

# **CHESHIRE EAST COUNCIL**

## **REPORT TO: CABINET**

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<b>Date of Meeting:</b>	17 September 2012
<b>Report of:</b>	Strategic Director of Places and Organisational Capacity
<b>Subject/Title:</b>	Congleton Transport Infrastructure – Assessment of a new Link Road
<b>Portfolio Holder</b>	Councillor Jamie Macrae

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### **1.0 Report Summary**

- 1.1 This report sets out the activities necessary to support the development, promotion and delivery of new transport infrastructure for Congleton to support the towns existing economic base and any future plans for growth to emerge from the development of the Borough's Local Plan.
- 1.2 An outline accelerated programme and cost plan has been prepared to identify the timescale and resources for delivery of this work, a summary of which is contained in Appendix A.
- 1.3 Early work on the Borough Local Plan revealed strong support for a new relief road. If this is proven to be the optimum solution, the programme has been extended to indicate the minimum timescales required to deliver such a highway through the Statutory Procedures. Key Milestones in this process are identified.
- 1.4 The report highlights the programme for the development of the project and compares this with the current timescales for the production of the Local Plan.

### **2.0 Decision Requested**

- 2.1 To approve the commencement of the work necessary to establish a range of transport infrastructure options that support the sustainable economic growth of Congleton – leading to the identification of a preferred option. This work includes the following:

1. A Project Plan with key milestones, timescales, gateway reviews and other decision points:

Milestone 1 – Approvals and Governance

Milestone 2 – Preliminary Investigation and Scoping

Milestone 3 – Data Gathering  
Milestone 4 – Option Development and Appraisal  
Milestone 5 – Consultation  
Milestone 6 – Scheme Assessment Report and Preferred route.

2. Approve the strategic objectives for the study as set out in section 6.1 of this report
3. Approve the funding and budget necessary to deliver the first four Milestones, and noting –
  - ◆ The requirement to make £200,000 additional funding available from the Council's capital programme for 2012/13 in order to deliver Milestone 3 to programme and commence Milestone 4.
  - ◆ The requirement for additional corporate funding to supplement Local Transport Plan resource from 2013/14 onwards. This is anticipated at this stage to be £400,000.
  - ◆ The need to take a formal business case through the Executive Monitoring Board for approval.
4. Approve the procurement of these services through the current Highway Services Contract (Ringway Jacobs) subject to the Highways and Transport Manager being assured of value for money.

2.2 Members are also invited to note the indicative delivery programme and the key milestones for further Cabinet decisions. A summary of the key decision points and proposed delegation is contained within Section 10.

### **3.0 Reasons for Recommendations**

- 3.1 The Council's endorsement of this report will allow feasibility work to commence which will rigorously examine the available transport options to help deliver improved travel and connectivity to support the sustainable economic growth of both Congleton and more widely across the Borough. Any emerging proposals need to be robustly assessed in order to establish a justified and viable preferred transport solution. This solution could be subject to scrutiny and so the Council needs to be sure it satisfies the test of reasonableness and that the Council has the necessary evidence to respond to any future objections.
- 3.2 The project development work is to be undertaken by the Council's Highway Services provider, Ringway-Jacobs within the scope of services procured through the recently awarded Highways Services Contract for the following reasons:

- ◆ The need to achieve a complimentary timescale with the Local Plan and the requirement to have undertaken as much work as possible prior to the publication of the Local Plan Core Strategy
- ◆ The benefit in having an evidence base in place to support a capital funding bid

#### **4.0 Wards Affected**

4.1 Brereton Rural, Congleton East, Congleton West, Gawsworth, Odd Rode.

#### **5.0 Local Ward Members**

5.1 Local Ward Members include:

- Brereton Rural – Cllr John Wray
- Congleton East – Cllr David Brown, Cllr Peter Mason and Cllr Andrew Thwaite
- Congleton West – Cllr Gordon Baxendale, Cllr Roland Domleo and Cllr David Topping
- Gawsworth – Cllr Lesley Smetham
- Odd Rode - Cllr Rhoda Bailey and Cllr Andrew Barratt

#### **6.0 Policy Implications**

6.1 The proposed objectives of new or improved transport infrastructure provision in Congleton are detailed below:

- To support the economic, physical and social regeneration of Congleton;
- To relieve existing town centre traffic congestion and HGVs and remove traffic from less desirable roads on the wider network;
- To open up new development sites;
- To create and secure jobs;
- To improve access to Radnor Park Industrial Estate and Congleton Business Park;

- To improve strategic transport linkages across the Borough facilitating wider economic and transport benefits including higher GVA and job creation.
- To reduce community severance along key town centre corridors and to
- To reduce traffic related pollutants within the towns declared Air Quality Management Areas.

