

# Corporate Policy Committee

## Supplementary Agenda

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**Date:** Wednesday, 6th August, 2025

**Time:** 5.30 pm

**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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- a) **Middlewich Eastern Bypass - 2025-26 Grant Allocation Acceptance**  
(Pages 3 - 22)

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chair of the Corporate Policy Committee has agreed that this item can be considered as an item of urgent business as it cannot wait until the next scheduled meeting of Council / Highways and Transport Committee.

To consider the urgent item of business.

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OPEN

## **Corporate Policy Committee**

**06 August 2025**

### **Middlewich Eastern Bypass – 2025-26 Grant Allocation Acceptance**

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**Report of: Phil Cresswell, Executive Director of Place**

**Report Reference No: CPC/46/25-26**

**Ward(s) Affected: Middlewich and Brereton Wards**

**For Decision**

#### **Purpose of Report**

- 1 To approve the acceptance of a capital grant of £23,475,881 from the Department for Transport (“DfT”) towards the Middlewich Eastern Bypass Scheme (“MEB”, or “the Scheme”) which represents the 2025-26 allocation (Appendix 2) with further grants of £22.876M and £0.428M expected in 2026/27 and 2027/28, respectively (Appendix 1), and further decisions will be sought to accept these grants.
- 2 To outline the further decisions that will be sought from Full Council and the Highways and Transport Committee over the coming months ahead of entering into a construction contract for the Scheme.

#### **Executive Summary**

- 3 DfT has approved the final business case (FBC) for the MEB Scheme and has approved a total of £46.8M of capital grant funding towards the scheme which will be subject to yearly grant allocations as per the DfT letter dated 8 July 2025 (Appendix 1).
- 4 Acceptance of the first tranche of grant funding of £23,475,881 is required by 13 August 2025 as per the DfT letter dated 23 July 2025 (Appendix 2).
- 5 Acceptance of this initial grant allocation does not compel the Council to deliver the Scheme or accept future grants. Future decisions will be sought from Full Council and the Highways and Transport Committee

once an updated target cost estimate is known, and the Scheme can demonstrate affordability.

- 6 If the Council does not accept the 2025/26 grant or defers the decision such that the DfT return deadline cannot be met, DfT may withdraw their grant funding towards the MEB. As a result, the scheme would be unaffordable and could not proceed. Consequently, the Council would need to write off c£27M of sunk costs to revenue. As the £27M write off to revenue would be greater than available General Fund Balance of £6.3M this would render the 2025/26 revenue budget illegal, requiring the Section 151 Officer to issue a Section 114 notice.

#### RECOMMENDATIONS

The Corporate Policy Committee is recommended to:

1. Authorise the Executive Director of Resources and Section 151 Officer to:
  - a. accept the initial DfT Capital Grant allocation of £23,475,881 towards the MEB.
  - b. sign and return the 25/26 grant Letter by the DfT deadline of Wednesday 13 August 2025.
  - c. certify the acceptance of the final business case approval as included in the letter dated 8 July 2025
2. Authorise the Executive Director of Place to confirm in writing that the Council accepts the conditions of the final business case approval (Active Travel Requirements) as included in the letter dated 8 July 2025.
3. Note that:
  - a. further Grant allocations are expected in 2026/7 and 2027/28 and acceptance of these will be subject to future decisions;
  - b. the acceptance of the grant and current estimated cost of the scheme will be reported to Finance Sub Committee, and a decision taken at this committee to approve a Supplementary Capital estimate before being recommended to Full Council.
  - c. a report will be taken to a future Highways and Transport Committee to seek the necessary approvals to commence construction once an updated target cost estimate is known and the Scheme is proven to be affordable.
  - d. A decision to not accept the grant would mean accumulated costs of c.27M would be written to the General Fund making the budget illegal due to insufficient resources to fund expenditure.

