

Statement of Reasons

Highways Act 1980
Acquisition of Land Act 1981

**The Cheshire East Council (North West
Crewe Package) Compulsory Purchase Order
2020**

**The Cheshire East Council (A530 Middlewich
Road Classified Road) (Side Roads) Order
2020**

**The Cheshire East Council (B5076 Flowers
Lane Classified Road) (Side Roads) Order
2020**

**[The Cheshire East Council (B5076 Flowers
Lane Classified Road Fairfield Roundabout A)
(Side Roads) Order 2020]**

**[The Cheshire East Council (B5076 Flowers
Lane Classified Road Fairfield Roundabout B)
(Side Roads) Order 2020]**

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THE CHESHIRE EAST COUNCIL (NORTH WEST CREWE PACKAGE) COMPULSORY PURCHASE ORDER 2020

THE CHESHIRE EAST COUNCIL (A530 MIDDLEWICH ROAD CLASSIFIED ROAD) (SIDE ROADS) ORDER 2020

THE CHESHIRE EAST COUNCIL (B5076 FLOWERS LANE CLASSIFIED ROAD) (SIDE ROADS) ORDER 2020

[THE CHESHIRE EAST COUNCIL (B5076 FLOWERS LANE CLASSIFIED ROAD FAIRFIELD ROUNDABOUT A) (SIDE ROADS) ORDER 2020]

[THE CHESHIRE EAST COUNCIL (B5076 FLOWERS LANE CLASSIFIED ROAD FAIRFIELD ROUNDABOUT B) (SIDE ROADS) ORDER 2020]

JOINT STATEMENT OF REASONS FOR MAKING THE COMPULSORY PURCHASE ORDER AND THE SIDE ROADS ORDER

1. INTRODUCTION

1.1 This is the joint Statement of Reasons (the "Statement") of Cheshire East Council (the "Acquiring Authority" and "the Council") to support the making of:

1.1.1 The Cheshire East Council (A530 Middlewich Road Classified Road) (Side Roads) Order 2020;

1.1.2 The Cheshire East Council (B5076 Flowers Lane Classified Road) (Side Roads) Order 2020; and

1.1.3 [The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout A) (Side Roads) Order 2020] [The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout B) (Side Roads) Order 2020]

known collectively as ("the Side Roads Orders") (Appendix 1) under Sections 14 and 125 of the Highways Act 1980 and, pursuant to the Side Roads Orders, the making of:

1.1.4 The Cheshire East Council (North West Crewe Package) Compulsory Purchase Order 2020 (the "Order") (Appendix 2).

1.2 Collectively together and where the context so permits, references to the Order and the Side Roads Orders shall be referred to as the "Orders".

1.3 In preparing this Statement, the Acquiring Authority has endeavoured to provide sufficient information so that its reasons for making the Orders can be properly understood.

1.4 This Statement has been prepared in accordance with:

- 1.4.1 Department for Communities and Local Government “Guidance on Compulsory Purchase Process and the Crichel Down Rules” (July 2019) (“the Guidance”);
 - 1.4.2 Department of Transport Circular 1/97 “Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act” (June 1997); and
 - 1.4.3 Department of Transport Circular 2/97 “Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority” (June 1997).
- 1.5 The Orders are about to be submitted to the Secretary of State for Transport (“the Secretary of State”) for confirmation and, if confirmed, will enable the Acquiring Authority to rely on the use of compulsory purchase powers and highways alterations to be undertaken to facilitate the construction of new highways known as the North West Crewe Package (“the Scheme”), comprising of:
- 1.5.1 a new north-south Spine Road known as the Primary Hospital Link Route;
 - 1.5.2 the Fairfield Link;
 - 1.5.3 the Flowers Lane Link;
 - 1.5.4 the East - West Link road from the A530 to the Spine Road; and
 - 1.5.5 a series of junction improvements.
- 1.6 The Acquiring Authority considers that the Scheme forms a key part of the Local Plan infrastructure programme for wider Crewe, which will deliver an improved highway network for the town. The benefits of the Scheme also extend to unlocking a number of other housing and employment sites as allocated in the Cheshire East Local Plan (“the Local Plan”) by improving wider traffic movements and transport links, particularly in North Crewe.
- 1.7 The Scheme is important to achieving a supply of development sites in the wider Crewe area and to uphold the Local Plan strategy. The housing sites that would be opened up would also make a significant contribution to maintaining the Council’s 5-year housing supply and therefore enable the effective management of any planning applications for land not allocated in the Local Plan.
- 1.8 The Scheme will improve links between Leighton Hospital, Crewe and the surrounding area, easing congestion and establishing a “blue light” route to Leighton Hospital. These improvements to the Hospital access junction will provide capacity for the predicted growth in traffic during the Local Plan period up to 2030.
- 1.9 The Scheme shall deliver an improved highway network for the Town. The benefits also extend to unlocking a number of housing and employment Local Plan sites by improving wider traffic movements and transport links in the locality. These improvements will also reduce congestion and improve access to Leighton Hospital, and the future access to the Bentley Motors Site. The successful delivery of these sites will also support the emerging strategy development work in the Crewe Masterplan (Appendix 11) and The Constellation Partnership’s HS2 Growth Strategy (Appendix 12).

