

Cheshire East Council

Cabinet

Date of Meeting:	13 th March 2018
Report of:	Executive Director Place
Subject/Title:	North West Crewe Package – Approval to Proceed with the Compulsory Purchase of Land Required to Deliver the Scheme
Portfolio Holder:	Cllr Don Stockton, Environment

1. Report Summary

- 1.1. The Council has set out a clear vision and strategy for sustainable economic growth in the adopted Local Plan Strategy. A key element of this strategy is a significant investment programme in transport infrastructure to support the delivery of housing and jobs in the Borough.
- 1.2. The North West Crewe Package is an important element of this strategy and forms a key part of the Local Plan infrastructure programme for wider Crewe. The project unlocks a number of housing and employment Local Plan allocation sites by improving wider traffic movements and transport links, particularly in North Crewe.
- 1.3. The project will improve connectivity in North West Crewe providing a north-south spine road, realigned Smithy Lane, east-west Link Road from the A530 to the Spine Road and a series of junction improvements. (“North West Crewe Package”) (NWCP).
- 1.4. The project has been awarded £5m of the National Productivity Fund (Local Roads element) and the Council has also been successful in securing a £10m grant from the Housing Infrastructure Fund however the specific terms attached to this grant are as yet unknown. A planning application is due to be submitted later in 2018; which, if approved, would enable the Compulsory Purchase Order (CPO) process for the project to begin.
- 1.5. The purpose of this report is to recommend that Cabinet resolves to use Compulsory Purchase powers to acquire land to facilitate the construction of the scheme and associated works to the existing highways network and authorise a Side Roads Order to be made concurrently.

2. Recommendation

2.1. That Cabinet:

- 2.1.1. Authorises the appointment of external solicitors as the Council's additional legal support for the delivery of the scheme acting on behalf of the Council and under the direction of the Director of Legal Services.
- 2.1.2. Authorises the Head of Assets to continue negotiations and seek to conclude terms to acquire the land and rights (or extinguish the same) required for the North West Crewe Package Scheme by voluntary agreement and to instruct the Director of Legal Services to draft the necessary documents and to execute such documents including any required for temporary access or use of land, subject to the necessary financial approvals being in place.
- 2.1.3. Authorises the Head of Assets to negotiate and approve the payment of relevant and reasonable professional fees incurred by landowners and others with compensatable interests in taking professional advice in connection with the acquisition of their interests required for the scheme and related compensation claims. Also in advancing the development or implementation of the North West Crewe Package Scheme, subject to the necessary financial approvals being in place.
- 2.1.4. Subject to a positive resolution of the Strategic Planning Board to grant planning permission for the scheme and the necessary financial approvals by the Portfolio Holder for Finance and Communications and the Interim Executive Director of Corporate Services (Section 151 Officer) being in place; Authorises the use the powers of compulsory purchase to undertake the acquisition of land and new rights required for the construction of the North West Crewe Package Scheme, issue "requisition for information" notices on occupiers and land owners and to authorise:
 - i. The making of an order (or orders) under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and all other powers as appropriate for the compulsory purchase of land and rights required for the construction of the North West Crewe Package as shown on drawing Nos B1832065-DWG-0100-003 and B1832065-DWG-0100-004 ("the CPO");
 - ii. The making of a Side Roads Order (or orders) under Sections 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve, stop up existing highways, construct lengths of new highway and stop up and provide replacement private means of access as required to deliver the North West Crewe Package ("the SRO");
 - iii. The Executive Director of Place in consultation with the Director of Legal Services to make any amendments necessary to the

contemplated orders arising as a result of further design work or negotiations with landowners and statutory undertakers or affected parties or for any connected reasons in order to enable delivery of the North West Crewe Package;