6.2 As part of the feasibility study of the options, an assessment will be made of the policy impact of any emerging solutions. These will be taken into consideration as part of the process for determining a preferred solution.

6.3 A new traffic model will be developed as part of the options appraisal and will provide key data. This will include the impact on the Air Quality Management Area in Congleton.

## **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

7.1 A Business Case will be required to be submitted to the Executive Monitoring Board for approval. The scheme will be considered as part of the Business Planning process for inclusion in the Capital Programme, subject to available funding.

7.2 If capital funding is used for this scheme to address development costs and a subsequent capital project was not forthcoming it would be necessary to fund these costs from revenue.

7.3 The indicative costs for each project milestone (below) are provided through the highway contract. A formal fee quote procedure will be followed prior to the commencement of each stage to appraise value for money. If necessary, this could include full market testing.

Scheme assessment costs for similar studies to that proposed for Congleton have been assessed. They are comparable in scale to the budget figures set out below.

### Milestone 1 & 2 – Preliminary Investigation and Scoping

7.4 The estimated external cost for delivering this phase of work is £75,000. These costs are to be fully met from the Congleton Link Road allocation in the approved 2012/13 Local Transport Plan Programme.

### Milestone 3 – Data Gathering

- 7.5 The estimated external cost for delivering this phase of work is £525,000. These costs can only be partially met from the Congleton Link Road allocation in the approved 2012/13 Local Transport Plan Programme. The approved allocation stands at £400,000. In addition to this there is an allocation of £50,000 from the Regeneration budget towards the development of a business case.

### Milestones 4 – Option Development & Appraisal

- 7.6 The external costs for these stages of work will depend greatly on the outcome of the early stages of work. However, as a guide a figure of £300,000 is indicated. To meet these predicted costs it is likely that additional funding will be required to complement the Local Transport Funding / Regeneration budget. The accelerated programme calls for part of this work to be undertaken this financial year.

### Milestone 5-6 Consultation and Scheme Assessment Report

- 7.7 The costs for this stage of work will be assessed after Milestone 4 and will fall in the 13/14 financial year.

### Milestones 7 – 11 Preliminary Design, Planning Permission, Statutory Procedures, Procurement and Construction.

- 7.8 It is important to note this stage of work would only be pursued if a compelling business case existed and at this stage it is too early to estimate the costs associated with Milestones 7 to 11. A more detailed paper containing this information will be presented at the appropriate stage, including more detailed costs of the scheme, funding options and any associated borrowing costs.
- 7.9 A funding shortfall of approximately £200,000 has been identified in the 12/13 financial year which will need to be identified from the capital programme if the project is to meet its accelerated programme.

### **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 It is necessary to ensure that any emerging proposals are robustly justified, assess that proposals are viable and to have sound reasons for any preferred course of action and solution so that it/they can be subject to scrutiny and the Council can be sure it satisfies the test of reasonableness and that the Council has the necessary evidence to respond to any possible objections to a preferred scheme. The study stages are intended to establish, from first principles, the underlying justification for the proposed scheme. As the Council moves forward into the planning / delivery phase and particularly, if and when, compulsory purchase or land assembly is pursued the Council will need

to verify that the preferred solution is viable and there are sound reasons to proceed with it.

- 8.2 It is too early to predict the legal issues and considerations which will apply to this project and legal implications will be the subject of future Cabinet reports. However the following matters will/ may be relevant.
- 8.3 Depending on the preferred strategy, any major highway scheme would require the following statutory procedures:
1. Protected route process
  2. Planning permission
  3. Compulsory Purchase Procedures including in all likelihood a public enquiry
  4. Side Roads and Traffic Regulation Orders
- 8.4 If protected species as defined in the Conservation of Habitats and Species Regulations 2010/490 are likely to be impacted by any proposed scheme, full mitigation will have to be provided. This is likely to include a license application to Natural England who has to be fully satisfied before removing this constraint to development. It should be noted however that under these regulations the Council when exercising any of its functions must have regard to the requirements of the Habitats Directive (92/43/EEC) including the duty to consider whether there is a satisfactory alternative.
- 8.5 Other legal issues will include the drafting of legal agreements from potential developers and land owners to make financial contributions to a future scheme and advising on any third party contributions.