- 1.10 The land and new rights proposed to be compulsorily acquired under the Order (“the Order Land”) covers approximately 23.5 hectares of land.
- 1.11 The Scheme will be constructed on the edge of the settlement boundary to the west of Crewe. It is framed generally by agricultural land interspersed with field ponds and woodland areas. Leighton Hospital is immediately to the north of the Primary Hospital Link Route, with the village of Leighton located beyond agricultural land to the east.
- 1.12 The full extent of land to be acquired is set out in greater detail in Section 7 and identified on the map accompanying the Order (the “Order Map”) (Appendix 3). The land required for the entirety of the Scheme, including but not limited to the Order Land, is referred to throughout this Statement as the Site and is identified on the Scheme Plan (Appendix 4).
- 1.13 [On [5 May 2020] the Cabinet of the Council resolved to give approval to the use of powers of compulsory purchase and resolved to make the Orders (Appendix 5), reserving to Officers delegated powers to refine the Orders and their associated ancillary documents.] The Acquiring Authority has been making significant steps to acquire the land needed by private treaty agreement, which are set out in further detail in Section 8 of this Statement, and, whilst doing this, has retained in reserve the ability to bring forward compulsory purchase powers as a matter of last resort. Given the passage of time and the need to facilitate the Scheme coming forward, it has now become apparent that the Order must be progressed in parallel to ongoing negotiations, and subsequently submitted for confirmation to the Secretary of State in order to facilitate the construction of the Scheme.
- 1.14 In reaching the decision to make the Order, the Acquiring Authority has had full regard to the Human Rights Act 1998 and is satisfied that any interference is reasonable and proportionate. Human rights issues are dealt with in detail in Section 10 of this Statement.
- 1.15 Department of Transport Circular 2/97 provides guidance on Compulsory Purchase Orders for highway schemes and states that the Secretary of State will not confirm a Compulsory Purchase Order until he is satisfied that planning permission for the scheme to which the order relates has been granted. As noted in Section 6 of this Statement, the planning application for the Scheme was submitted in December 2018 and was determined by the Local Planning Authority on 28 March 2019, subject to conditions. The decision notice was issued on 3 July 2019 (Appendix 7).
- 1.16 The Order seeks to acquire all legal interests in the land coloured pink on the Order Map and new rights in the land coloured blue on the Order Map, as specified in the Schedule to the Order (“the Order Schedule”) (Appendix 2).
- 1.17 The Acquiring Authority is satisfied that the implementation of the Scheme requires the acquisition of the land and new rights, as set out in the Order, Order Map and Order Schedule and the highway alterations, improvements and construction as set out in the Side Roads Orders. The Acquiring Authority has made the Orders to facilitate the implementation of the Scheme.
- 1.18 The Acquiring Authority already owns or has acquired part of the Site required for the

Scheme and is satisfied that the implementation of the Scheme requires the acquisition of the remaining land and property interests, as set out in the Order and Order Schedule. The Acquiring Authority has sought to notify all of those who have a legal interest in any the Order Land, and to acquire all of these interests by agreement where possible. It is clear, however, that compulsory purchase powers need to be employed as a matter of last resort in this case in order to secure the delivery of the Scheme within a reasonable and realistic timescale.