- iv. The Executive Director of Place in consultation with the Director of Legal Services to take all appropriate actions to secure the confirmation of the contemplated orders including:
 - i. To take all necessary action to secure the making, submission to the Secretary of State for confirmation and (if confirmed) implementation, of the Side Roads Order (SRO) and the CPO (“the Orders”) including the publication and service of all relevant notices and for the Director of Legal Services to secure the presentation of the Council’s case at any Public Inquiry and the subsequent service of Notices to Treat and Notices of Entry or, as the case may be, the execution of General Vesting Declarations;
 - ii. To negotiate and enter into agreements and undertakings, prior to or following the making of the Orders, with the owners of any interest in the land effected by the Orders and any objectors to the confirmation of the Orders setting out the terms for the withdrawal of objections to the Orders including where appropriate, the inclusion in and/or exclusion from the CPO of land or new rights or the amendments of the SRO and to authorise the Head of Assets to negotiate and the Director of Legal Services to draft, agree and execute all necessary legal documents to record any such agreements and/or undertakings;
 - iii. To authorise the Director of Legal Services to appoint suitable counsel to advise and represent the Council at any Public Inquiry held in respect of the Orders and to provide legal support to the project team through the process;
- v. The Executive Director of Place in consultation with the Director of Legal Services to agree compensation for the acquisition of land and rights acquired compulsorily and in the event that any question of compensation is referred to the Upper Tribunal (Lands Chamber) to authorise the Director of Legal Services to take all necessary steps in connection with the conduct and, if appropriate, settlement of such proceedings, subject to the necessary financial approvals being in place.

- 2.1.5. The Director of Legal Services (in consultation with the Executive Director of Place) to approve and execute all legal documentation that is considered necessary to give effect to the above.

3. Reasons for Recommendation

- 3.1. The acquisition of this land enables the Council to proceed with the development and delivery of the North West Crewe Package scheme. This is a vital new road scheme as it forms a key part of the Local Plan infrastructure programme for wider Crewe, which will deliver an improved highway network for the town and unlock a number of housing and employment Local Plan allocation sites.
- 3.2. The housing sites would make a significant contribution to maintaining the Council's 5 year housing supply through Local Plan allocated strategic sites at Leighton West (850 homes – site ref LPS4) and Leighton (500 homes – site ref LPS5).
- 3.3. Leighton Hospital suffers from poor connectivity to the existing highway network. The scheme will put the hospital at the locus of the North West Crewe highway network and improve links between the hospital, Crewe and wider area.
- 3.4. The scheme will ease congestion issues in the area and improve access to the hospital by establishing a new 'blue light' route and build upon the improvements that are currently already underway at Crewe Green Roundabout on the same corridor. It will also support the Bentley Masterplan and Development Framework endorsed by Cabinet May 2017 along with the expansion of Leighton Hospital
- 3.5. The successful delivery of these sites will also support the emerging strategy development work in relation to the Crewe Masterplan and HS2 Constellation Partnership.
- 3.6. The project requires specialist legal support to undertake due diligence and move the land acquisitions and compulsory purchase process forward. It has been identified that external legal support needs to be procured immediately to provide the necessary resource to deliver the scheme in accordance with the program's planning submission date.
- 3.7. Acquiring authorities should acknowledge and understand that every effort should be made to acquire the necessary land interests by agreement with the effected parties and that compulsory acquisition is a last resort. The Council has appointed Sanderson Weatherall (CPO Specialists) to undertake this work in conjunction with the Council's Assets Department. However, voluntary acquisitions of all of the land effected and rights required may not be possible within the funding window for this scheme.
- 3.8. Whilst acquisition by agreement will be pursued, initiating the CPO process over the entire land holding that is required to implement the scheme offers certainty should parallel negotiations to acquire the land and rights voluntarily not be successful.

