.

6. Statutory Blight

- 6.1. The Town and Country Planning Act 1990 (as amended) (“the Act”) contains trigger events within Schedule 13 relating to when land will become the subject of potential statutory blight claims. Members need to be aware that once a Schedule 13 trigger event (or a number of them) has been engaged, members of the public are able to submit a Statutory Blight Notice.
- 6.2. On submission of a Statutory Blight Notice, the claimant needs to evidence that the land is blighted in accordance with Schedule 13 and that they have met the statutory requirements for qualifying criteria and eligibility. The lack of this evidence does not, however, preclude a Statutory Blight Notice being submitted and the Council needs to have a defined process for dealing with such Statutory Blight Notices in place. This approval is being sought to ensure that due process is undertaken and officers are given authority to proceed.
- 6.3. Statutory Blight refers to situations where the impact of proposed public infrastructure, development or regeneration schemes causes the value of land and/or property to fall or renders it unsaleable because it is “on-line” of the Scheme, i.e., some part of it is physically identified within the Scheme area.
- 6.4. Statutory Blight does not include land that is “off-line” of the Scheme (i.e., not physically included within the area identified by the Council), notwithstanding that it may be in close proximity. This land may be subject to generalised blight, but this is different to Statutory Blight and is not the subject of this Report.
- 6.5. The primary purpose of the Statutory Blight provisions is to bring forward the public acquisition of private land to a time which suits the owner’s wishes, rather than at the convenience of the capital programme of the acquiring public authority. This is achieved by service of a Statutory Blight Notice under the provisions of the Act and is commonly referred to as compulsory purchase in reverse. Not all owners of statutorily blighted land have a right to serve a Statutory Blight Notice. To qualify, various legislative criteria must be met and evidenced and there must be a qualifying interest:
- 6.6. A person will have a ‘qualifying interest’ provided they satisfy the following criteria:
- 6.6.1. The land must be either a dwelling, business premises or mixed dwelling/business premises, or an agricultural unit and all or part of it is within ‘blighted land’; and

- 6.6.2. The person has either an eligible interest in the land as:
- 6.6.2.1. a residential owner-occupier of a private dwelling;
 - 6.6.2.2. an owner-occupier of business premises, with a net annual (rateable) value not exceeding £44,200 in Greater London and £36,000 in the rest of England); or
 - 6.6.2.3. an owner-occupier of an agricultural unit or part of an agricultural unit.
- 6.7. A resident owner-occupier of a dwelling and an owner-occupier of a business premises must also show that they have a freehold interest or a leasehold/tenancy interest with not less than 3 years unexpired term. They must also show that they were in occupation of the whole or part of the blighted land for the 6 months preceding the service of a Statutory Blight Notice or, where the blighted land has been unoccupied for a period of not more than 12 months, that they were in occupation for the 6 months preceding that unoccupied period. The definition of owner-occupier of an agricultural unit is subject to the same requirements except that they must show that they were in occupation of the whole of the agricultural unit.
- 6.8. Unless the 'blighted land' is subject to a compulsory purchase order, the claimant must show that they have made reasonable endeavours to sell the land at a realistic 'unblighted' price and that they have been unable to do so except at a substantially lower price. There is no standard marketing requirement or defined period of time that such marketing should take place, nor is there any definition of what constitutes "substantially lower". If challenged by the relevant authority, then it is a matter of judgement of the Upper Tribunal (Lands Chamber). In this case, once the CPO has been sealed and made by the Council, there will be no need to evidence this element.
- 6.9. It is not considered that any properties present a threat of Statutory Blight on this Scheme. There are no residential properties online of the Scheme and non-residential land is not subject to the occupancy requirements that would result in a qualifying interest, . To the extent that any Statutory Blight Notice be served on the Council, the contingency within the Scheme budget allows for these notices to be appropriately dealt with in accordance with statutory provisions.

7. Implications of the Recommendations

7.1. Legal Implications

- 7.1.1. The Council is the Local Highways Authority (the "LHA") for the area in which the Order Land is situated. By virtue of Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (as amended) 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 to the

Acquisition of Land Act 1981, the Council has the power to acquire compulsorily any land and new rights in its area for highway purposes.