1.19 In summary, this Statement:

- 1.19.1 identifies the statutory powers under which the Order is made (Section 2);
- 1.19.2 sets out the local context and background to The Scheme (Section 3);
- 1.19.3 provides details of the Site and a description of the Scheme (Section 4);
- 1.19.4 sets out the alternatives to the Scheme that have been considered (Section 5);
- 1.19.5 describes the current planning position and strategic support for the Scheme (Section 6);
- 1.19.6 describes the Order Land (Section 7);
- 1.19.7 explains the need for the Order together with details of negotiations with landowners (Section 8);
- 1.19.8 sets out how the Scheme is to be financed and timescales for implementation (Section 9);
- 1.19.9 deals with Human Rights issues (Section 10);
- 1.19.10 explains the need for the Side Roads Orders (Section 11);
- 1.19.11 sets out the Related Orders and Special Category Land (Section 12) and;
- 1.19.12 sets out the arrangements for the inspection of documents and contact details for further information (Section 13).

2. STATUTORY POWERS UNDER WHICH THE ORDER IS MADE

- 2.1 The Guidance published by the Ministry of Housing, Communities and Local Government in July 2019 provides the latest advice in connection with the use of compulsory purchase powers.
- 2.2 In accordance with the Guidance, the purpose for which an Authority seeks to acquire land will determine the statutory power under which compulsory purchase is sought. Paragraph 11 advises that acquiring authorities should look to use 'the most specific power available for the purpose in mind, and only use a general power when a specific power is not available.'
- 2.3 The Acquiring Authority has been seeking to negotiate the acquisition of the legal interests in the Site required for the proposed Scheme by agreement and has been successful in acquiring some key elements of the Site; however, part of the Site is still within private ownership and negotiations have not been fruitful to date. The Acquiring Authority is, therefore, utilising its powers under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (the "1980 Act") and Schedule 3 to the Acquisition of Land Act 1981, for the acquisition of all of the remaining interests and new rights in the Order Land, required to facilitate the construction and improvement of the highway network.
- 2.4 Sections 239 and 240 relate to general powers of highway authorities to acquire land for the construction and improvement of highways. Section 246 provides a power to acquire land for mitigating the adverse effects of constructing or improving highways. Section 250 provides that land acquisition powers may extend to creation as well as acquisition of rights, and Section 260 relates to the clearance of title to land acquired for statutory purposes.
- 2.5 The powers in the 1980 Act enable the Acquiring Authority to acquire compulsorily the land and new rights as identified within the Order for the following purposes:
- (a) the construction of a new highways, together with a series of new roundabouts;
 - (b) the improvement of, and, amendment to existing highway alignments and junctions;
 - (c) the provision of new means of access and amendment to existing means of access;
 - (d) the carrying out of drainage works, street lighting, flood defence, utility services, landscaping and all other necessary highways infrastructure and fittings in connection with the construction and improvement of highways;
 - (e) the improvement or development of frontages to a highway or of the land adjoining or adjacent to that highway;
 - (f) use by the Acquiring Authority in connection with the construction and improvement of highways and the provision of new means of access as aforesaid; and
 - (g) the mitigation of any adverse effects which the existence or use of any highway proposed to be constructed by the Acquiring Authority.
- 2.6 In accordance with paragraph 2 of the Guidance, the Acquiring Authority is using its

powers to compulsorily acquire the remaining interests as a matter of last resort, and efforts to acquire interests by private treaty will continue in parallel during the course of the compulsory purchase order process.

- 2.7 Having regard to the nature of the proposals and the advice set out in the Guidance, the Acquiring Authority is satisfied that the powers available to it under the 1980 Act are the most appropriate powers to use in order to achieve its objectives.
- 2.8 The Acquiring Authority has taken full account of the Guidance in making this Order.