- 3.9. To meet the delivery programme for starting construction, it has been identified that the Council will need to undertake early negotiations with affected land owners to secure that land required for the scheme by way of early acquisitions.
- 3.10. In resolving to make a Compulsory Purchase Order for the scheme, the Council would be proceeding under its powers under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 for the compulsory purchase of land and rights required. The principal power in the Act is Section 239(1), which provides that a highway authority may acquire land required for the construction of a highway which is to be maintainable at the public expense, and Section 239(3) which allows a highway authority to acquire land for the improvement of a highway being an improvement which the authority is authorised to make under the Act. Section 246 authorises the acquisition of land for the purpose of mitigating the adverse effects of the construction or improvement of highways. Section 250 authorises the compulsory acquisition of new rights over land and Section 260 authorises the clearance of the title to land already held by the Council and required for the scheme and which might otherwise interfere with the Council's activities in exercising its statutory powers to construct the works.
- 3.11. The scheme will require the acquisition of the freehold title to approximately 10.05 hectares of land (or thereabouts) and a further 0.18 hectares of land over which new rights are to be created. The plans to accompany the CPO will be available for inspection by members at the meeting and a reduced size version of the plan is annexed to this report.
- 3.12. The land over which freehold title is to be acquired is predominantly agricultural land but does include a property known as Leighton Farm Barns which is a small residential barn conversion development of 6 part complete dwellings (unoccupied dwellings). This property is owned by a developer and the Council is in the process of negotiating an early voluntary acquisition (prior to the grant of planning permission for the scheme and making of the CPO), in order to avoid the scheme impacting on residential occupiers and to mitigate future acquisition costs. Other than that, the proposed CPO does not involve the acquisition of any residential properties nor any land in any of the categories where land has to be provided in exchange, such as common land or public open space.
- 3.13. Some of the areas over which freehold title is to be acquired may not be required for the permanent works and may be sold back to the current owners at Open Market Value along with the payment of compensation in due course.
- 3.14. The Side Roads Order (SRO) will authorise the stopping-up, diversion and creation of new lengths of highway or reclassification of existing highways and the Compulsory Purchase Order (CPO) will include land that is required to enable the works authorised by the SRO to be carried out.
- 3.15. In addition, the SRO makes provision for the stopping-up of private means of access to premises and agricultural land and the CPO makes provision

for the acquisition of land and new rights to enable new, replacement private means of access to be provided as part of the scheme.

- 3.16. The plans of the works and alterations to be authorised by the SRO will be available for inspection by Members at the meeting.
- 3.17. The land proposed to be acquired is the minimum considered to be reasonably required to achieve the selected design option, subject to three matters that are currently unresolved pending further design work. Firstly, the locations for working compounds and attenuation ponds have not yet been confirmed and will be selected for inclusion in the CPO in due course. Secondly, the relocation of a private drain serving Leighton Hospital is subject to further design and this may require interference with rights held by the Hospital. Thirdly, discussions are proceeding with the Statutory Undertakers and these may disclose additional requirements for service diversions for which land or rights may require to be obtained under the CPO. These amendments may be made by the Executive Director of Place in consultation with the Director of Legal Services pursuant to recommendation 2d.iv.ii following adoption of the recommendations in this report.

4. Other Options Considered

- 4.1. The Council has instigated negotiations with affected landowners in accordance with the Department of Communities & Local Government Guidance on Compulsory Purchase dated October 2015. However, as already noted, it is not realistic to expect that voluntary acquisitions could be concluded with all affected parties and for all land title issues to be dealt with by agreement within the funding window for the scheme. Accordingly, the authorisation of compulsory purchase action is sought at this stage to maintain the project programme and to demonstrate the Council's intent, subject to a resolution to grant planning permission by the Strategic Planning Board, to proceed with the scheme.