- 7.1.2. In resolving to make the CPO and the SRO, the Council would be proceeding under powers contained in the Highways Act 1980, authorising the compulsory purchase of land and new rights required to deliver the Scheme, together with improvements, stopping up of highways, rights of way and private means of access and providing replacement of private means of access.
- 7.1.3. Part XII of the Highways Act 1980 includes a number of CPO powers to support the delivery of highways. These include the following:
 - 7.1.3.1. Section 239 of the 1980 Act pursuant to which the highway authority for the area may acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense, as well as any land required for the improvement of a highway.
 - 7.1.3.2. Section 240 of the 1980 Act, pursuant to which the highway authority may acquire land required for use in connection with construction or improvement of a highway and the carrying out of a diversion or other works to watercourses.
 - 7.1.3.3. Section 246 of the 1980 Act pursuant to which the highway authority can acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them has or will have on the surroundings of the highway.
 - 7.1.3.4. Section 249 of the 1980 Act prescribes distance limits from the highway for the acquisition of land for certain purposes.
 - 7.1.3.5. Section 250 of the 1980 Act allows the highway authority to acquire rights over land, both by acquisition of those that are already in existence, and by the creation of new rights.
 - 7.1.3.6. Section 260 authorises the clearance of the title to land already held by the Council and required for the scheme and which might otherwise interfere with the Council's activities in exercising its statutory powers to construct the works.
- 7.1.4. The delivery of the Scheme will require the Council to make a CPO using the powers set out above.
- 7.1.5. According to the Guidance, compulsory purchase powers should only be used where there is a compelling case in the public interest that the benefits of the scheme outweigh the interference with private rights and interests. Compulsory purchase powers are only

to be used as a last resort and the land proposed to be acquired should be the minimum considered to be reasonably required to achieve the selected design option.

- 7.1.6. In submitting the CPO to the Secretary of State for Transport for confirmation, the Council must demonstrate that there are no impediments to implementation of the CPO. To do so, the Council must provide substantive information as to the sources of funding available for both acquiring the land and implementing the Scheme for which the land is required.
- 7.1.7. In order to progress the Scheme, the Council will be required to underwrite and forward fund the Scheme costs as detailed below in 7.2.2, until all third-party funding has been received, this therefore remains as a risk to the Council.
- 7.1.8. In addition to the Guidance, guidance included in Department for Transport Circular 2/97 is also relevant to CPOs made under Highways Act powers. This provides that the Secretary of State for Transport will not confirm a CPO unless he is satisfied that there are no impediments to the Scheme.
- 7.1.9. The Council must also show that the Scheme is unlikely to be blocked by any physical or legal impediments to implementation; including any need for planning permission or any other agreement, consent or licence that may be required by the Scheme.
- 7.1.10. An order under section 14 of the 1980 Act authorises a highway authority to stop up, improve, raise, lower or otherwise alter a highway that crosses or enters the route of a classified road. It also provides for the construction of new highways for purposes concerned with any such alterations or related purposes. Section 125 of the 1980 Act provides that a SRO may authorise the highway authority to stop up private means of access to premises and to provide new means of access to premises. In all instances where stopping up of either highway or private means of access is proposed, the Secretary of State must be satisfied that either no access to premises is reasonably required or that other reasonably convenient means of access to the premises are available to the premises or will be provided. Circular 1/97, as referred to above, is also of relevance to side roads orders.
- 7.1.11. Included as Appendix E is the draft of the Statement of Reasons, which provides a detailed justification for the CPO and the SRO and sets out why officers believe there is a compelling case in the public interest for making all of these orders. Committee is requested to consider the matters set out in the draft Statement of Reasons in coming to a decision on whether to authorise the use of compulsory purchase powers and to proceed with the SRO.