3. LOCAL CONTEXT AND BACKGROUND TO THE SCHEME

- 3.1 Crewe is the largest settlement within the Borough of 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. Cheshire East 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.
- 3.2 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 job-led growth is delivered. If sufficient housing, commercial or employment opportunities are not provided, economic growth will be constrained by a lack of development land and available premises, and house prices will increase.
- 3.3 The Local Plan has identified that Crewe requires an average of 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 to meet demand and facilitate growth. The highway schemes prioritised for delivery are set out in Cheshire East Council Infrastructure Delivery Plan (Appendix 9). A list of the highway schemes along with their priority status is listed within Table 4 of Cheshire East Council Infrastructure Delivery Plan. The Scheme is listed as having a 'Priority 1' status within this table.
- 3.4 The Scheme provides infrastructure to serve Local Plan Strategy Site 4 Leighton West (LPS 4) and Local Plan Strategy Site 5 Leighton (LPS 5) (Appendix 13) and is a key part of the Local Plan infrastructure programme for wider Crewe. Local Plan Site 4 has an allocation of 850 new homes and 5 hectares of employment land and Local Plan Site 5 has an allocation of 500 new homes and no allocation of employment land. The Scheme would improve strategic highway connectivity for North West Crewe and ease congestion issues in the area. A plan detailing the area of both LPS 4 and LPS 5 is contained within Figure 1 of paragraph 3.26 below.
- 3.5 To assess the impact of the Scheme on the existing highway network traffic modelling work was undertaken using proprietary software. Future developments and committed highway schemes were incorporated into the models following discussions with the Local Highway and Planning Authority. Demand was distributed across the network and the models were found to successfully meet the convergence and validation criteria required for such models and therefore the Scheme can be deemed acceptable in Traffic Capacity terms. The new junctions proposed to provide access to the Scheme are all designed with appropriate capacity to accommodate the future traffic forecasts volumes. Junction capacity assessments were undertaken at the proposed junctions and were found to successfully operate below the preferred threshold of practical capacity. The two existing junctions included within the Bentley Motors Development Framework and Masterplan (Appendix 10) were also assessed and were found to operate within the practical capacity threshold. A copy of the full Transportation Assessment associated with the scheme is contained within Appendix 14.

- 3.6 The impact of the construction period traffic associated with the Scheme has been reviewed and is not considered to have a significant impact on the local highway network providing appropriate mitigation is provided at the time of construction.

Existing Road Network

- 3.7 The A530 as a whole provides a strategic link through the west of the Borough, with connections between a number of urban centres including Crewe, Middlewich and Nantwich. The existing road network is comprised of the A530 Middlewich Road, Smithy Lane, Flowers Lane, Pym's Lane, Eardswick Lane, Minshull New Road, and associated junctions. This network is described in detail below and a plan of the immediate network is contained in Appendix 15.
- 3.8 The A530 Middlewich Road is a single carriageway route located to the west of The Scheme. Leighton Hospital can be directly accessed via the A530 Middlewich Road and provides access to the main hospital entrance via the priority junction with Smithy Lane. The road is connected to Pym's Lane to the south via a signalised junction and connects to Flowers Lane and Eardswick Lane via a four-arm signalised junction to the north.
- 3.9 Smithy Lane is a single carriageway which creates an east-west connection between the A530 Middlewich Road and Flowers Lane and is subject to a 30mph speed limit for its full extent. Leighton Hospital is located to the north of the road with undeveloped agricultural land to the south. Smithy Lane currently forms the North West arm of the existing roundabout with Flowers Lane and Minshull New Road. There are also two priority junction-controlled side roads off Smithy Lane, which provide direct access to Leighton Hospital including the main entrance and blue light route to Accident and Emergency.
- 3.10 Flowers Lane is a single carriageway predominantly 50mph route. A 30mph limit is in place on the approach to the junction with the A530 Middlewich Road via a staggered crossroads signalised junction, with the road continuing south to Minshull New Road.
- 3.11 Eardswick Lane is a single carriageway road which extends from a priority junction with Cross Lane / Brookhouse Lane in the north, to a signalised junction with A530 Middlewich Road / Flowers Lane to the south.
- 3.12 Minshull New Road is a single carriageway 30mph route (20mph limit enforced in school peak hours) which forms a connection to the east of the study area between Smithy Lane and Pym's Lane / Badger Avenue. Minshull New Road is connected to Pym's Lane via an existing four-arm roundabout junction forming both the northern and southern arms of the junction, with Pym's Lane on the western arm and Badger Avenue on the eastern arm. To the east of this section Minshull New Road is a residential estate and to the west are residential dwellings immediately fronting the road with the Bentley Motors factor beyond.
- 3.13 Minshull New Road continues northwards to form the south-western arm of an existing four-arm roundabout junction (Barrows Green), with Flowers Lane to the north, Bradfield Road to the south-eastern arm and Smithy Lane forming the western arm. The east of Minshull New Road is largely residential, with undeveloped

