

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	11 th November 2014
Report of:	Head of Strategic Infrastructure and Director of Economic Growth and Prosperity
Subject/Title:	Poynton Relief Road, Preferred Route Assessment and Next Steps (Ref CE 14/15-7)
Portfolio Holder:	Cllr Don Stockton, Housing and Jobs Cllr David Brown, Strategic Outcomes

1.0 Report Summary

- 1.1 The Council has set out a clear vision and strategy for jobs-led economic growth. An important element of this strategy is to improve the Borough's national, regional and local infrastructure to improve connectivity.
- 1.2 The Poynton Relief Road (PRR) is an important element of this strategy and is included in the new Local Plan; enabling job creation, helping to deliver housing growth, addressing longstanding traffic congestion and environmental issues in the village; as well as delivering an important component of the wider South East Manchester Multi Modal Strategy (SEMMMS).
- 1.3 The report highlights the findings of the recent public consultation exercise, recommends a preferred route for the road and seeks approval to undertake the further work necessary to submit a planning application for the scheme and further develop the scheme business case.
- 1.4 The report provides an update on recent funding successes through the Local Growth fund and the need for the Council to support in principle meeting the remaining funding gap.

2.0 Recommendations

- 2.1 Cabinet is recommended to
 - a) Note the findings of the Public Consultation report.
 - b) Approve the Green route be taken forward as the preferred route as set out in the Preferred Route Assessment Report.

c) Approve that the necessary steps are taken to protect the preferred route shown in Annex A from future development including introducing the necessary modifications into the Local Plan Core Strategy at the earliest opportunity.

d) Request Stockport Metropolitan Borough Council makes the necessary adjustments to its adopted development plan to protect the preferred route within SMBC.

e) Acknowledge SMBC's concerns that appropriate mitigation is provided to ensure that the impact of the Green route on properties within Stockport is managed to a level similar to that for the existing (extant) protected route.

f) Remove the extant route protection for the former route of the road from the Council's Local Plan policy once the new preferred route has been fully protected.

g) Approve that the alignment of the preferred route is further developed to enable the submission of a planning application, reflecting where possible feedback received through consultation, and that the business case for the scheme is developed to the next level and that work is commissioned for the Phase 2 multi-modal study. Approve that the professional support required for these activities continues to be provided by Jacobs through the Highways Contract with Ringway Jacobs.

h) Note the findings of the A523 Route Management Feasibility Report and endorse the recommendations that local Improvements are further developed, after further local consultation, at the following junctions independently from the main scheme.

- A523 London Road / Bonis Hall Lane Junction
- A523 London Road / Butley Town Junction
- A523 Adlington Cross Roads

And that minor speed / safety measures are developed at the A523 at Issues Wood and at Prestbury Lane.

i) Recommend that the capital budget (highlighted in Section 7) to progress the next stage of work for PRR and the complimentary measures is made available; subject to the usual budget setting process.

j) Approve that officers immediately commence detailed discussions with affected landowners, local residents, businesses, parish councils and recognised community groups to refine the design details (including access arrangements and traffic management measures) and that supplementary formal consultation be undertaken to inform planning submission material.

k) Approve that a 'pre planning application' consultation is held and that the details and arrangements are delegated to the Head of Strategic Infrastructure in consultation with the Portfolio Holder.

l) Note the anticipated programme for the next stage of work.

m) Following the outcome of the public consultation confirm the objectives of the scheme as:

- To support the economic, physical and social regeneration of Poynton and the North of the Borough, in particular Macclesfield.
- To relieve existing Village centre traffic congestion and Heavy Goods Vehicles (HGVs) and reduce traffic on less desirable roads on the wider network.
- To deliver a range of measures on the A523 corridor to Macclesfield that addresses road safety, congestion and mitigates the wider environmental impact of traffic.
- Boost business integration and productivity: improve the efficiency and reliability of the highway network, reduce the conflict between local and strategic traffic, and provide an improved route for freight and business travel.
- To allow improvements to the highway network for walking, cycling and public transport.