5. Background

The Need for the Scheme - Local Plan Strategy

- 5.1. Crewe is the largest settlement within Cheshire East with a population of over 73,400. It is situated approximately 28 kilometres west of Macclesfield and 32 kilometres south east of Chester. The Council has identified Crewe as its biggest spatial priority and its key objective is to take advantage of its prime location for connectivity and to significantly increase the amount and type of employment that is available in the town.
- 5.2. The Local Plan has allocated land for business, retail, leisure and other commercial developments and it is imperative that this land is now released to ensure that jobs led growth is delivered. If sufficient housing, commercial or employment opportunities are not provided, economic

growth will be constrained because new businesses will decide not to locate in Cheshire East, whilst house prices will increase, exacerbating the affordability problem.

- 5.3. The Local Plan has identified that Crewe requires an average 385 new homes and 3.25 hectares of employment land each year totalling 7,700 new homes and 65 hectares of employment land for the period 2010 to 2030. The Local Plan Strategy brings forward at an early stage the necessary infrastructure that services new sites.
- 5.4. The North West Crewe Package would be a key part of the Local Plan infrastructure programme for wider Crewe. It would improve Strategic Highway Connectivity for North West Crewe and, together with existing approved schemes, ease congestion issues in the area.
- 5.5. The North West Crewe Package would unlock a number of housing and employment Local Plan allocation sites by improving wider traffic movements and transport links. This will make a significant contribution to maintaining the Council's 5 year housing supply through Local Plan allocated strategic sites at Leighton West (850 homes – site ref LPS4) and Leighton (500 homes – site ref LPS5). It will also support the proposals for Bentley Motors.

The Need for the Scheme - Economic, Educational & Health Benefits

- 5.6. The scheme supports expansion at Leighton Hospital and there is an existing requirement for improved blue-light routes in and out of Leighton Hospital. The delivery of the new infrastructure will also allow more efficient and appropriate use of the existing highway network.
- 5.7. Bentley Motors have ambitions to create a campus, based on investment in a new technology centre and through implementation of the Bentley Masterplan and Development Framework endorsed by Cabinet in May 2017. The scheme would help mitigate traffic impacts associated with this expansion.

The Need for the Scheme - Highway Network Improvements

- 5.8. The scheme would also make better use of the existing network by separating school traffic, hospital traffic and through traffic, and will significantly enhance the connectivity from the A530 in to Crewe.
- 5.9. The hospital suffers from poor connectivity to the existing highway network. The scheme would put the hospital at the locus of the North West Crewe highway network and improve links between the hospital, Crewe and the wider area.
- 5.10. The scheme would complement potential future schemes to allow further development within Crewe beyond the Local Plan that would occur as a result of HS2, while also improving connectivity to HS2 from areas beyond Crewe.

Alternatives Considered

- 5.11. An option of improving Minshull New Road was considered but was not taken forward, as this would not have provided adequate access to the Local Plan sites, addressing existing problems only.
- 5.12. Furthermore, improvements at the existing Smithy Lane/A530 are constrained by third party properties including Leighton Hospital, as well as forward visibility. The proposed new Smithy Lane/A530 junction and alignment was developed working with the landowners and developers of Local Plan Site LPS4 (Leighton West) to generate the preferred option.

Scheme Description:

- 5.13. The North West Crewe Package would be new highway, approximately 2.6 km in length. The road would consist of a two-way single carriageway with a mainline width of 6.9 m. Local Plan Site LPS4 (Leighton West) includes an extension of the Connect 2 Crewe cycle greenway to be incorporated into green infrastructure provided within this housing allocation.
- 5.14. The scheme is formed around a spine road (running north-south) creating a new road linking Minshull New Road to Leighton Hospital. At the northern end of the spine road, Smithy Lane would be realigned between Middlewich Road and Flowers Lane. The southern end of the scheme would include an east-west link between the spine road and Middlewich Road.
- 5.15. For the surrounding highway network, a package of mitigation and complimentary measures has been proposed to ease congestion. This would primarily consist of a partial realignment of Flowers Lane where a new roundabout will connect into Middlewich Road, providing relief to congestion at the existing cross-road junction.

