

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	3 rd May 2016
Report of:	Executive Director of Growth and Prosperity
Subject/Title:	Middlewich Eastern By-Pass
Portfolio Holder:	Cllr David Brown, Highways and Infrastructure

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 four Strategic Sites for employment and housing. The Eastern By-Pass is a Strategic Highway Scheme intended to facilitate their delivery and the success of Middlewich.
- 1.2 In February the Cabinet authorised the conduct of a Feasibility Stage for the Middlewich Eastern By-Pass leading to a Strategic Case and recommendation of a preferred route. The Council has already committed £750,000 to the development of the Scheme. The associated environmental and ecology surveys were authorised too. The planning permission for the current consented route expires on 11th July 2016 but it is still included as one of the options under consideration, an issue which is addressed in this Report. The Feasibility Stage is progressing well and is running on time.
- 1.3 Discussions with a range of stakeholders in Middlewich have identified the extent of wider concerns with the town's transport networks, which will need to be considered alongside the development of the By-Pass.
- 1.4 A number of route options have been identified which will be refined, finalised and subject to the Portfolio Holder's approval. The alternative routes will be subjected to public engagement seeking comments on the various designs.

2. Recommendations

Cabinet is recommended that:

1. Authority be delegated to the Interim Executive Director of Economic Growth and Prosperity in consultation with the Highways Portfolio Holder, to conduct a public consultation in Middlewich. It will be concerned with the development of a wider transport plan covering public transport, walking, cycling, local junctions and safety plus full engagement over the By-Pass seeking comments on the route options and aspects of the designs.
2. Authority be delegated to the Interim Executive Director of Economic Growth and Prosperity in consultation with the Highways Portfolio Holder to enter into

negotiations with key stakeholders and developers to enable the development of a high level funding strategy for the By-Pass.

3. Authority be delegated to the Interim Executive Director of Economic Growth and Prosperity in consultation with Highways Portfolio Holder, to complete the route-options comparison, reflecting the public engagement, developer negotiations and the Strategic Case.
4. Authority be delegated to the Interim Executive Director of Economic Growth and Prosperity, in consultation with the Highways Portfolio Holder, to submit a revision to the discharge of the planning conditions thus extending the validity period of the planning permission for the original By-Pass route by three years.
5. Note that the Middlewich Eastern By-Pass Project has a capital approval of £750,000 within the 2016/17 Medium Term Financial Strategy and that spending will remain within the budgetary framework.

3. Reason for recommendations

- 3.1 The By-Pass must not developed in isolation to the rest of the Town's transport needs, which was a theme identified in the Local Plan process and in discussions with stakeholders. To ensure the By-Pass forms an integral part of the Town's future transport plan and any complementary measures are identified it is considered that a wider public consultation should be undertaken to enable the plan to be developed and be an important part of the process to implement the By-Pass. Arrangements for this consultation will take account of any relevant stakeholder activity planned through the Partnership Programme.
- 3.2 A high-level funding strategy is to be devised which is CIL-compliant. Negotiations will be conducted with the developers of the Local Plan Strategic Sites of CS 56 Midpoint 18; CS 54 Brooks Lane; CS 20 Glebe Farm and CS 55 Warmingham Lane as all contributing to the cost of the By-Pass. There are further opportunities for development that will be realised by some of the route options. Contributions from these various developments are required in order to identify the scale of any funding gap for each route-option. The results will be used in the selection of a preferred route.
- 3.3 Until completion of the preferred route assessments, it is prudent to retain the current consented route, without prejudice, as an option. This approach preserves the means to deliver this alignment, should it be confirmed as preferred option. The way to achieve this is through a Section 73 submission to the Local Planning Authority which will extend the current consent for a further 3 years.
- 3.4 The outcomes of the Feasibility Stage have confirmed the scope and complexity of the Project and the number of potential route alignments. Environmental surveys have been required to assess baseline conditions and prevailing site constraints and two more protected wildlife species than expected have been identified. As such, the approval for further work is

necessary to inform a future decision on a preferred route option and to progress the Scheme.

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 The 2016/17 budget includes a specific capital allocation of £750,000 for the Middlewich Eastern By-Pass. Spending on the initial design stages of this Project will be managed within overall capital approvals in the Medium Term Financial Strategy and spending or changes to this allocation will be reported in accordance with the budgetary framework.

8. Legal implications

- 8.1 The outputs of this Feasibility Stage will be prepared to ensure that the relevant requirements of the statutory planning process are met.

- 8.2 Engagement of key stakeholders, residents and members of the public is a statutory obligation of the local authority during the planning and delivery of major highways projects. The proposed approach to consultation and engagement will ensure that the Council takes appropriate measures to discharge its obligations to stakeholders before confirming a preferred route option. That route will, of course, be subsequently subject to the normal, formal consultation process.
- 8.3 The route of the scheme, alternative schemes, funding of the scheme, land acquisition, costs of land acquisition, potential consideration of the need for use of Compulsory Purchase Powers, and consideration of procurement and State Aid issues have all yet to be considered. 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, in light of the powers under the Constitution. 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 The scheme development is following the established processes laid down nationally and by the Council. This approach is an intrinsic risk-mitigation measure. The other major delivery risk would be the lack of funding and it is addressed by authorising the preparation of a high-level funding strategy.

10. Background

- 10.1 The plan of the original route is at Appendix One.
- 10.2 The Strategic Case is at Appendix Two.
- 10.3 The Strategic Case has been provided so that it can be demonstrated that the needs of the By-Pass have all been covered by providing an overall aim, for it to fulfil, all the objectives required and to define their relative importance. By using the Strategic Case to evaluate the route options, the relative merits of each of them can be assessed objectively.
- 10.4 It is recommended that a wider public consultation exercise on Transport Strategy for the town is undertaken. The aim of the consultation will be to identify the most significant concerns of residents and businesses to inform future schemes in the town, including to the road, bus and sustainable transport networks. Solutions that can be implemented in the short term will be sought.
- 10.5 The number of alternative route options has resulted from consideration of the site constraints and the need to meet the strategic objectives of the By-Pass. The routes all have to lie within the boundaries of Cheshire East and have to connect the A54 and the A533. A major constraint, for example, is an industrial-pressure gas main routed through the area which has a safety zone either side of its route. The safety zone has strict rules about what can be built within it.

- 10.6 As well as the work already concluded in producing the Strategic Case, the extra information from the public engagement and negotiation will be required to complete the selection of the preferred route. It will also inform the Statement of Community Involvement required for planning and funding approvals. An example of the type of issue to be addressed will be whether or not to connect Cledford Lane to the By-Pass. A further issue for public comment will be whether or not to adopt a phased approach to implementation if there were a junction with Cledford Lane.

11. Access to Information

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

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