n) To approve that a Section 8 Agreement is entered into with SMBC in order to:

- Allow CEC to take the lead and responsibility for managing the scheme within SMBC
- Be responsible for delivery of any necessary improvements within SMBC
- Accept liability for compensation aspects of the scheme within SMBC

and that the details and arrangements are delegated to the Head of Strategic Infrastructure in consultation with the Portfolio Holder.

o) To note the Council's success in securing £16.4m of funding for the scheme through the Local Growth fund and to authorise officers to explore additional funding opportunities. To note that as a reserve position, an approval for the full funding required for the scheme will be made through the council's budget setting process.

p) To delegate authority to the Director of Economic Growth and Prosperity to authorise entering into licences for the purpose of gaining access to third party land for the purpose of carrying out surveys or in the event the use of a licence is not possible or appropriate then to authorise the use of the highway authority's powers to gain access to land pursuant to Sections 289-290 of the Highways Act 1980.

3.0 Reasons for Recommendations

- 3.1 To confirm a protected route for the link road from the public consultation exercise.
- 3.2 To protect the land required for the link road from development and, in removing the old route protection, unlock land for development - subject to the usual planning restrictions (for example through Aldington Industrial Estate)
- 3.3 To enable detailed design and the planning application process to commence
- 3.4 To ensure that the council's capital programme reflects the costs of delivering this scheme.
- 3.5 To confirm to the Local Enterprise Partnership that the council is in principle able to cover any shortfall in funding and hence give comfort that the scheme can be delivered.
- 3.6 To reduce uncertainty in the Poynton area as to the location of the route.
- 3.7 To acknowledge SMBC's concerns as a key partner in the delivery of the scheme.
- 3.8 To further develop the necessary complimentary measures for the successful operation of the scheme.
- 3.9 To undertake a longer term multi modal study of the A523 corridor to complement the delivery of PRR.
- 3.10 To streamline the governance and accountability for the delivery of the scheme through a Section 8 agreement with CEC taking the lead responsibility.
- 3.11 The removal of the route protection of the former route will allow the disposal of assets currently held by the Council.

4.0 Wards Affected

- 4.1 Poynton East and Pott Shrigley, Poynton West and Adlington, Prestbury

5.0 Local Ward Members

- 5.1 Cllr Jos Saunders and Cllr Howard Murray (Poynton East and Pott Shrigley).
- 5.2 Cllr Roger West and Cllr Philip Hoyland (Poynton West and Adlington).
- 5.3 Cllr Paul Findlow (Prestbury)

6.0 Policy Implications

- 6.1 A minor amendment to Local Plan Submission Strategy is required to refine the corridor of interest to a specific route.

7.0 Financial Implications

- 7.1 Following a strong funding bid, the council was successful in attracting £16.4m of funding through the Local Growth Deal in July 2014.
- 7.2 The scheme estimate, subject to further work, is estimated to be £32.5m at today's prices. Funding has been assembled as follows:
 - £16.4m –Local Growth Deal
 - £5.6m – Local Transport Body (LTB).
 - £2.0m - Greater Manchester Combined Authority (GMCA)

This funding is sufficient to cover the construction and development phases of the project.

- 7.3 The current £32.5m estimate includes an allowance for risk and sunk costs to date. As project development continues these estimates will be updated.
- 7.4 The cost for the next phase of work is £2.7m over the period 2014/15 – 2016/17 This will cover activities such as Design development, Planning permission submission. Further Business Case Development, Tender Documentation and Compulsory Purchase Preparation.
- 7.5 This funding package leaves a potential shortfall of up to £8.5m to be identified. This may come from a variety of sources including the Community Infrastructure Levy or other funding bids. However, given the timing of the scheme, it is likely that, the council may have to commit to meet some or all of the funding gap. Cheshire East Council has already contributed £1.250m to the development of the scheme which would mean a further requirement of up to £7.25m to fund any shortfall.
- 7.6 Beyond funding the initial scheme development costs, it is likely that the balance of any local contribution would be met at the very end of the scheme;

utilised to pay for land and property compensation claims. On the current programme these costs would accrue from January 2021 and spread over a number of years.