- 7.1.12. In order to mitigate the adverse effects on the surroundings of a highway of its construction, improvement or use, Section 253 of the Highways Act 1980 authorises the Council as highway authority to enter into agreements with landowners of land adjoining or in the vicinity of the highway, restricting or regulating the use of that land either permanently or for a specified period.
- 7.1.13. The Council has powers to purchase land by agreement pursuant to section 120 of the Local Government Act 1972.
- 7.1.14. As a result of any Schedule 13 trigger event, Statutory Blight will be triggered and any Statutory Blight Notices received will need to be dealt with by the Council. A key financial implication is dealing with issues of Statutory Blight pursuant to Part VI, Chapter II and Schedule 13 of the Act. Statutory Blight affects those properties that are 'on-line' of the scheme where their purchase (or part thereof) is required for the scheme.
- 7.1.15. One of the key tenets of Statutory Blight is that there are defined legislative timescales for processing Statutory Blight Notices that are lodged. These timescales cannot be extended and require action to be taken promptly.
- 7.1.16. From the date of service of a Statutory Blight Notice, the Council has a period of two calendar months within which to respond. That response may be acceptance of the Statutory Blight Notice or objection by way of a Counter-Notice. It is key to note that even if a Statutory Blight Notice is not considered valid (i.e., the land is not blighted or the qualifying and/or legislative criteria has not been met) the Council must still respond to it in accordance with the process outlined below.
- 7.1.17. Acceptance of a Statutory Blight Notice results in what is termed a "deemed Notice to Treat". This compels the Council to purchase the entirety of the claimant's interest subject to agreeing the compensation payable. The compensation is assessed in accordance with the Compensation Code, being the compensation principles derived from statute and case law. This extends to more than just the market value of the land, with additional heads of claim being available. If agreement cannot be reached on the level of compensation, either party has the ability to refer the determination of compensation to the Upper Tribunal (Lands Chamber), who will give a binding judgment on the issue. The Upper Tribunal (Lands Chamber) is part of the justice system, administered by Her Majesty's Courts and Tribunals Service, which decides disputes concerning land.
- 7.1.18. It is key to note that although only part of a property may be "on-line" of a scheme, a Statutory Blight Notice relates to the entirety of the claimant's interest and so may compel the Council to acquire more

than is necessary for the scheme in question.

- 7.1.19. The Council is also able to use one or a number of the statutory grounds for Counter-Notice contained within the Act to oppose a Statutory Blight Notice. There are seven Counter-Notice grounds and the ability to use them depends upon the nature of the land required and which Schedule 13 trigger event the claimant has utilised. Any Counter-Notice must be served within two calendar months of the service of the Statutory Blight Notice and the Counter-Notice grounds must be carefully considered, as they cannot be amended once the Counter-Notice is lodged.
- 7.1.20. A claimant has one month to respond to a Counter-Notice. Such response can either be acceptance of the Counter-Notice, at which point the Statutory Blight issue falls away, or a reference to the Upper Tribunal (Lands Chamber) to have the issue of Statutory Blight determined. If the Tribunal finds in favour of the claimant and reject the Council's Counter-Notice, this also results in a "deemed Notice to Treat" and the Council is compelled to purchase the entirety of the claimant's interest.
- 7.1.21. It is understood that none of the properties or land affected by the Scheme could be considered to qualify for statutory blight for the following reasons;
- The Scheme does not require any land from any residential properties within third party ownership that would qualify as an interest.
 - The planning application for the scheme and the published route alignment do not extent to any residential properties.
 - The Scheme does not affect any commercial premises with a Rateable Value of less than £36,000.
- 7.1.22. Wider impacts of the Scheme on business and residential property that are off-line of the Scheme will be dealt with under Part 1 of the Land and Compensation Act 1973 ('Part 1 Claims'). A Part 1 Claim can be applied for one year and one day following completion of the scheme and covers claims relating to noise, vibration, smell, fumes, smoke, artificial lighting and discharge (run off from highway) as a result of the construction and use of the Scheme.
- 7.1.23. In addition, the Council may have to consider any claims that may arise for compensation for the severance and injurious affection of the land under the Compulsory Purchase Act 1965.
- 7.1.24. The current Scheme budget includes an allocation for any compensation claims that may arise.

7.2. Finance Implications

- 7.2.1. The Council's overall expenditure on the Scheme continues to be expected to be £68.7m as reported to Cabinet in May 2020.

| | £m | | £m |
|--|-------------|-----------------------------------|--------|
| DfT Grant (inc. £1.8m received to date) | 55.1 | | |
| Local Contribution | 13.6 | Made up as follows: | |
| | | Secured S106 contributions (Paid) | 1.6 |
| | | Signed S106 contributions | 0.8 |
| | | Anticipated S106 contributions | 4.3 |
| | | CEC capital contribution | 6.9 |
| | | (Local contribution Total) | (13.6) |
| Total Funding | 68.7 | | |