## Background

- 7 MEB was originally a developer led scheme. However, to ensure its successful delivery, the Council took over ownership and responsibility for MEB from POCHIN in 2016. The Council has since led the design development, planning, CPO process and business case development of the scheme over the past 9 years. A summary of the history and key milestones of the Scheme is included in Appendix 3.
- 8 In September 2023, the Council submitted a final business case (FBC) for MEB to DfT for approval. Following engagement with DfT, further work was undertaken to respond to DfT requests and provide further information. An updated FBC was submitted to DfT for approval in September 2024.
- 9 At this point the Scheme cost estimate was £97.3M of which c.£27M had already been incurred by the Council. These costs include land, design and advance construction elements. These costs would be abortive if the Scheme did not proceed to full construction.
- 10 The DfT confirmed by letter on the 8 July 2025 that the FBC for the MEB had been accepted and that a grant of £46.78M towards the Scheme would be awarded to the Council. There is a requirement for the Council to accept the terms of this letter.
- 11 This announcement was delayed from the expected date in February, meaning that the Scheme could not start in 2025 as planned, impacting the assumptions underpinning the FBC tender costs.
- 12 This delay has caused inflationary pressures and this, along with the need to repeat some contract preparation works, has resulted in a significant increase in the Scheme cost estimate.
- 13 However, now that the DfT decision has been announced, a critical piece of work is underway to update the contractors target cost for construction based on a Spring 2026 start. Consequently, a new contractors cost for the Scheme will be available from November 2025. A decision to proceed with the construction of the Scheme will be taken only after we have a contractor's cost.
- 14 To avoid the need for any additional borrowing on top of what is already approved in the MTFS it is proposed, subject to future decisions to proceed, to use other ringfenced transport funding – for example the recently announced Local Transport Grant, capital receipts and a virement from existing committee budgets which will be included within the Highways and Transport Committee approvals.

- 15 The exact construction programme is still to be determined, but a high-level assessment indicates that the Scheme could start on site in Spring 2026 with a construction programme of c30 months.
- 16 Prior to a decision to let the full construction contract it may prove necessary for some advance, seasonally restrictive work to be undertaken to deliver programme and cost efficiencies. This assessment is now underway. These will be taken under delegations from previous committee decisions and justified and evidenced in the usual way.
- 17 The DfT grant funding will be paid over three years with the following profile, £23.476M (25/26) £22.876M (26/27), £0.428M (27/28). On 23 July 2025, the Council received a Grant Letter for the 2025/26 allocation of £23,475,881.
- 18 DfT has requested that the Council accept the 2025/26 allocation by 13 August 2025, via the return of the letter signed by the Council's Section 151 Officer.
- 19 Acceptance of the 2025/26 grant allocation does not constitute acceptance of the full DfT grant towards MEB and future year's allocation will be subject to further grant letters which will each need to be accepted. Therefore, acceptance of the grant in stages does not trigger any 3rd party obligations or compel the Council to ultimately build the Scheme.
- 20 The next governance steps will be for the Council to include the revised estimated budget into the MTFS at Full Council (following a recommendation from Finance Sub Committee when it next meets) via a supplementary capital estimate with the decision to contract to build the scheme at the January 2026 Highways and Transport Committee (Post revised contractors' tender cost)

## **Consultation and Engagement**

- 21 MEB has been subject to extensive consultation and engagement over its development to FBC submission. No further or specific consultation or engagement is required for the decisions being sought in this report.

## **Reasons for Recommendations**

- 22 The MEB will improve the highway network in Middlewich by relieving congestion and road safety concerns in Middlewich town centre, improving journey times on the wider highway network and will enable the full development of Strategic Location LPS 44 (Midpoint 18) in the adopted Local Plan Strategy. The Scheme will support the delivery of 1,950 new homes and the creation of an estimated 6,500 jobs.

- 23 The DfT grant funding is essential funding component to support the successful delivery of the Scheme. The Scheme cannot progress to delivery without acceptance of the 2025/26 grant allocation and subsequent years' allocations. If the Scheme is unable to proceed, the £27M of work to date would be abortive and the Council would be required to write off these costs through the revenue budget account.

