

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 9th February 2016
Report of: Executive Director of Growth and Prosperity
Subject/Title: Middlewich Eastern By-Pass Feasibility Stage
Portfolio Holder: Cllr David Brown, Highways

1. Report Summary

- 1.1 The Council has set out a clear vision and strategy for jobs-led economic growth in the draft Local Plan. Middlewich is a Key Service Centre hosting one Strategic Site and two Strategic Locations. The Eastern By-Pass is a Strategic Highway Scheme intended to facilitate their delivery and the success of Middlewich as a whole
- 1.2 In order to ensure rapid progress towards delivering the By-Pass, the Council is to take on the role of scheme sponsor for planning and design. Therefore, approval is required to undertake all the work which is necessary to inform a decision on whether or not to use the original route's planning approval by 31st May 2016. That planning permission expires in June 2016, by which time facilitating works on the consented route have to start. Should that planning approval not be enacted, the Council will have to be in a position to immediately proceed with a fresh application for its preferred route.
- 1.3 Because time has elapsed since inception, circumstances affecting the Scheme have evolved. Hence the strategic intent and objectives of the scheme need to be confirmed and developed. Based on those objectives, options for the route are to be generated and assessed, particularly in relation to maximising the development opportunities and job associated with the Midpoint 18 site.

2. Recommendations

- 2.1 Cabinet is recommended to:
 1. Authorise the Highways Portfolio Holder, in conjunction with the Executive Director of Economic Growth and Prosperity, to commission the collection of evidence; production of the evidence base; concept definition and Statement of Case for the Scheme and all the objectives that it is required to deliver
 - 2 Authorise the Highways Portfolio Holder, in conjunction with the Executive Director of Economic Growth and Prosperity, to commission the necessary investigation, analysis and design work including; mapping of constraints and opportunities; transport modelling; preliminary alignment designs; Transport Assessment; cost estimates; cost-benefit and viability assessments; and a

funding contributions / CIL strategy. These tasks will enable to Council to develop a robust Options-Assessment Report and Outline Business Case, both being necessary elements of any future planning application and delivery programme.

- 3 In order to comply with the CDM Regulations, authorise the Highways Portfolio Holder, in conjunction with the Executive Director of Economic Growth and Prosperity, to appoint a Principal Designer at this stage
- 4 Authorise the Highways Portfolio Holder, in conjunction with the Executive Director of Economic Growth and Prosperity, to commission the necessary environmental and ecology surveys that are seasonally dependent and whose omission would otherwise impose delays to delivering the Scheme
- 5 Delegate authority to produce and implement a Community-and-Stakeholder Engagement Plan to the Executive Director of Economic Growth and Prosperity
- 6 Approve the proposed governance structure
- 7 Agree that results be reported back to Cabinet for a decision on the preferred option and for further authorisation.

3. Reason for recommendations

- 3.1 The northern part of the original route from the A54 has been constructed. A developer-led approach was adopted by the Council for the Scheme and a Regional Fund Grant was obtained. However, the Global Financial Crisis has resulted in no further progress being made. Therefore, responsibility for the By-Pass has reverted to Council sponsorship in order to achieve successful delivery. There is a planning permission for the original route which expires at the end of June. However, the original route limits the Scheme's utility because it was designed with only one principal purpose which was the promotion of industrial development on Midpoint 18. It has to be decided whether to proceed on the basis of the existing planning permission by 31st May in order for it not to lapse by omission. In principle, there are potentially more viable and useful alternative alignments that are worthy of detailed consideration at this time
- 3.2 Middlewich is identified in the Local Plan as a Key Service Centre for Cheshire East meaning that the vitality and growth of the Town contribute to the prosperity of the Borough as a whole. The By-Pass facilitates the delivery of Strategic Site CS 20, Glebe Farm; Strategic Location 9, Brooks Lane and Strategic Location 10, Midpoint 18 Extension. The opportunities for Middlewich emerging from the location of the HS2 Super-Hub at Crewe are likely to be considerable and very positive. It is important to press ahead with facilitating the success of Middlewich. Its Eastern By-Pass will make a major contribution to improving the Town's potential

- 3.3 The Town continues to suffer acutely from traffic congestion. A533, Lewin Street, is a sub-standard, narrow route within Middlewich and presents a number of risks to road safety as a result. The Eastern By-Pass will mitigate the traffic congestion by significantly diminishing conflicting traffic movements. Importantly it should limit the safety concerns on Lewin Street
- 3.4 Work has identified the limitations of the original route; the need for more options and opportunities for better solutions. The options will need to be compared and to be measured against the strategic requirement and objectives for the Scheme. Hence work is required to clarify those parameters
- 3.5 In order to obtain any further planning permission, and the necessary ecology licences to implement the Scheme, timely topographical and environmental surveys are required. These environmental surveys have to comply with set dates and last for laid-down durations. If the surveys are not started immediately, a whole year will be lost and the Scheme will be delayed as a result
- 3.6 The Construction, Design and Management Regulations require the appointment by the Client of a Principal Designer at this stage of the Scheme. The Principal Designer will facilitate the production of the optimum solution as well
- 3.7 As the Scheme makes progress, it is important to consult and involve local Members; the local MP; the Town Council; landowners; local businesses; other stakeholders; and the local community who are likely to be affected and benefit from the Scheme. A lot of the land involved is owned by two developers, so their involvement will be fundamental. The consultation will inform the production of the optimum CIL that the Scheme can deliver
- 3.8 In order to start with effective control of the Scheme, it is recommended that the necessary governance structures are put in place at the onset. Based on experience, the Council's normal approach be adopted with the creation of a bespoke Project Board. The proposed membership is shown at Appendix B. The Project Board will report to the Strategic Infrastructure Board that, in turn, reports monthly to the Portfolio Holder
- 3.9 The opportunity to deliver the expanded Midpoint 18 site; create a viable, deliverable solution and secure the traffic and safety benefits for the Town Centre should be seized. The proposed mechanism is by extending the remit of the Project Board to cover the master-planning of the entire Midpoint 18 site. This widened role will include facilitating the jobs and housing growth which are in the Local Plan.