- 7.7 There is uncertainty around future construction and property cost inflation which can only be resolved once the scheme has been out to tender. As such, the scheme estimate will need to be regularly revisited and monitored as the project develops.
- 7.8 The detailed approval of the work programme will be subject to the usual contract processes to assure that value for money is being achieved. This will include cross checking quoted prices for similar tendered works with other local authorities.

8.0 Legal Implications

- 8.1 One of the implications of the proposed modification to the Local Plan is that it may give rise to claims arising from 'Planning Blight'.
- 8.2 Planning Blight can arise where land is shown as being proposed or allocated for the purpose of a local authority in a deposited draft Local Plan. In this case the purpose being the proposed Link Road.
- 8.3 The blight liability will become effective when the Local Plan is submitted to the Secretary of State for independent examination: Schedule 13, paragraph 1A (2)(c) of the Town and Country Planning Act 1990.
- 8.4 The Planning Blight procedure is in effect a 'reverse' compulsory purchase process order (CPO) in the sense that a person whose property is affected by blight may, in certain circumstances, require the Council to purchase his property by the service of a 'blight notice'
- 8.5 This right is conferred in recognition of the fact that property values may be adversely affected by, in this case, a proposed new highway.
- 8.6 If a property owner serves a blight notice then, if his interest in the property is a qualifying interest, the Council will have the options to accept the blight notice, dropping the scheme or altering the scheme so that it does not affect the blighted property.
- 8.7 If the Council accept the blight notice, then it will be compelled to purchase the relevant property on the same terms that would apply if the property were purchased pursuant to a CPO.
- 8.8 Claimants must show reasonable endeavours to sell their interests and demonstrate that as a consequence of blight they were unable to - or only at a substantially lower price. It is not sufficient to make no attempt to sell. The costs of any attempts to sell are not recoverable as compensation. Blight cannot be served for part of a unit.

8.9 The Section 8 legal agreement would need to be drawn up between the authorities of Stockport Metropolitan Borough Council and Cheshire East Borough Council. Under Section 8 of the Highways Act, it is proposed that Stockport Metropolitan Borough Council, subject to the provisions of the Section 8 Agreement, will authorise Cheshire East Council to exercise all its functions as Highway and Traffic Authority insofar as required for the purpose of the carrying out the Works related to the PRR scheme.

8.10 A public consultation has been undertaken. Case law has established four principles for consultation:

- (i) It must be undertaken at a time when proposals are still at a formative stage
- (ii) It must include sufficient reasons to allow those consulted to give intelligent consideration and an intelligent response
- (iii) Adequate time must be given for the consultation; and
- (iv) The product of consultation must be conscientiously taken into account when the ultimate decision is made.

Cabinet must therefore satisfy itself that the consultation has been conducted correctly and take the results of the consultation into account in reaching the decision requested by this report.

9.0 Risk Management

Project Development

9.1 The project development costs necessary to deliver this scheme would be at risk if funding for the scheme is not available or the scheme does not achieve the necessary statutory permissions. However, it has been demonstrated that the scheme does have a strong initial transport and wider economic business case and there is broad public support for the proposal.

9.2 Continuing to progress the development of the scheme to 'shovel ready' status will ensure that the council can take full advantage of funding opportunities.

9.3 The scheme will be reviewed by the councils gateway process (TEG and EMB) to review the risks at the appropriate stages.

9.4 The formal protection of the route of the link road in the Core Strategy may trigger blight claims against the council. If such claims occur they will need to be dealt with by means of a supplementary capital estimate. It is difficult to assess the scale of possible blight notices or the timescales, however liabilities are considered to be relatively limited due to the fact the majority of the route runs through the Green Belt and that key landowners are fully engaged in the process.