- 7.2.2. The Scheme aims to maximises reliance on local funding sources, referred to as the Local Contribution from third part developer sources.
- 7.2.3. Third party contributions are estimated based upon current or committed section 106 developer agreements (or equivalent). Overtime the proportion of third-party funding is likely to change in response to development activity in the local area. For this reason, the local funding contribution has been shown as a combination of both Council and third-party funding. Any change in either element will have a direct impact on the funding obligation arising from the other source.
- 7.2.4. As the project proceeds, there will be a requirement for the Council to continue to forward fund the Scheme, pending completion of the Full Business Case and release of Department for Transport capital grant. In order to do so approval will be sought from this Committee prior to the submission of the Full Business Case to the DfT which will detail all of the financial implications for the Scheme.
- 7.2.5. To date S106 developer contributions to the Scheme paid amount to £1.6m and a further £0.8m is secured but not yet paid. A further £4.3m is anticipated. The funding strategy for the scheme is to maximise the value of S106 contributions however, there is no guarantee that these developments will come forward or even if they do, that all predicted funding will be collected. The Council will be required to forward fund the full contribution until such time as S106 contributions become payable.
- 7.2.6. It is the intention that proposed developments in the local area that will benefit from the Scheme will provide a financial contribution to the overall cost of the Scheme. For example, the South Cheshire Growth Village which is on Duchy of Lancaster land is a strategic development

which has been allocated in the Council's Local Plan Strategy. The Local Plan Strategy contains a policy for the development to contribute to the improvement of the A500. It is therefore expected that contributions will be made to this Scheme by way of planning obligations secured in section 106 agreements if the associated development is consented.

- 7.2.7. Officers are continuing to pursue alternative funding sources, including developer contributions, which could be used towards the Local Contribution. This approach will be retained, ensuring that the call on Council resources is minimised.
- 7.2.8. In the scenario where a Full Business Case is submitted but grant funding is not approved by DfT and the Scheme cannot progress, the Council will be exposed to funding £68.7m, excluding the £1.8m provided by DfT to develop the Outline Business Case. Based on the current scheme estimates and forecasts, the estimated financial exposure in this event would amount to approximately £9.2m which would need to be funded from revenue. The £1.8m grant received from DfT towards Outline Business Case development is not refundable.

7.3. Policy Implications

- 7.3.1. In making the CPO, the Council must have regard to national policy, the development plan and other relevant local policy and guidance. The relevant national planning policy is contained in the National Planning Policy Framework and the relevant Development Plan, which comprises the Cheshire East Local Plan Strategy ("the Local Plan"). There is strong alignment between the priorities that have been defined at the local and sub-regional level, and those that underpin the Government's transport policy at a national level. This includes the need to build a strong and competitive economy, enhance connectivity and access to employment opportunities.
- 7.3.2. The need for the Scheme is clearly established in the Local Plan, identifying from the outset the need to improve transport connections to deliver the Local Plan, including the Scheme. Dualling of the A500 is a key component of the Council's overall plan to support the regeneration and development of Crewe. The scheme supports the aim to deliver environmental, social and economic benefits to residents of the Town. It is clear that the Scheme development and appraisal is consistent with another of the Government's core objectives: to provide value for money in the provision of major transport infrastructure.
- 7.3.3. The Scheme is thus considered to be in line with local policy and essential for the delivery of the future economic growth plans of Cheshire East Council.

- 7.3.4. A detailed analysis and consideration of the policy context is set out in the CPO and SRO draft Statement of Reasons.

7.4. Equality Implications

- 7.4.1. All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. This means that they must have 'due regard' or think about the need to:
- 7.4.1.1. eliminate unlawful discrimination
 - 7.4.1.2. advance equality of opportunity between people who share a protected characteristic and those who don't
 - 7.4.1.3. foster or encourage good relations between people who share a protected characteristic and those who don't
- 7.4.2. Having 'due regard' means public authorities must consciously consider or think about the need to do the three things set out in the public sector equality duty.
- 7.4.3. In exercising their compulsory purchase and related powers (e.g., powers of entry and powers to make side road orders) acquiring authorities must have regard to the effect of any differential impacts on groups with protected characteristics.
- 7.4.4. Equality implications have been considered in the options appraisal and are incorporated into the Outline Business Case. It is not considered that any group with protected characteristics are adversely affected when it comes to the application of the Public Sector Equality Duty.
- 7.4.5. In progressing the Orders and carrying out any further consultations the Council will take into account the needs of persons with protected characteristics and the requirements of the Public Sector Equality Duty.