## **9.0 Risk Management**

### Local Plan

- 9.1 If a new highway were the preferred solution, then ideally an indicative Corridor of Interest would be included within the Core Strategy of the Local Plan. The Core Strategy is anticipated to be formally consulted on in Spring 2013 and thereafter submitted to the Secretary of State. This means any Corridor of Interest would need to be available and the Business Case established by Quarter 1 2013 when the Council decision making process on the Local Plan Core Strategy takes place.
- 9.2 As a result, any formal protected route could be included in the Local Plan Site Allocations document, which will be subject to formal consultation early in 2014. The current outline programme for the

project suggests that a protected route could be announced towards the end of November 2013, if a highway scheme is the preferred option.

- 9.3 Gateway reviews, built into the programme, will ensure that progression to the next stage of project development is warranted.

#### Milestones 1 – 6 Justifying and selecting a scheme

- 9.4 The purpose of these stages is to identify a preferred solution and to develop a robust business case and justification for any preferred scheme such that any decision to deliver that solution satisfies the test of reasonableness thus reducing the risk of legal challenge at later stages. This process will start by examining all available options from the construction of new highways to low cost localised improvements.
- 9.5 It is necessary to follow a recognised and transparent evaluation methodology to successfully defend against challenge during the public consultation and inquiry stage of scheme development. The intention is to follow the process laid out in the Design Manual for Roads and Bridges (DMRB)
- 9.6 Any emerging scheme would be subject to a full public consultation exercise to support the statutory processes. This would enable local people to influence the design, raise concerns and make formal objections as the scheme develops.
- 9.7 To a certain extent project development work on major infrastructure projects always carries a certain amount of risk that funding can be sunk into a scheme that is never (or only partly) delivered. However, by following a recognised process and allowing for sufficient public consultation these risks can be minimised.
- 9.8 Project development work is required to provide evidence for a future potential funding bid for Local Authority Major Schemes. This process is expected to set major scheme priorities for the next spending review period (2015/16 – 2018/19) and requires a funding submission in April 2013. There is a risk that given the relatively short timescale to develop this evidence base the submission may be less robust than other competing schemes within the LEP area.

#### Milestones 7 -9 – Delivering the Scheme

- 9.9 At this stage of the project development the full risks of delivering a new relief road are difficult to predict and will be the subject of future Cabinet reports. However, risks are likely to include scheme/construction cost and the availability of funding, phasing, land, planning conditions and changing political priorities.

- 9.10 The current programme for delivery of the scheme will be firmed up following the preceding stages of work. We need to be mindful that the statutory procedures stages can vary from scheme to scheme. For some schemes the Secretary of State may choose to 'call in' any planning decision – this would add a minimum of 3 months onto the programme presented.
- 9.11 The Council has recently introduced a requirement for all major projects and programmes to be reviewed by a new corporate quality assurance group called the Executive Monitoring Board (EMB) before they can proceed. Major projects and programmes are defined where there is a total cost in excess of £250k and/or where there is significant risk. The project arising from this report will therefore need to be reviewed by the EMB prior to any approval to proceed being given.

## **10.0 Background and Options**

### General Background

- 10.1 The need to undertake a study into a new transport solution for Congleton became clear following the public and business community response to the early Local Plan work for Congleton. Strong representations were made supporting a bypass to the north of the town to support potential development sites.

A new transport solution is seen as vital to support a strategy for the sustainable development and growth of Congleton, whilst also benefiting existing transport users and businesses in the town. The level and location of the growth being considered would support the investigation of major highway infrastructure improvements, including a bypass option.

- 10.2 The current programme for the production of the Core Strategy of the Local Plan anticipates publication and statutory consultation will take place in Spring 2013 with submission to the Secretary of State in Summer 2013. This transport study would seek to inform the Local Plan Core Strategy; if possible it will establish a policy justification for the need for the Link Road and allow for a Corridor of Interest to be identified in the Core Strategy. In practice this would mean that the Corridor of Interest would need to be available and the Business Case established by Quarter 1 when the Council decision making process on the Local Plan Core Strategy takes place.
- 10.3 The relationship between the Local Plan programme and this study is important. If the principle of a Congleton Link Road and significant associated development is included in the Local Plan Core Strategy, at the public examination, the Council will have to be able to demonstrate to an Inspector that the Link Road is;

- Essential to achieve the level of development proposed;
- Works satisfactorily in terms of the wider highway network in the town and across the Borough;
- Is deliverable within the timescale of the Plan (i.e. up to 2030);
- Funding is achievable (i.e through S106 agreements, CIL etc);
- The environmental impacts are outweighed by the economic/social benefits that would accrue

10.4 The inclusion of a Corridor of Interest in the Core Strategy could then allow for a detailed route to be subsequently identified in the Local Plan Site Allocations document which is scheduled to be published for consultation early in 2014.