- 9.5 The Growth deal funding and LTB funding is contingent on the further development of the business case. The GMCA funding is contingent on the progress of the A6-Manchester Airport Relief Road.
- 9.6 If, ultimately, the scheme is not funded the resources set aside for the development of the scheme will have to be met from the revenue budget.
- 9.7 As some of the surveys required for the next stage of development will be invasive (such as geotechnical surveys) the authority will be liable to pay compensation for loss or damage (such as crop damage, etc). These will be assessed on an individual basis, but in any case will be small in comparison to the scheme development budget.

Blight Costs

- 9.8 There will be some instances where landowners believe that they cannot sell their properties because of the link road proposals, but are not directly affected by the proposal in terms of physical land take and thus not entitled to make a blight notice. In these circumstances it may be possible for the Council, subject to review on a case by case basis to make open market acquisitions of property.
- 9.9 If property / land were to be acquired under a blight notice the council would become the title holder. In this regard, should, for any reason the link road scheme not progress, the Council would be able to recoup its investment costs through the sale of the property / land. It is possible that the Critchell Down rules will apply and that the land would need to be offered back for sale to the original land owner first.
- 9.10 It will be possible to at least partly offset the holding costs of potential properties by seeking tenants.
- 9.11 There is some local opposition to scheme. The Council will work closely with affected groups and individuals in the design of the scheme to try to address all concerns. The Council is committed to providing the highest level of mitigation possible in the scheme design and will develop a package of complementary and mitigation measures.

Scheme Costs

- 9.12 The findings of the geotechnical studies may reveal more challenging ground conditions from those assumed (from desk study assessment), with consequential adjustments to the scheme estimates. As the scheme design is refined, further revisions of the cost estimate are likely.

10.0 Background and Options

Development of the Options.

- 10.1 PRR has become a viable project following high level discussions between the Greater Manchester Authorities and CEC leadership in 2012
- 10.2 Poynton Relief Road was originally part of the national roads scheme to provide a new high capacity link between The Silk Road and the A6 to Manchester Airport Relief Road (A6MARR).
- 10.3 In the 2001 South East Manchester Multi Modal Study the proposals were reviewed and it was confirmed that the only credible solution to addressing the wider transport and economic problems was a new single carriageway road. A relief road was therefore developed as part of SEMMMS, which avoided the then active Woodford Aerodrome and passed through Adlington Business Park before connecting into the A523 London Road.
- 10.4 Close working between the Leaderships of the Greater Manchester Combined Authority(GMCA) and Cheshire East Council (CEC) ensured that the A6-Manchester Airport Relief Road proposals were future proofed to enable the future delivery of PRR. In recognition of the role PRR plays in the wider SEMMMS strategy GMCA also agreed to make a funding contribution to PRR.
- 10.5 Following the announcement that Woodford Aerodrome had been purchased by a developer and that the runway would no longer be operational, this wider political commitment allowed the council to commence development work for Poynton Relief Road. The road is planned as a single carriageway with a cycle/footway on one side.
- 10.6 Further details were reported to Cabinet in November 2013, and approval granted to undertake initial business case development and develop and consult on route options.

Public Consultation

- 10.7 The Public Consultation for the Poynton Relief Road scheme was held over an eight week period from 2nd June to the 28th July 2014..
- 10.8 The Public Consultation consisted of the following:
 - Six public exhibitions held in the towns and villages in the vicinity of the scheme
 - A consultation leaflet and questionnaire distribution to residential properties, based on geographical proximity to the scheme.