agricultural land to the west.

- 3.14 Bradfield Road is a single carriageway 30mph road, which forms the south-eastern arm of the existing Barrows Green roundabout. From this point, the road extends towards Maw Green to the east.
- 3.15 Pym's Lane is located to the west of Minshull New Road and Badger Avenue is located to the east of Minshull New Road. Pym's Lane intersects with the A530 Middlewich Road at a three-arm signalised junction with the A530 Middlewich Road forming both the northern and southern arms of the junction, and Pym's Lane forming the eastern arm. Pym's Lane continues onto the four-arm roundabout via the western arm, with Minshull New Road forming the northern and southern arm, and Badger Avenue on the eastern arm continuing onwards from Pym's Lane. Badger Avenue extends in an easterly direction towards Crewe.
- 3.16 The A532 West Street provides an important link into central Crewe from Leighton in the West.
- 3.17 There is an existing requirement for improved blue-light routes in and out of Leighton Hospital as it is an ambulance response point as well as the Accident and Emergency department. This requirement will increase following the growth planned for the Site, which will be implemented to accommodate the growth in the local population.
- 3.18 A significant proportion of hospital traffic currently travels via Minshull New Road, which is a road that already experiences traffic delay associated with a local primary school, Leighton Academy. As such, traffic conditions on Minshull New Road are considered a potential barrier to the expansion of the Academy. The delivery of new infrastructure would allow more efficient and appropriate use of the existing highway network to allow for a new school site to be delivered in Local Plan Strategy Site 5.
- 3.19 Whilst some mitigation measures on Minshull New Road have already been implemented, it is considered that conflicts between through-traffic, pick-up and drop-off activity and pupils cannot be effectively mitigated further without reducing the volume of through-trips. The Scheme would improve sustainable travel links to the Academy, by delivering footway and cycleway provision onto the A530 Middlewich Road, which is not currently present.

Safety

- 3.20 A review of the collision data available from 2011 to 2017 obtained by CEC (NWCP Transport Assessment 2018 (Appendix 14)), indicates that a total of 80 accidents were recorded in the study area, which comprised of 70 slight accidents, 9 serious accidents and 1 fatal accident.
- 3.21 The most common causes of accidents recorded are loss of control, side impact and nose to tail. The fatal accident was recorded on Minshull New Road (103 metres north of Farmleigh Drive) and was a result of a motorcyclist travelling on Minshull New Road during the hours of darkness, losing control of the vehicle and striking the kerb which caused the rider to be thrown from the vehicle and collide with a lamp post.

- 3.22 The Personal Injury Accident (PIA) data does not indicate that this particular accident was a result of carriageway design, however, as part of the Scheme, Minshull New Road would not serve as a through route, which is expected to improve safety levels through reducing traffic flows.
- 3.23 The location with the greatest number of recorded accidents within the study area is the existing “Barrows Green” roundabout, with six slight accidents and one serious accident recorded. Adjacent to this location, Minshull New Road is the location of a further concentration of accidents, with the junction of Smithy Lane / A530 Middlewich Road also identified as a collision “hotspot”. Four of the recorded accidents in the study area involved pedestrians and ten of the recorded accidents involved cyclists.