7.5. Human Rights Implications

- 7.5.1. In deciding whether to proceed with the CPO and SRO, Members will need to consider the Human Rights Act 1998 and Article 1 of the First Protocol and Article 8 to the European Convention on Human Rights.
- 7.5.2. Article 1 protects the rights of everyone to the peaceful enjoyment of their possessions. No person can be deprived of their possessions except in the public interest and subject to national and international law.
- 7.5.3. Article 8 protects private and family life, the home and correspondence. No public authority can interfere with this interest except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.
- 7.5.4. Members will need to balance whether the exercise of these powers

OFFICIAL

are compatible with the European Convention on Human Rights. In weighing up the issues it is considered that the acquisition of land which will bring benefits to the residents and businesses that could not be achieved by agreement and this outweighs the loss that will be suffered by existing landowners. The CPO and SRO will follow existing legislative procedures.

7.5.5. All parties have the right to object to the making of the Orders and attend a local Public Inquiry arranged by the Secretary of State. Parties not included in the CPO may be afforded that right to make representations to the Inquiry if the inspector agrees.

7.5.6. The decision of the Secretary of State can be challenged in the High Court, an independent tribunal, for legal defects. Those whose land is acquired will receive compensation based on the Compensation Code and should the quantum of compensation be in dispute the matter can be referred to the Upper Tribunal (Lands Chamber) for independent and impartial determination.

7.5.7. The Courts have held that this framework complies with the Convention on Human Rights. Accordingly, officers are of the view that a decision to proceed with the recommendation on the basis that there is a compelling case in the public interest would be compatible with the Human Rights Act 1998 and any interference with individual rights is justified having regard to the purposes of the acquisition.

7.6. Human Resources Implications

7.6.1. It shall be necessary to ensure that sufficient resource is allocated in Estates, Highways, Legal and Planning Services to support delivery of the Scheme. If additional temporary resources are required these will be met from the project budget.

7.7. Risk Management Implications

7.7.1. Key risks to the Council continue to relate to the affordability of the Scheme and this will be addressed through the continued development of the funding strategy.

7.7.2. The Council will be required to accept all responsibility for cost increases beyond the cost envelope provided within the Business Case that is approved for funding by the Department for Transport. This decision is at the Full Business Case stage, which is currently anticipated in 2022.

7.7.3. Until the point at which the Department for Transport make their final investment decision based on the Full Business Case, any Council funding of Scheme development is at risk

7.7.4. Risk management issues are unchanged from previous Cabinet

reports. A risk register has been produced in the preceding stages of the project development and this is reviewed and updated through all stages of the works. Capital cost risks are informed by a comprehensive qualitative risk assessment.

7.7.5. A major risk for any highway scheme is land assembly and any substantive delay to this is likely to adversely impact on the project programme and the start of the construction programme.

7.7.6. The financial estimate for the Scheme has ensured there is included a budget for costs associated with any early acquisitions, including payment of professional fees incurred by affected landowners, required to meet the programme for starting construction. Where possible the Council shall enter into early option agreements to acquire land to mitigate the costs associated with the early acquisitions.

7.7.7. Governance arrangements for the scheme have been operating within the strategic infrastructure project management framework and a risk register and issues of logs are in place, which include monitoring an effective control of identified risks on issues.

7.7.8. The assumed funding from section 106 agreements is not all secured so there remains a funding risk. Mitigation of this risk is under way via close working with the planning team and negotiations with developers to ensure that sufficient contribution will be secured. There is also a risk of contributions not coming forward even though they have been secured in section 106 planning applications. The securing of section 106 contributions is a decision of the local planning authority and these projections are subject to the decision of the local planning authority when it considers the relevant planning applications. Based upon the Outline Business Case approval letter received from the Department for Transport (DfT) in June 2020, the Council has exposure to all scheme costs beyond the £55.1m proposed DfT grant fund (subject to DfT Full Business Case approval).