- A consultation leaflet and cover letter sent out to stakeholders (i.e. local businesses, schools, vulnerable user groups) and statutory consultees (i.e. public bodies, local authorities, parish councils).
- Consultation material uploaded on to the Cheshire East Council (CEC) website providing details about the scheme and the consultation, including an online version of the questionnaire and copies of technical reports.
- Consultation leaflets and questionnaires deposited in Poynton Civic Centre, Poynton Library, Macclesfield Library and Stockport Town Hall.
- A scheme article in the 'Poynton Post' newsletter distributed to approximately 10,000 properties within Poynton, Adlington and the 5 ways area of Hazel Grove.
- A scheme article on the 'Poynton Update News' website.
- Meetings with the 'Poynton in Business' members, local landowners and businesses.
- Meetings with key business on Adlington Industrial Estate.
- CEC Twitter feeds

10.9 Face to face meetings were also held with key landowners affected by the scheme

10.10 The CEC Leadership worked closely with adjacent local authorities to ensure any issues were understood and to enable cross boundary support for the scheme.

Consultation report

10.11 During the Public Consultation period, a total of 1,653 questionnaires were received in response to the link road scheme. The full analysis is contained at Annex B, which is available for viewing on the Agenda website. Every item of incoming correspondence which had a return address received a response, whether this was to directly address comments and questions which had been raised or alternatively to provide an acknowledgement of receipt.

10.12 The results illustrate that there is widespread support for the link road with 89.1% of respondents indicating that they support the scheme and therefore at least one of the proposed options. In contrast, opposition to the link road was relatively low with 5.6% of respondents against the scheme.

10.13 Analysis of postcode data (where provided) shows that there was broad support for the proposals across the area.

- 10.14 In terms of a route preference the overall response was strongly in favour of the Green Route:

Preferred Route Option	Response	Response %
Green Route Option	1152	73.0%
Blue Route Option	93	5.9%
No Preference	332	21.1%
Total	1577	100%

Prominent Representations

10.15 *Poynton Town Council*

Poynton Town Council is fully supportive of the relief road proposals and their preferred option is the Green Route. The Town Council does however recognise the importance of mitigation for areas potentially affected by the proposals, including the country lanes within both Poynton and Adlington.

10.16 *Adlington Parish Council*

Adlington Parish Council is supportive of the relief road proposals in principle; however they are concerned about the expected increase of traffic on country lanes within the Parish.

10.17 *Prestbury Parish Council*

Prestbury Parish Council did not state whether they were supportive of the relief road proposals. They raised concerns about the timing of the consultation and requested further information.

10.18 *Trafford Council*

Trafford Council welcomes the proposed relief road and recognises the importance of bringing economic, social and physical regeneration to the village of Poynton, and the importance of the scheme to the local economy.

10.19 *Stockport Metropolitan Borough Council*

The consultation response indicated general support for the scheme but a desire to understand potential impacts on the highway network in Stockport including the A6 High Lane, A34 and A523 especially the proposed new junction with the A555 at Macclesfield Road and roads around Woodford and Bramhall .

There is an expectation that any negative impacts will be mitigated appropriately and that appropriate environmental and traffic mitigation will be developed.

Concern was expressed regarding the potential impact on residents in Woodford and the view expressed that the blue route would reduce that impact however if the green route was chosen then there should be no greater impact than the original proposed red route.

10.20 *Peak District National Park Authority*

The Peak District National Park (PDNP) Authority did not state whether they were supportive of the relief road proposals. The PDNP Authority was particularly interested in the traffic and visual impacts of the proposals on the national park and requested further information as the scheme is developed.

10.21 *Natural England*

Natural England did not consider that the proposals posed any likely or significant risk to those features of the natural environment for which they would otherwise provide a more detailed consultation response and so they did not wish to make specific comment on the details of the consultation.

10.22 *Campaign to Protect Rural England*

The Campaign to Protect Rural England – Cheshire Branch objected to both Poynton Relief Road and the potential A523 Improvements. They also stated that they were a longstanding objector to the SEMMMS roads.