Planning Position:

- 5.16. The proposed scheme is fully in line with Strategic Priority 1 of the Local Plan. This priority seeks to promote economic prosperity by creating the conditions for business growth. The objective is to be delivered in part by providing a viable and flexible supply of quality employment land and maximising the opportunities that may be offered by HS2.
- 5.17. Strategic priorities 2, 3 and 4 seek to create sustainable communities, protect and enhance environmental quality, reducing the need to travel, promoting more sustainable modes of transport and improving the road network.
- 5.18. Policy IN1 of the Local Plan specifies that infrastructure delivery will take place in a phased co-ordinated manner guided by the Infrastructure Delivery Plan and any additional site specific requirements to support the Local Plan Strategy proposals. The Infrastructure Delivery Plan (July 2016) includes the North West Crewe Package.

5.19. Local Plan Site LPS4 (Leighton West) provides for the delivery of 850 new homes and circa 5 hectares of employment land to be delivered with LPS5 (Leighton) providing 500 new homes. The focus is to provide sustainable neighbourhoods, which reflect the transitional location between the higher density urban area and the rural area, green infrastructure and key highway improvements in the area through a masterplan led approach.

5.20. National Planning Policy Framework (March 2012) provides that:

“Local Plans are key to delivering sustainable development which reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise”.

6. Wards Affected and Local Ward Members

6.1. Wards Affected

6.1.1. Leighton Ward

6.2. Local Ward Members

6.2.1. Cllr. Derek Bebbington.

7. Implications of Recommendation

7.1. Policy Implications

7.1.1. It relates directly to the delivery of the Council’s Corporate Plan:

Outcome 1 – Our local communities are strong and supportive

Outcome 2 – Cheshire East has a strong and resilient economy

Outcome 4 – Cheshire East is a green and sustainable place

Outcome 5 – People live well and for longer

7.1.2. The Council’s Local Plan Strategy is supported by an Infrastructure Development Plan (July 2016). The project of new highways and junction improvements is closely linked to the delivery of significant numbers of new houses and to supporting the Bentley Masterplan and is referred to as Local Plan Sites LPS4 Leighton West and LPS5 Leighton.

7.2. Legal Implications

7.2.1. The powers that the Council would use to compulsorily acquire the necessary land and rights are set out in Section 3 above.

- 7.2.2. The powers of compulsory purchase contained in the Highways Act 1980 (“the Act”) are subject to distance limits from the centre line of the new road as set out in Section 249 and Schedule 18 of the Act and the proposed new principal road and the associated side roads and drainage works will fall within those limits.
- 7.2.3. While an authority should use compulsory purchase powers where it is expedient to do so, in considering whether to confirm the CPO and SRO the Secretary of State will need to be convinced that there is a “compelling case in the public interest for compulsory acquisition” and Members should apply a similar test before authorising its making on the balance of the information contained in this report.
- 7.2.4. The acquiring authority is also expected to show that if compulsory acquisition is authorised the scheme is unlikely to be blocked by physical or legal impediments to implementation. These include related infrastructure works, funding and the need for planning permission. As already noted the recommendation in this report, the recommendation is to proceed with the CPO subject to planning permission being granted. Whilst this is not strictly required to proceed with a CPO, it is considered expedient to pass this hurdle in the first instance.
- 7.2.5. Those receiving notice of the making of the CPO have a right to object and, if they wish, have their objections heard at a local public inquiry. As acquiring authority, the Council will need to make the case for the Order at any inquiry. The CPO does not take effect until confirmed by the Secretary of State. However, once the Order is confirmed an affected party aggrieved by the decision would have a further six weeks after receiving notification of the confirmation to challenge the decision in the Administrative Court on a point of law. This could result in the Order, or the decision to confirm it, being quashed in whole or in part.
- 7.2.6. In reaching a decision on whether to initiate compulsory purchase action, Members also need to consider, in addition to the information set out above about the scheme and the need for it, the position with regard to the funding of the scheme (which is set out in Section 7.3 of this report) and its human rights implications (which are set out in Section 7.4 of this report).
- 7.2.7. In addition to the above the Council proposes to enter into agreements prior to the making of the CPO for the acquisition of land and rights by agreement (rather than by use of CPO powers). The Council has the power pursuant to s120 of the Local Government Act 1972 to acquire land by agreement.
- 7.2.8. The Council has a fiduciary duty at all times to the taxpayers and must fulfil this duty in a way which is accountable to local people and which demonstrates that public funds are not exposed to unnecessary or unquantified risk.