### Other Options Considered

Option	Impact	Risk
Do nothing	The Council does not accept the 2025/26 grant allocation.	DfT may withdraw their grant funding towards the MEB. The scheme cannot proceed, and the Council would need to write off £27M of sunk costs.
The Council accepts the 2025/26 grant allocation	The full DfT grant remains a funding source to underpin future decisions to progress.	If the Council chooses not to progress the Scheme, it will be required to return the full grant to DfT.

### Implications and Comments

#### *Monitoring Officer/Legal/Governance*

- 24 For the Scheme to progress it is necessary for the DfT grant to be accepted and the associated supplementary estimates and virements carried out to allow for the money to be spent. Normally authority would be sought from Full Council however, due to the timing issues of the committee cycles it is necessary to seek a decision from this committee. With a later decision being made by the Highways and Transport Committee.
- 25 Accepting the Grant offer does not compel the Council to proceed to construct the Scheme. This grant offer is only for a proportion of the full amount requested and therefore should not act as a trigger for any associated land transactions.
- 26 The DfT reserves the right to seek reimbursement from the Council of any payments made relating in respect of the grant award if the scheme is not constructed.

- 27 The Compulsory Purchase Order was made on 12 January 2022 and confirmed by the Secretary of State for Transport on 6 June 2023. The Council needs to exercise the compulsory purchase powers within 3 years of the Orders being confirmed i.e. before 6 June 2026. The Council will need to determine if it is going to acquire the land necessary for the Scheme by serving notice to treat or exercising a General Vesting Declaration. Under either process the Council is required to give no less than 3 months' notice of the taking of the possession of the land. Therefore, to meet these strict timelines, it will be necessary for the Council to have served any notices before end of February 2026. If the Council's fails to serve any notices or make the General Vesting Declaration within the 3-year period, it will not be able to rely upon CPO as it will have expired.
- 28 The Council needs to be mindful that compensation payments and interest on them commence as soon as the Council has acquired the land.
- 29 The Council needs to ensure that it can afford the Scheme, despite receiving DfT grant monies the Council will still be expected to forward fund the anticipated s106 monies and make a local contribution.

*Section 151 Officer/Finance*

- 30 The Middlewich Eastern Bypass is included within the Capital Programme published as part of the 2025-2029 Medium Term Financial Strategy (2025 MTFS) and its current reported approved budget is £96.6m plus a further £1.34m of budget relating to MEB that sits within assets, in total £97.94m.
- 31 To date the project has spent £27.68m, with over £24m of this currently being funded through prudential borrowing.
- 32 If the scheme does not proceed to construction the abortive costs to date would need to be accounted for as revenue expenditure.
- 33 The grant offer of £46.78m represents the maximum amount that the DfT will provide for the project on top of an earlier allocation of £1.257m. Rather than provide the funding in a single tranche DfT have chosen to provide the funding over three years with a separate grant determination for each year. This decision, whilst accepting the allocation as a whole, is specifically accepting the 2025-26 allocation by way of Section 31 of the Local Government Act 2003, £23.476m.
- 34 The funding comes with certain grant conditions that the Authority need to adhere to. The grant is capital and can be used only for the purposes for which it has been given. There is a requirement for the Chief



Executive and Chief Internal Auditor to provide a written declaration upon completion that all conditions have been adhered to.

- 35 Acceptance of the grant is deemed to be acceptance of the terms and conditions attached to the grant. The Authority's Chief Finance Officer is required to sign and return a declaration upon acceptance of the grant to confirm that the Council understands and accepts the conditions.
- 36 No further prudential borrowing can be incurred as a result of this programme. Cost overruns must be absorbed, value engineered or funded from other means. The Council's revenue budget, for the past two years, has been supported by Exceptional Financial Support through a capitalisation direction. This means that the Council has borrowed to fund day-to-day expenditure.
- 37 Any further financial changes to this scheme must be reported to the Finance Sub-Committee at the earliest opportunity following consultation with the Section 151 Officer.

#### *Human Resources*

- 38 There are no direct implications from the recommendations in this report.

#### *Risk Management*

- 39 If Council does not accept the 2025/26 grant or defers the decision such that the DfT return deadline cannot be met, DfT may withdraw their grant funding towards the MEB. As a result, the scheme would be unaffordable and could not proceed. Consequently, the Council would need to write off £27M of sunk costs.