7.7.9. In April 2020, a revised planning application for the scheme was submitted (application reference: 20/1709N). At the Strategic Planning Board in August 2020, the application was resolved to be approved, subject to confirming the final amount of biodiversity off-setting. In addition, there was an outstanding objection by the Environment Agency (EA) regarding the detail of the Barthomley Brook culvert. The EA has now confirmed that they broadly accept the proposals and the delivery team are working with the EA to close out this objection. As indicated in the Legal Implications section above, the Secretary of State's policy is not to confirm the CPO before planning approval is granted.

7.7.10. There are some significant services that cross the Scheme, such as a Mainline Pipelines Ltd fuel oil pipeline, and two National Grid high pressure gas mains. A developed cost estimate, including risk, is included in the overall Scheme Cost Estimate, but further work is

required to confirm those estimates, and to fully understand the requirements of the utility companies as Statutory Undertakers.

- 7.7.11. The Council will be required to forward fund the whole of the local contribution and to underwrite third party contributions expected through Section 106 (S106) agreements, as developer contributions may take many years to collect. The current estimate of funding from S106 agreements is in the range £2.4m to £6.7m, based on developments that could be released by the Scheme as set out in the Local Plan Strategy. The funding strategy for the scheme is to maximise the value of S106 contributions however, there is no guarantee that these developments will come forward or even if they do, that all predicted funding will be collected.
- 7.7.12. Should the Scheme not be completed the A500 will continue to be a congestion constraint for traffic travelling between the south of Crewe and the M6 and the wider Cheshire East, Stoke and Staffordshire region.

7.8. Rural Communities Implications

- 7.8.1. As the Scheme is a widening of an existing road, it will not introduce any new severance of existing farms or communities. There are some existing field gates that access directly on to the A500 and these will have to be closed once the road becomes a dual carriageway on safety grounds. Appropriate alternative accesses will be provided, as required, as part of the Scheme.
- 7.8.2. Similarly, there are crossing points for public rights of way that will be closed. The Scheme includes diversions for these footpaths to maintain connectivity, and the stopping up of paths where they lead directly to the road
- 7.8.3. There will be some impact during the construction phase because the two bridges over the A500 will need to be demolished and replaced. One or other of these routes will remain open at all times during the works and appropriate diversion routes will be provided.
- 7.8.4. The Scheme planning applications provide a comprehensive Environmental Assessment which considers the effect on the rural community. This assessment will include impacts such as noise, air quality, visual impact plus the Scheme's effects of Public Rights of Way and non-motorised users, i.e., pedestrians, cyclists and equestrians.

7.9. Implications for Children & Young People /Looked After Children

- 7.9.1. The Delivery Agreement included a comprehensive framework to capture local Social and Community Value throughout the project.

OFFICIAL

Opportunities to engage with local schools and colleges will arise as the Scheme progresses for education and training purposes. The means by which young people can be encouraged to participate in the consultation process will be considered as part of the Consultation and Engagement Plan.

7.10. Public Health Implications

7.10.1. The public health implications of the Scheme were considered during planning through preparation of an Environmental Assessment to accompany the planning application. Cheshire East Council's Environmental Health team were consulted and raised no objections in relation to Noise, Air Quality and Contaminated Land subject to conditions.

7.10.2. The Scheme will have environmental benefits, through reducing traffic congestion, improving travel times and reliability.

7.11. Climate Change Implications

7.11.1. The proposed scheme has been subject to a comprehensive Environmental Appraisal as part of the statutory planning process. This has demonstrated the wider environmental and ecological impact of the Scheme and the actions, necessary steps and responsibilities for implementing mitigation.

7.11.2. Climate change implications are considered and reported upon in the Environmental Statement and apply particular focus to flood risk, biodiversity and ecological networks, and greenhouse gas emissions. The scheme maintains coherent ecological networks and generates biodiversity net gain. The scheme is designed to not be impacted by floods with an annual probability of occurrence of 1% with additional allowances for more severe flooding consistent with nationally adopted guidance. The increase in carbon as a result of the scheme compared to UK National Emissions shows that overall, it forms a very small contribution to carbon.

7.11.3. The proposed Scheme is embedded in the Local Plan Strategy, which has been subject to Examination in Public by the Planning Inspectorate. The Local Plan has been deemed to be a robust plan for sustainable development across the borough. The scheme contributes to this overall plan for sustainable growth in Cheshire East by enabling growth through improved connectivity and reducing adverse impacts of traffic and travel.