4. Wards Affected

Middlewich and Brereton Rural

5. Local Ward Members

- 5.1 Cllr Simon McGrory

- 5.2 Cllr Michael Parsons
- 5.3 Cllr Bernice Walmsley
- 5.4 Cllr John Wray

6. Policy Implications

- 6.1 The Scheme supports the Local Plan Policy CO2 and is included in the associated Infrastructure Delivery Plan
- 6.2 It relates directly to the Council's Three Year Plan; Outcomes 2 and 6
- 6.3 The Eastern By-Pass aligns strongly to both the Economic Development Strategy and the Vision and Strategy for Economic Growth. East Cheshire Engine of the North
- 6.4 It is included in the Local Transport Plan 2015 Policy B2 – Enabling Development.

7. Financial implications

- 7.1 The Middlewich Eastern By-Pass will be delivered through a blend of scheme-funding including third-party developer contributions secured by the Council. The viability and affordability of any by-pass scheme will be examined through consultation and financial-advisory work proposed as part of this feasibility stage. In addition an up-to-date cost estimate for the proposed solution will be prepared as part of the feasibility assessment.
- 7.2 Corporate Finance has been consulted on the budget implications of this report. It is estimated that the cost of the recommendations will be of the order of £250,000, which will be incurred as part of the Councils current capital budget. However if the project does not proceed even past this initial feasibility stage the costs would become payable by revenue and may be required to be funded by revenue reserves.

8. Legal implications

- 8.1 The recommendation to appoint a Principal Designer will satisfy the legal requirements of only the Construction Design and Management Regulations.
- 8.2 The environmental and ecology surveys proposed will initiate compliance with the Wildlife and Countryside Act. Funding for same will come from the budget.
- 8.3 The outputs of this feasibility stage will be prepared to ensure that the relevant requirements of the statutory planning process are met.
- 8.4 The stakeholder consultation plan will be prepared to meet the relevant requirements of both the Equalities and Human Rights Acts.
- 8.5 The route of the scheme, the alternative schemes, funding of the scheme will all have to be looked into and approved, as will land acquisition, costs of land

acquisition, and potential consideration of the need for any Compulsory Purchase Powers and ultimately due consideration of procurement and State Aid issues. None of which are addressed in this report. All of these points will need separate legal consideration at the material time, on the points they raise, and in light of the powers under the Constitution- and any delegated powers applicable. In addition funding to be provided by the Capital contribution from the Council will have to be identified and form part of a capital bid and be a Key decision.

9. Risk Management

- 9.1 Immediate implementation of the recommended governance arrangements will lead rapidly to the production of the Scheme's risk register; mitigation measures; monitoring and effective control.

10. Background

- 10.1 A plan of the locality is at Appendix A
- 10.2 The northern part of the Scheme was constructed as Pochin Way and is identified in Appendix A
- 10.3 The current planning permission deadline has already been extended and no further postponement is allowed
- 10.4 There is an opportunity to secure significant investment for Strategic Location 10, Midpoint 18 Extension but outside the Local Plan, conditional on the provision of highway access. Construction of the early phases of the Eastern By-Pass will satisfy this requirement
- 10.5 Access employment sites along Cledford Lane is required
- 10.6 The Northern Gateway programme has identified opportunities to locate rail facilities at Middlewich. Further opportunities are likely to emerge. It can be easily deduced that there will be a need for the associated, high-quality highway infrastructure. The Scheme will provide the solution
- 10.7 The restoration of passenger rail services to Middlewich will be supported by all of the Northern Gateway opportunities. The station will be a traffic generator and benefit from the Eastern By-Pass which could provide access to the new station, dependent on its location
- 10.8 The traffic congestion in Middlewich has been a serious concern for a long time. It is largely caused by the high volume of east-west traffic, largely generated by Winsford. In conjunction with Cheshire West and Chester Council a traffic model has already been procured that covers both Towns and will be used for the proposed work. Not only will the Eastern By-Pass be used to ameliorate the north-south traffic movements that badly conflict with the flow of east-west traffic, it will be used to facilitate the subsequent scheme that provides the east-west traffic solution

- 10.9 An initial economic case assessment has been done in the past for the Scheme. It showed that the Eastern By-Pass is a viable transport scheme, without any other considerations, with a Benefit-Cost Ratio greater than 2
- 10.10 A Preliminary Route Options Report has been produced that has been used in the preparation of this Report and is at Appendix C

11. Access to Information

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

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