10.23 Detailed responses to all of the issues raised and suggestions for improvements are included in the Public Consultation Report (Annex B) and will be considered / incorporated where possible into the next stage of design.

Preferred Route Report

10.24 The report documents the methodology used to define the Preferred Route. It provides the reasoning and justification for the decisions made in establishing the Preferred Route, and explains the scoring/weighting system used to rank the options that were taken to Public Consultation. The full report is contained at Annex C, which is available for viewing on the Agenda website.

10.25 Following feedback received from members of the public, modifications to the alignments taken to Public Consultation were developed. These alignment modifications are presented in the Public Consultation Report. An assessment of the proposed alignment modifications and full justification / assessment of any of the proposed alignment modifications are contained in the Preferred Route report.

10.26 Based on the results of the assessment the Blue Route Option has been discounted with the Green Route Option taken forward. As several potential amendments to the relief road have been suggested during the Public Consultation, these were assessed against the Green Route Option. This assessment has concluded that the alternatives suggested perform less well than the Green Route.

10.27 The detailed appraisals of all alternative alignments which were prepared are included within the Preferred Route Report for completeness and also to illustrate the effort and time that was taken in an attempt to improve the link road design following requests made throughout the consultation period.

A523 London Road Improvements

10.28 The following locations along the A523 London Road at which short term localised improvements are supported and feasible are:

- Adlington Crossroads
- Junction with B5358 (Bonis Hall Lane)
- Junction with Well Lane (Butley Town)

10.29 It is considered that at the following locations there will not be any realignment works or works to change the layout of the road, only improvements to signing and visibility.

- Issues Wood
- Junction with Prestbury Lane

10.30 During the next stage of the design, the above recommendations will be developed in more detail through close working with local stakeholders.

10.31 A Multi-Modal Study of the A523 London Road Corridor will take place after determination of a preferred route for Poynton Relief Road. This Study will identify medium and long term improvement options and will examine all modes of transport.

The main objective of the study is to identify a strategy for reducing demand for travel by car on the A523 London Road. The implementation of this strategy would be complementary to the delivery of the relief road.

Further work and programme

10.32 In order to deliver a planning application for the scheme it is necessary to work up in more detail the preferred route. Issues that will need to be considered include access arrangements, mitigation measures,

drainage, environmental impacts and off-site traffic management. This will also allow the refinement of the scheme estimate.

10.33 Given the scale of the scheme it is also necessary and good practice to undertake another round of formal public consultation prior to submission of the planning application.

10.34 Key activities and dates include:

Activity	Indicative Dates (end date)
Preliminary Design	September 2015
Environmental Surveys	September 2015
Environmental Statement	October 2015
Ground Investigation & reports	May 2015
Pre planning Consultation	July 2015
Planning Application	February 2016
Statutory Orders	June 2017
Detailed Design	January 2018
Road Open	January 2019

Other Factors to Consider

10.35 The submission of any future planning permission would be subject to a further cabinet paper and take into account the views of the pre-planning application consultation. There may be a risk that any planning application is called in by the Secretary of State.

10.36 Access to land for surveys will be required in a timely manner to achieve this programme. Thus far, most land access has been achieved by agreement though there have been occasions where formal notices to enter the land have been sought on an individual basis as necessary.

10.37 The Highways Term Contract includes the delivery of consultancy services and the estimated cost for delivering this next stage of work is within the financial scope of the contract. A rigorous challenge exercise will be undertaken to ensure that 'best value' is being achieved through the contract, including comparisons of hourly rates and outturn costs for delivering a similar scope of works. Any future construction contract would of course be tendered through an EU compliant procurement process.

10.38 As part of resource for delivering the strategic infrastructure programme Jacobs have been working with the Councils HR team to build on the authorities apprentice programme to provide further opportunities for local people.

11.0 Access to Information

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

Annex A – Preferred route drawing

Annex B – Public consultation report (on Agenda website)

Annex C – Preferred route assessment report, including A523 report (on Agenda website)

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