7.11.4. The existing habitat affected by the scheme is of limited ecological value with the largest areas comprising broad-leaved plantation woodland created during the original construction of this stretch of the A500 in the 1980s. The ecological impact of the scheme as determined through the planning process indicates that the scheme provides a

biodiversity net gain.

8. Ward Members Affected

- 8.1. The strategic nature of the Scheme will mean that journeys from multiple wards will be affected.
- 8.2. The Scheme itself is situated in Haslington Ward. The local ward members for Haslington are Cllr Mary Addison and Cllr Steven Edgar.

9. Consultation & Engagement

- 9.1. The Pre-Planning Application Consultation has been undertaken. Planning permission was granted on 24th April 2019 for the original application for the A500 dualling (application reference: 18/3766N).
- 9.2. Following the approval of the planning permission, the construction contractor identified a number of changes required to the design of the Approved Scheme and in April 2020, a planning application for the amended scheme design was submitted (application reference: 20/1709N). At the Strategic Planning Board in August 2020, the application was resolved to be approved, subject to confirming the final amount of biodiversity off-setting. In addition, there was an outstanding objection by the Environment Agency regarding the detail of the Barthomley Brook culvert.
- 9.3. A number of further design changes were subsequently identified, including the re-alignment of Barthomley Brook following ongoing discussions with the Environment Agency. These additional amendments and assessments were submitted to the local planning authority in November 2021 to be incorporated into the pending planning application reference: 20/1709N. The planning officer is carrying out a consultation on the amended design and will prepare a short report for the planning committee chair/development control manager to agree.

10. Access to Information

- 10.1. The background papers relating to this report can be inspected by contacting the report writer.

11. Contact Information

- 11.1. Any questions relating to this report should be directed to the following officer:

Name: Chris Hindle

Job Title: Head of Infrastructure

Email: chris.hindle@cheshireeast.gov.uk

[Background documents](#)

OFFICIAL

| Meeting | Purpose of the report |
|---|--|
| <p>Cabinet 9th May 2017</p> <p>http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=241&MId=6111&Ver=4</p> <p>item 136</p> | <p>Approve the Scheme objectives and the preferred route option to provide a Dual Carriageway of the A500 and approval of further scheme development.</p> |
| <p>Cabinet 12th June 2018</p> <p>http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=241&MId=7076&Ver=4</p> <p>item 8</p> | <p>Approve the submission of the Outline Business Case for the scheme to the DfT and to authorise officers to take all necessary actions to progress the scheme to the point of a decision from DfT on the Full Business Case.</p> |
| <p>Cabinet 15th January 2019</p> <p>http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=241&MId=7082&Ver=4</p> <p>item 79</p> | <p>Authoriser putting in place a contract with Balfour Beatty to provide works and services necessary for the scheme and completion SRO and CPO.</p> |
| <p>Cabinet 9th July 2019</p> <p>http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=241&MId=7458&Ver=4</p> <p>item 23</p> | <p>Authorise the use of the powers of compulsory purchase to undertake the acquisition of land and new rights required for the construction of the Scheme.</p> |
| <p>Cabinet 5th May 2020</p> <p>http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=241&MId=7467&Ver=4</p> <p>item 131</p> | <p>Authorise the use of powers of Compulsory Purchase to undertake the acquisition of land and new rights required for the construction of the Scheme reflecting the revised land requirement necessary to deliver the Scheme.</p> |

Appendices

| | |
|------------|--|
| Appendix A | Draft- plans referred to in The Cheshire East Council A500 Dualling- Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2022 |
| Appendix B | Draft- The Cheshire East Council (A500 Dualling)- Meremoor Moss Roundabout to M6 Junction 16 (Classified Road) (Side Roads) Order 2022 |

| | |
|------------|---|
| Appendix C | Draft – plans referred to in The Cheshire East Council (A500 Dualling- Meremoor Moss Roundabout to M6 Junction 16) Compulsory Purchase Order 2022 |
| Appendix D | Draft - The Cheshire East Council (A500 Dualling- Meremoor Moss Roundabout to M6 Junction 16) Compulsory Purchase Order 2022 |
| Appendix E | Draft Statement of Reasons |
| Appendix F | Confidential and Exempt Information |