Air Quality and Noise

- 3.24 The construction dust assessment for the Scheme concluded there is the potential for dust nuisance during the construction phase of the Scheme. The risk of dust impacts would be medium to high during earthworks and construction activities; however, with appropriate mitigation in place, the potential effects would not be significant.
- 3.25 A summary of the overall significance of effects on air quality during the operation phase of the proposed Scheme on human receptors and the potential impact for exceedances of EU limit values is contained with the North West Crewe Package Environmental Statement, Volume 2, which is summarised below.
- 3.26 There are three receptors predicted to exceed the NO₂ AQO limit, these receptors exceed with and without the proposed Scheme, but only have a small magnitude increase with the Scheme in operation. It is predicted that some locations will have a change in NO₂, NO_x, and PM₁₀ concentrations at receptors. There is only one local receptor predicted to have a large increase in NO₂ concentrations with the proposed Scheme in place. Due to the nature of the Scheme the effects would be long term.
- 3.27 There is a designated site within 200m of the Scheme, which is the Sandbach Flashes; a Site of Special Scientific Interest (SSSI). The assessment predicts that overall the proposed Scheme will have an imperceptible effect on all the modelled receptors at this SSSI location and, therefore, there is very little risk that this will be negatively impacted.
- 3.28 Based on the Design Manual for Roads and Bridges (DMRB) guidance, there are no significant impacts predicted during the operational phase of the Scheme, except for one receptor at a hotel/pub where long term exposure is unlikely due to the nature of the business. The overall effect on air quality as a result of the Scheme is likely to be insignificant, as all the receptors, apart from three, are predicted to be below the relevant Air Quality Objectives (AQOs). The impact is likely to be beneficial to some of the receptors, whilst being detrimental to other receptors located within the study area; however these are still assessed as being below the permissible values stated in the AQOs.
- 3.29 Traffic data for the air quality modelling scenarios were taken from the traffic models produced for the Scheme. This traffic data is detailed within the Scheme Transportation Assessment (Appendix 14). The base year air quality modelling uses

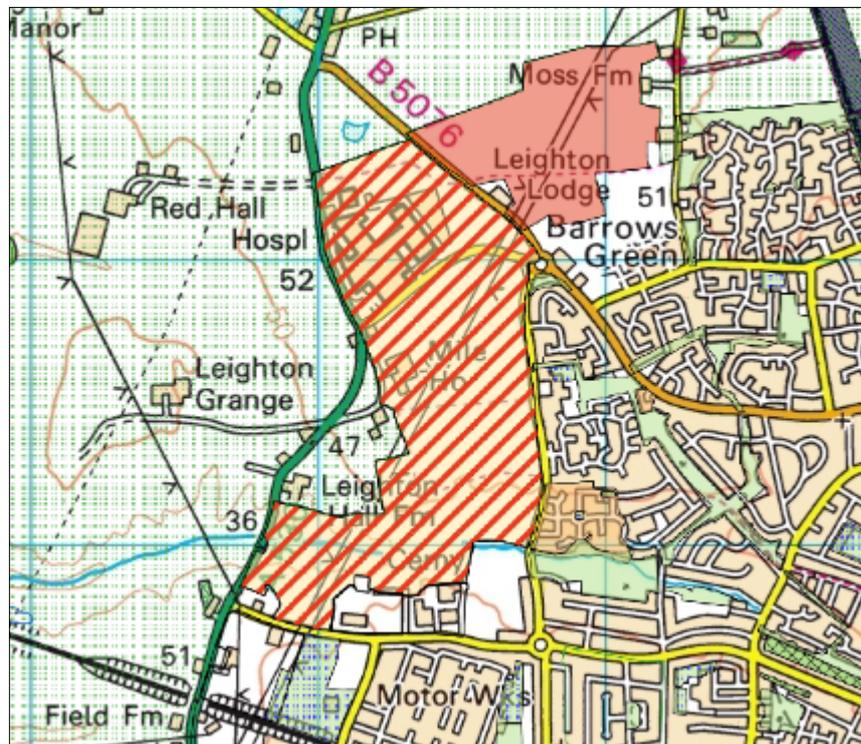
traffic data, air pollution measurements and meteorological measurements from 2015 that were then factored to values associated with the assessment year.