### Scheme Development

10.5 The preferred scheme must demonstrate, after full consideration of the alternatives, that it is the most appropriate to deliver the set strategic objectives. A range of schemes to achieve this goal will be tested from low cost local measures through to consideration of construction of a relief road.

10.6 The objectives for the proposed Congleton Link Road are shown below:

- To support the economic, physical and social regeneration of Congleton;
- To relieve existing town centre traffic congestion and HGVs and traffic from less desirable roads on the wider network;
- To open up new development sites;
- To create and secure jobs;
- To improve access to Radnor Park Industrial Estate and Congleton Business Park;
- To improve strategic transport linkages across the Borough facilitating wider economic and transport benefits including higher GVA and job creation.
- To reduce community severance along key town centre corridors and to
- To reduce traffic related pollutants within the towns declared Air Quality Management Areas.

10.7 If the Preferred Solution were to construct a new road or improve the existing highway network, the recommendation is to deliver the project

in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB), in the form of a series of milestones. This approach will also provide a robust evidence base for a potential bid for Major Scheme Funding. The current timescale for this funding submission is April 2013. The Project Plan, (which forms part of Milestone 1) specifies these milestones and associated milestone activities as detailed below:

### **Milestone 1: Approvals and Governance**

- RGF Funding Application
- Strategic Plan
- Project Plan

### **Milestone 2: Preliminary Investigation and Scoping**

- Policy, Problems, Opportunities and Constraints
- Transport Planning and Objective Review
- Options Review
- Appraisal Specification Report
- Environmental Scoping Report
- Geotechnical Statement of Intent
- Initial Public Consultation

### **Milestone 3: Data Gathering**

- Noise and Air Quality Desk Study
- Preliminary Sources Scoping Report (Geotechnical Desk Study)
- Hydrology Desk Study
- Landownership Survey
- Phase 1 Habitat Survey
- Landscape Survey
- Cultural Heritage Survey
- Traffic Modelling

### **Milestone 4: Options Development and Appraisal**

- Interventions Report
- Early Assessment and Sifting Tool (EAST)
- Option Development Stage 1
- Stage 1 WebTAG Appraisal
- Option Development Stage 2
- Assessment of Structures Report
- Environmental Impact Assessment Report
- Initial Traffic, Economics and Accident Report
- Stage 2 WebTAG Appraisal
- Technical Appraisal Report

### **Milestone 5: Consultation**

- Stage 1 Scheme Assessment Report
- Exhibition Material
- Public Consultation
- Public Consultation Report

### **Milestone 6: Stage 1 Scheme Assessment Report**

- Stage 2 Scheme Assessment Report and Preferred Solution

10.8 Copies of the current Project Plan and Delivery Strategy are attached at Appendix B and the proposed project governance at Appendix C

### Delivery Strategy and Outline Programme

10.9 Subject to the outcome of the scheme assessment report it is likely that any major highway proposals would have to be constructed in several sections. The scheme assessment report will recommend a strategy in this respect.

10.10 A draft programme has been produced which covers the Options Appraisal stage leading to the design and construction of what has been assumed to be Stage 1 of an emerging major highways scheme. The following table summarises the key milestones.

<b>Stage / Milestone</b>	<b>Deliverables</b>	<b>Delivery Date</b>
<b>Milestone 1 – RGF Bid and Project Plan</b> <ul style="list-style-type: none"><li>• RGF Funding Application</li><li>• Strategic Plan</li><li>• Project Plan</li></ul>	Formal support for submitted RGF bid and development of project delivery strategy.	April 2012 – September 2012
<b>Milestone 2 - Preliminary Investigation and Scoping</b> <ul style="list-style-type: none"><li>• Policy, Problems, Opportunities and Constraints</li><li>• Transport Planning and Objective Review</li><li>• Options Review</li><li>• Appraisal Specification Report</li><li>• Environmental Scoping Report</li><li>• Geotechnical Statement of Intent</li></ul>	Conduct a review of the policies, full range of options and problems, opportunities and constraints followed by a Transport Planning Objectives review and other early scoping reports.	By October 2012