#### *Impact on other Committees*

- 40 The decision to accept the grant is necessary to proceed to the necessary decisions of Highways & Transport Committee required to progress the Scheme to construction.

#### *Policy*

<b>Commitment 1: Unlocking prosperity for all</b>
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Communities connected through an improved, accessible rural and urban transport network including active travel
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#### *Equality, Diversity and Inclusion*

- 41 There are no direct implications from the recommendations in this report.

*Other Implications*

- 42 There are no direct implications from the recommendations in this report.

*Consultation*

<b>Name of Consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
<i>Statutory Officer (or deputy) :</i>			
Ashley Hughes	S151 Officer	31/07/25	01/08/25
Janet Witkowski	Acting Monitoring Officer	31/07/25	01/08/25
<i>Legal and Finance</i>			
Mandy Withington	Principal Lawyer	31/07/25	31/07/25
Aaron Lecroy	Principal Finance Officer		
<i>Executive Directors/Directors</i>			
Phil Creswell	Exec Director Place	01/08/25	01/08/25

<b>Access to Information</b>	
Contact Officer:	Paul Griffiths Paul.griffiths@cheshireeast.gov.uk

Appendices:	<p>Appendix 1 – MEB Grant Announcement, 8 July 2025</p> <p>Appendix 2 – 2025/26 Grant Determination, 23 July 2025</p> <p>Appendix 3 – Scheme history and milestones</p>
Background Papers:	None.

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## Department for Transport

Paul Griffiths  
Infrastructure Delivery Manager  
Cheshire East Council  
Delamere House  
Delamere Street  
Crewe  
CW1 2LL

James Henderson  
Policy and Delivery Manager  
Road Investment, Strategy and  
Environment (RISE) Division  
Department for Transport  
3<sup>rd</sup> Floor, Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Direct Line: 07977 435 785  
James.Henderson@dft.gov.uk

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

8 July 2025

Dear Paul,

### **Middlewich Eastern Bypass**

Following receipt of your Full Business Case for the above scheme, I am pleased to confirm that Ministers have agreed to grant the scheme Full (final) Approval.

As part of this approval the Department will provide a maximum capped funding contribution of **£48.037m** towards an estimated total scheme cost of £97.941m. This figure includes £1.257m funding from the Department prior to 2020/21. Cheshire East Council is solely responsible for meeting any expenditure over and above this maximum amount.

Funding will be paid as capital grant under Section 31 of the Local Government Act 2003. We will write separately with a formal letter of grant under Section 31 of the Local Government Act 2003.

Based on your financial spend forecasts in the quarter 4 quarterly monitoring report (2024/25) submitted to the Department, we intend to provide the remaining grant in the following financial years:

2025/26 - £23.476m  
2026/27 - £22.876m  
2027/28 - £0.428m

This approval is on the condition that:

- i) suitable crossing provision should be provided where stub roundabout arms are included in the scheme for future connection to development sites, as and when these become active; and

- ii) the section of Pochin Way from the north end of the scheme to the Holmes Chapel Road/A54 roundabout should be prioritised for future development of active travel provision by the Council outside the scope of this scheme.

Every effort should be made to avoid slippage. As explained above, we will not be able to increase our contribution in future years if there is any cost increase.

The Department reserves the right to seek reimbursement from your authority of any payments made relating in respect of this grant award if the scheme is not constructed.

We expect you to keep us closely informed of progress with, and expenditure on, the scheme - the simplest way to deal with this for the quarterly monitoring reports to completed and returned by the due dates and to keep us informed of other significant developments as soon as they occur.

The Government's contribution to the scheme should be advertised in any publicity information that you produce. You are required to use 'Funded by UK Government' branding that helps the citizen to quickly identify Government-supported work. A copy of the Cabinet Office guidance can be found [here](#). The logo is attached to the email conveying this letter as a ZIP file. The logo should be displayed on signage, construction site hoardings, websites, public-facing printed material and press releases or media announcements.