7.3. Financial Implications

- 7.3.1. The acquiring authority is expected to make clear the sources of funding for the scheme and to indicate the sources of funding for both land acquisition and compensation and the works themselves.
- 7.3.2. In December 2017, the scheme was estimated to cost c£41.6m and Cabinet resolved at that meeting to recommend to the Council that the scheme costs be included in the Council's capital programme.
- 7.3.3. A budget of £39.9m is included within the 2018/21 Capital Programme Addendum. The funding from Cheshire East resources of £9.2m is subject to affordability. At the stage where the business case and funding strategy is sufficiently developed and the Cheshire East funding is deemed to be affordable the Portfolio Holder for Finance and Communications and the Interim Executive Director of Corporate Services (Section 151 Officer) will provide the additional approval for the scheme to proceed and form part of the main capital programme. The scheme is projected to be funded by £12m of Council funding (inc prior years expenditure), approximately £15m of grant funding and approximately £15m of developer contributions and capital receipts.
- 7.3.4. The Council has been awarded £5m of the National Productivity Fund (Local Roads element) and has also been successful in securing a £10m grant from the Housing Infrastructure Fund however the terms of the grant are not yet known.
- 7.3.5. At this stage, developer contributions are anticipated to be secured via Community Infrastructure Levy (CIL) or Section 106 agreements for development.
- 7.3.6. The budget for the North West Crewe Package to progress to a planning submission and allow limited early statutory diversions is £2.53m, this is funded by Cheshire East resources and included within the main capital programme.
- 7.3.7. The project budget includes an estimate for the costs associated with the CPO process including a public inquiry. This estimate allows for the costs of surveyors / solicitors / barristers / land referencing fees but would exclude any references to the Lands Tribunal in respect of compensation. The costs associated with Lands Tribunal for compensation are dependant upon the number and complexity of claims and the project budget includes a contingency for this.

7.4. Human Rights Assessment

- 7.4.1. In deciding whether to proceed with compulsory purchase Members will need to consider the Human Rights Act 1998 and Article 1 of the First Protocol and Article 8 to the European Convention on Human Rights. There are no occupied domestic dwellings directly affected within the proposed CPO land but this could change if Leighton Farm Barns is not acquired through voluntary negotiation. It is noted that the Council is in

negotiations to acquire Leighton Farm Barns early by voluntary agreement outside of the proposed CPO.

7.4.2. Article 1 protects the rights of everyone to the peaceful enjoyment of their possessions. No person can be deprived of their possessions except in the public interest and subject to national and international law.

7.4.3. Article 8 protects private and family life, the home and correspondence. No public authority can interfere with this interest except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.

7.4.4. Members will need to balance whether the exercise of these powers are compatible with the European Convention on Human Rights. In weighing up the issues it is considered that there is a compelling case in the public interest for the acquisition of land which will bring benefits to the residents and businesses of Crewe that could not be achieved by agreement and this outweighs the loss that will be suffered by existing landowners. The CPO will follow existing legislative procedures.

7.4.5. All parties have the right to object to the CPO and attend a public inquiry arranged by the Secretary of State. Parties not included in the CPO may be afforded that right if the inquiry inspector agrees. The decision of the Secretary of State can be challenged in the High Court, an independent tribunal, for legal defects. Those whose land is acquired will receive compensation based on the Land Compensation Code and should the quantum of compensation be in dispute the matter can be referred to the Upper Tribunal (Lands Chamber) for independent and impartial adjudication. The Courts have held that this framework complies with the Convention on Human Rights. Accordingly, a decision to proceed with the recommendation on the basis that there is a compelling case in the public interest would be compatible with the Human Rights Act 1998.