- 3.30 The construction and vibration noise assessment identified the potential for some significant noise and vibration effects during certain construction activities located in close proximity to sensitive receptors. Best practice measures will be implemented to mitigate these effects. Once the Scheme is operational, the vast majority of sensitive receptors are predicted to experience no or negligible change in noise levels on Scheme opening.

Future Development and Connectivity

- 3.31 The Scheme forms a key part of the Local Plan infrastructure programme for wider Crewe, which will deliver an improved highway network for Crewe and unlock a number of housing and employment Local Plan allocation sites.
- 3.32 The housing sites within LPS 4 and LPS 5 (Appendix 13) 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) and Leighton (500 homes). Leighton West would also release 5 hectares of employment land.

Figure 1: Local Plan Strategy Sites 4 (hatched red) and 5 (shaded red) as referenced in the Cheshire East Local Plan Strategy 2010 - 2030



- 3.33 Furthermore, Bentley Motors have ambitions to create a campus, based on investment in a new technology centre and through implementation of the Bentley Motors Development Framework and Masterplan (Appendix 10). The proposals for the Bentley expansion include for the stopping up of Pym's Lane and Sunnybank

Road. The Scheme would provide additional capacity to the surrounding road network which may help mitigate traffic impacts associated with this expansion.

- 3.34 The Scheme would complement potential future development and connectivity within the north west of Crewe to harness the potential of The Constellation Partnership's HS2 Growth Strategy (Appendix 12) and the areas inherent strengths to accelerate growth.
- 3.35 Leighton Hospital suffers from poor connectivity to the existing highway network. The Scheme would make better use of the existing network by separating school traffic, hospital traffic and through traffic, and significantly enhance the connectivity from the A530 Middlewich Road into Crewe.
- 3.36 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.

Socio-Economic Factors

- 3.37 The Indices of Deprivation (Published by the Ministry of Housing, Communities & Local Government) provide a set of relative measures of deprivation for small areas (Lower-layer Super Output Areas, LSOAs) across England, based on seven different domains of deprivation. The Index of Multiple Deprivation 2015 (IMD) is a combination of the seven indices to give an overall score for the relative level of multiple deprivation experienced in every neighbourhood (LSOA) in England. There are 32,844 LSOAs in England. The indices of Deprivation detail Crewe as having areas of high Indices of Multiple Deprivation with parts of Crewe falling within the top 20% of most deprived areas in England.
- 3.38 Transport has a significant role in reducing deprivation by both the creation of jobs and the alleviation of social problems, helping to shape society and determining where people work, shop, study and partake in leisure and social activities.
- 3.39 The Scheme offers the opportunity to enhance access to jobs and housing within Crewe, and greater route options to travel to the town centre and Leighton Hospital, improving the level of social inclusion, whilst facilitating economic growth.
- 3.40 Residents within the local area may benefit from improved access to housing and jobs within the wider Crewe area, as the Scheme delivers an improved local highway network and unlocks several local housing site allocations. The Scheme may increase the supply of new housing through the release of residential development land, will also unlock sites allocated for potential employment uses, enabling the facilitation of new jobs when these employment uses come forward. The Scheme supports housing development areas located directly adjacent to the Scheme proposals. These areas (which are currently subject to planning applications detailed further in paragraph 4.11) have the potential of delivering over 1000 new homes within the surrounding area.
- 3.41 The Scheme provides for potential additional access to the North of the Bentley site in

Crewe. This may facilitate the proposed expansion of the factory and allow for the creation of an estimated additional 1000 jobs at the factory within the next 10 years.