<b>Stage / Milestone</b>	<b>Deliverables</b>	<b>Delivery Date</b>
<b>Milestone 3 - Data Gathering</b> <ul style="list-style-type: none"> <li>• Noise and Air Quality Desk Study</li> <li>• Preliminary Sources Scoping Report (Geotechnical Desk Study)</li> <li>• Hydrology Desk Study</li> <li>• Landownership Survey</li> <li>• Phase 1 Habitat Survey</li> <li>• Landscape Survey</li> <li>• Cultural Heritage Survey</li> <li>• Traffic Modelling</li> </ul>	This stage completes various surveys and desktop studies including; Noise and Air Quality, Geotechnical, Hydrology, Landownership, Phase 1 Habitat, Landscape and Traffic Modelling.	October 2012 – July 2013
<b>Milestone 4 - Options Development and Appraisal</b> <ul style="list-style-type: none"> <li>• Interventions Report</li> <li>• Early Assessment and Sifting Tool (EAST)</li> <li>• Option Development Stage 1</li> <li>• Stage 1 WebTAG Appraisal</li> <li>• Option Development Stage 2</li> <li>• Assessment of Structures Report</li> <li>• Environmental Impact Assessment Report</li> <li>• Initial Traffic, Economics and Accident Report</li> <li>• Stage 2 WebTAG Appraisal</li> <li>• Technical Appraisal Report</li> </ul>	Running in parallel and informed by Milestone 3 activity this includes the options appraisal and development stage and writing the various stages of the outline business case to support the scheme through the new Major Scheme Funding Process.	October 2012 – July 2013
<b>Milestone 5 – Consultation</b> <ul style="list-style-type: none"> <li>• Stage 1 Scheme Assessment Report</li> <li>• Exhibition Material</li> <li>• Public Consultation</li> <li>• Public Consultation Report</li> </ul>	The Stage 1 Scheme Assessment Report is prepared and used to inform the public consultation process.	July 2013 – November 2013
<b>Milestone 6 – Scheme Assessment Report</b> <ul style="list-style-type: none"> <li>• Stage 2 Scheme Assessment Report and Preferred Solution</li> </ul>	This report draws together all the work undertaken to date, the output from the public consultation process and will be used to present the recommendation for <u>Preferred Route / Scheme to Cabinet</u> – leading to potential route protection.	October 2013 – November 2013
<b>Milestone 7 – Preliminary Design (Section 1)</b>	Preliminary design on an assumed Section 1 of the emerging scheme progresses with the culmination of seeking planning permission and the publication of draft orders. <i>Potentially, if RGF funding were available this work could be started in parallel with Milestone 6.</i>	<i>Indicative only</i> November 2013 – October 2014

Stage / Milestone	Deliverables	Delivery Date
<b>Milestone 8 – Planning Permission (Section 1)</b>	This would cover the process leading up to the public inquiry and dealing with the process and findings.  NB: This period could increase by 3 months if the scheme is called in.	<i>Indicative only</i> <i>August 2014 – February 2015</i>
<b>Milestone 9 (Section 1)</b>	Statutory Procedures – Compulsory Purchase of Land.	<i>Indicative only</i> <i>Public Inquiry – Summer 2015</i> <i>Land Entry – May 2016</i>
<b>Milestone 10 (Section 1)</b>	Procurement	<i>Spring 2015 – Spring 2016</i>
<b>Milestone 11 (Section 1)</b>	Construction and Open to Traffic	<i>Summer 2016 – Summer 2017</i>

10.11 Linked to the key milestones set out above, the following approval stages are proposed up to the end of Milestone 6:

Decision Required	Decision maker and indicative date			
	Cabinet	Portfolio Holder	Delegated Director	Head of Service
Briefing – Preliminary Investigation and Scoping		Oct 2012		
Agree Target cost for each Milestone within budget thresholds identified.				X
Briefing – Interventions Report		Nov 2012		
Outline Business Case	June 2013			
Proceed to Consultation	June 2013			
Briefing – Public Consultation Report		Oct 2013		
Approval of Preferred Solution	Nov 2013			

## 11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

- Summary Outline Programme and Expanded Task List
- Project Plan and Delivery Strategy
- Proposed Project Governance

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