Please provide written confirmation that the Council agrees to the terms of this letter, including certification from your Section 151 Office that the Council accepts the above terms.

I look forward to seeing progress with the construction of the scheme and to its subsequent completion.

I am copying this letter to Owen Wilson at Transport for the North.

Yours sincerely,



James Henderson



## Department for Transport

Ashley Hughes  
Executive Director of Resources &  
S151 Officer  
Cheshire East Council  
Delamere House  
Delamere Street  
Crewe  
CW1 2LL

Robert S Fox  
Road Investment, Strategy and  
Environment  
Department for Transport  
Direct Line: 07966 511804  
e-mail: [robertS.fox@dft.gov.uk](mailto:robertS.fox@dft.gov.uk)

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

23 July 2025

Dear Ashley,

### **Award of Section 31 Grant for Financial Year 2025/26**

The attached document sets out the detailed terms and conditions on which the Secretary of State for Transport is prepared to award grant under section 31 of the Local Government Act 2003 (s31) to the authorities listed in Annex A for the schemes specified therein for the financial year 2025/26. The attached grant award is made with the approval of HM Treasury.

The award of the s31 grant will be provided under the terms and conditions detailed in the attached grant determination. Acceptance by your authority of the award is acceptance of those terms and conditions.

If the expenditure accrued on the scheme in prior years was lower than the Department's total grant payments relating to those years, any over-paid grant will be recovered by the Department through a reduction of grant paid in 2025/26. The Department will not meet any grant claims that would result in the agreed annual grant allocation being exceeded.

The information contained in this letter and the attached documents should be brought to the attention of all relevant staff in the Council. The Council's Chief Finance Officer is required to sign and return the acceptance slip below as evidence of your acceptance of the terms and conditions under which this grant is awarded.

If you have any queries about the contents of this letter or the attached grant terms and conditions, please contact me either by phone on 07966 511804 or by e-mail at [robertS.fox@dft.gov.uk](mailto:robertS.fox@dft.gov.uk)

Yours sincerely

**Robert S Fox**

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**ACKNOWLEDGMENT AND ACCEPTANCE DECLARATION**

Middlewich Eastern Bypass

I ACKNOWLEDGE RECEIPT OF THE S31 GRANT LETTER FOR CHESHIRE EAST COUNCIL FOR 2025/26 AND

I ACCEPT THE GRANT OFFER FOR AND ON BEHALF OF CHESHIRE EAST COUNCIL SUBJECT TO THE TERMS AND CONDITIONS SET OUT IN THIS LETTER AND THE ANNEXES TO THIS LETTER. I CONFIRM THAT I AM LAWFULLY AUTHORISED TO DO SO

SIGNED (CHIEF FINANCE OFFICER).....

PLEASE PRINT NAME.....

DATE.....

Please return to the Department for Transport: [s31majorprojects@dft.gov.uk](mailto:s31majorprojects@dft.gov.uk) – a scanned pdf is acceptable



## **Grant Determination for the Local Authority Major Project Grant No: 31/7939**

The Secretary of State for Transport (“the Secretary of State”), in exercise of the powers conferred on him by section 31 of the Local Government Act 2003, hereby makes the following determination:

### **Citation**

1. This determination may be cited as the Local Authority Major Project Grant Determination for 2025-26 No 31/7939.

### **Purpose of the grant**

2. The purpose of the grant is to provide support to receiving authorities in England towards expenditure lawfully incurred or accrued by them as capital costs of for the scheme specified in Annex A, in the year up to 31st March 2026.

### **Determination**

3. The Secretary of State determines:

(a) that the authorities listed in Annex A are the authorities to which grant under this determination is to be paid; and

(b) that the maximum amount of grant payable to each authority in respect of 2025-26 shall be the amount shown against the name of the authority in Annex A.

### **Treasury consent**

4. Before making this determination in relation to local authorities in England, the Secretary of State obtained the consent of the Treasury.

### **Grant conditions**

5. Pursuant to section 31(3) and 31(4) of the Local Government Act 2003, the Secretary of State determines that the grant will be paid subject to the conditions in Annex B.