7.5. Equality Implications

7.5.1. In progressing the Orders and carrying out consultations the Council will take into account the needs of persons with protected characteristics as set out in equalities legislation.

7.6. Rural Community Implications

7.6.1. Completion of the project will ease congestion and facilitate movement across the Borough to the benefit of both urban and rural communities.

7.7. Human Resources Implications

7.7.1. It shall be necessary to ensure that sufficient resource is allocated in Assets, Highways, Legal, and Planning Services to support delivery of the scheme. If additional temporary resources are required these will be met from the project budget.

7.8. Health and Wellbeing Implications

7.8.1. The project would accommodate both pedestrian and cyclists to link Crewe Town Centre and its immediately surrounding neighbourhoods to Leighton Hospital and Local Plan sites LPS4 and LPS5.

7.8.2. The scheme will have environmental benefits, through reducing traffic congestion, improving travel times and reliability and encouraging multi modal forms of transport such as cycling and walking.

7.9. Implications for Children and Young People

7.9.1. No implications for children and young people as distinct from the wider community.

7.10. Overview and Scrutiny Committee Implications

7.10.1. There will be no scrutiny committee implications as result of this recommendation.

7.11. Other Implications (Please Specify)

7.11.1. Not delivering the scheme will mean that the improvements and benefits outlined above will not be achieved and the Local Plan sites will not be delivered.

7.11.2. Public expectations would not be met leading to a potential lack of public confidence and reputational harm to the Authority. Grant funding allocations towards the cost of the scheme would be lost.

8. Risk Management

8.1. Progressing a CPO would be preceded by an offer of voluntary negotiations to acquire by agreement which could continue during the CPO process. Ultimately, however, the making of a CPO could be the only way to resolve the major area of uncertainty that could otherwise delay the projects programme.

- 8.2. Entering into the CPO process offers the assurance that the Local Plan site allocations can be delivered.
- 8.3. The Council can notify the Secretary of State that it no longer wishes to use its CPO powers in respect of any interest and request the Secretary of State not to confirm the CPO over those interests at any time if negotiations are successful or if the Council considers the financial risk too great.
- 8.4. A major risk for any highway scheme is land assembly and any substantive delay to this is likely to adversely impact on the project program to include submission of the planning application and the start of construction. In order to mitigate this risk, it has been identified that external legal support needs to be procured immediately to support the land assembly and Compulsory Purchase strategy.
- 8.5. The Council will ensure that there is a budget for costs associated with any early acquisitions, including payment of professional fees incurred by affected land owners, required to meet the program for starting construction. Where possible, the Council shall enter into option agreements to acquire land to mitigate the costs associated with early acquisitions.
- 8.6. Leighton Farm Barns would be acquired on an unconditional basis before a planning application submitted. By acquiring this interest early, the Council would avoid the scheme impacting on residential occupiers and mitigate future acquisition costs. In the event that the scheme is not delivered, the Council would have the option of selling Leighton Farm Barns.

9. High Level Programme

November 2018	Draft Compulsory Purchase Orders(CPO) Published
June 2019	Public Inquiry into CPO
December 2019	Secretary of State Decision on CPO orders
April 2020	Procurement completed
April 2020	Possession of land
July 2020	Construction starts (phase one)
September 2021	Construction complete (phase one)

10. Access to Information

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

11. Contact Information

Contact details for this report are as follows:

Name:	Chris Hindle
Designation:	Head of Strategic Infrastructure
Tel. No.:	01270 686688
Email:	chris.hindle@cheshireeast.gov.uk

Appendix A

Plan illustrating road layout for the scheme