Signed by authority of the Secretary of State

23 July 2025

# **Annex A – Authorities to which grant is to be paid and maximum amount of grant to be paid**

Local Authority	Scheme	Grant Type	2025/26 Grant Allocation (£)
Buckinghamshire Council	South East Aylesbury Link Road	Capital	12,422,728
Cheshire East Council	Middlewich Eastern Bypass	Capital	23,475,881
Devon County Council	A382 Drumbridges to Newton Abbot	Capital	15,726,419
East Sussex County Council	A22 Corridor Package (Development Costs)	Capital	3,167,869
Essex County Council	A127/A130 Fairglen Interchange	Capital	13,500,000
Essex County Council	Army & Navy Sustainable Transport Package (Development Costs)	Capital	834,444
Kent County Council	North Thanet Link (Development Costs)	Capital	3,269,886
North Yorkshire Council	A59 Kex Gill	Capital	10,066,265
Plymouth City Council	A374/A386/A364 Plymouth MRN Phase 1 (Development Costs)	Capital	960,500
Plymouth City Council	A38 Manadon Interchange (Development Costs)	Capital	4,028,240
Stockport Metropolitan Borough Council	A34 MRN Cheadle – Handforth Improvement Plan Phase 1	Capital	4,218,729
Wiltshire Council	A350 Chippenham Bypass Phases 4 and 5	Capital	13,988,305
Wiltshire Council	A350/M4 Junction 17 Improvements (Development Costs)	Capital	823,138
<b>TOTAL</b>			<b>106,482,404</b>

## **Annex B – Grant conditions**

### **Grant Conditions**

1. Grant paid to local authorities under this determination may be used only for the purposes for which a capital receipt may be used in accordance with regulations made under section 11 of the Local Government Act 2003.
2. The Chief Executive and Chief Internal Auditor of each recipient authority is required to sign and return to the Section 31 Grant Claims Manager (Local Authority Major Schemes) in the Department for Transport a declaration, to be received no later than six months after the physical completion of the relevant scheme(s), in the following terms:  
  

“To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to the Local Authority Major Project Grant Determination 2025-26 No: 31/7939 have been complied with.”
3. If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Secretary of State may:
  - a) reduce, suspend or withhold grant; or
  - b) by notification in writing to the authority, require the repayment of the whole or any part of the grant.
4. Any sum notified by the Secretary of State under paragraph 3 (b) shall immediately become repayable to the Secretary of State.

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# Middlewich Eastern Bypass – Scheme History

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MEB - Scheme history and development	Year
Developer led Bypass - Pochin Developments Ltd	2008 - 2014
<p>Council took over the scheme in 2016 from Pochin in order to achieve successful delivery of the scheme. Cabinet authorised:</p> <ul style="list-style-type: none"> <li>• a feasibility study for a preferred route to be developed – Feb 2016</li> <li>• a public consultation exercise for an options appraisal, and to extent the original planning permission – May 2016</li> <li>• to finalise the options appraisal and outline business case, undertake consultation and prepare a funding plan – Nov 2016</li> </ul>	2016
Cabinet authorised preparation of a planning application for the preferred route, submitting the OBC to the Department of Transport for funding, and to agree a funding strategy – April 2017	2017
Public Consultation on the preferred route (19 <sup>th</sup> March – 29 <sup>th</sup> April 2018)	2018
Planning Application submitted Nov 2018 (approved April 2019)	2018
Cabinet authorised making of Compulsory Purchase Orders and acquisition of land and rights by agreement – July 2019	2019
Cabinet authorised the making of orders based on the revised land take requirements – July 2020	2020
<p>The funding is included in the approved Capital Programme and Addendum.</p> <p>CPO was withdrawn – Sep 2021</p> <p>CPO remaking – Dec 2021</p>	2021
Highways and Transport Committee authorised submission of the Full Business Case to DfT	Sept 2023
Highways and Transport Committee authorised re-submission of the Full Business Case to DfT	Sept 2024
H&T Committee authorised award of construction contract (subject to receiving timely DfT Grant decision)	Jan 2025