- 3.42 This Scheme will also allow expansion at Leighton Hospital by providing direct access to the local highway network and opening and providing access to potential areas for hospital expansion. This area for potential expansion facilitates the 20% growth planned by the hospital to cope with demand from increased population. Expansion of the hospital could also potentially create 600 new jobs, as well as other employment opportunities associated with the hospital in the surrounding area.
- 3.43 The Scheme also includes for sustainable travel improvements as an integral part of the proposals (see Transportation Assessment (Appendix 14)) to improve the quality and cohesion of the existing walking and cycling infrastructure including providing access to the existing Public Right of Way (PRoW) network.

4. LOCATION AND DESCRIPTION OF THE SITE AND THE SCHEME

The Site

- 4.1 The Site is located in a semi-rural area to the east of Crewe, within the administrative area of Cheshire East Borough Council. It is predominantly bounded by agricultural land, grassland interspersed with field ponds and woodland areas.
- 4.2 Leighton Hospital is located immediately to the north of the Scheme. Meadow Bank Cemetery is located to the south east and a former land fill is located immediately to the south west.
- 4.3 In addition to the village of Leighton to the east of the Scheme and beyond agricultural land to the west, there are a number of dwellings interspersed along Middlewich Road.

The Scheme

- 4.4 The line of the proposed Scheme is shown on a map at Appendix 4.
- 4.5 The Scheme consists of approximately 1.1 km of new highway running north to south for the Primary Hospital Link Route and approximately 0.6 km of new highway running east to west as part of the East – West Link. In addition, the Fairfield Link and Flowers Lane Realignment consist of the realigned existing Smithy Road and Flowers Lane respectively. The Primary Hospital Link Route, East-West Link, Fairfield Link and Flowers Lane Realignment would consist of newly constructed two-way single carriageways with a mainline width of 6.9m.
- 4.6 The Scheme is formed around a north-south spine road called the Primary Hospital Link Route, 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 extending from Minshull New Road and connecting to the Primary Hospital Link Route and A530 Middlewich Road.
- 4.7 The Primary Hospital Link Route involves construction of a section of single lane carriageway connecting Fairfield Link, in the north, and Minshull New Road, in the south east, and would be connected via two new roundabouts (Hospital roundabout and Minshull New Road Roundabout respectively). This route also connects Leighton Hospital with the proposed Fairfield Link.
- 4.8 The Fairfield Link road will provide access for the future development areas and to facilitate Non-Motorised User (“NMU”) permeability of the area by providing footway / cycleway access along the link road linking to other footways / cycleways proposed as part of the Scheme and to existing Public Rights of Way. It is created by the realignment of Smithy Lane, to the south of Leighton Hospital, including three new roundabouts junctions, connecting the A530 Middlewich Road, in the west, to the Primary Hospital Link Route and to Flowers Lane in the east. The Fairfield Roundabout and A530 / Smithy Lane roundabout will be created at either end of the road to allow access to Flowers Lane and A530 Middlewich Road, whilst the third

roundabout (Hospital Roundabout) will be constructed to provide access to Leighton Hospital and the Primary Hospital Link Route.

- 4.9 The eastern arm of the existing Smithy Lane will be closed to traffic and access would be restricted to only NMUs, whilst the western arm section will remain open to traffic in both directions up to the location of the hospital car park / Accident and Emergency (A&E) entrance access. Traffic movements west of the car park / A&E entrance junction will be limited and access west of this point restricted to essential private access and emergency motor vehicles only. Movement of traffic from the A530 Middlewich Road into Smithy Lane from both directions will remain unaffected as the existing situation.
- 4.10 The East - West Link is a new 0.6km long link road between two new roundabouts: the A530 Leighton Farm Roundabout to the west and the Engine of the North Roundabout (at the junction with Primary Hospital Link Route) to the east. The location of the western section of this link road and roundabout has been designed to avoid a historical landfill site and an ecological constraint located to the south of the road as well as a flood plain associated with Leighton Brook.
- 4.11 The Scheme facilitates access to a section of LPS 4 and LPS 5 (Appendix 13), which is currently subject to an undetermined outline planning application for the “development of up to 400 Residential Units (Use Class C3) and associated infrastructure and open space” (Planning Application Reference 19/1371N) and the undetermined outline planning approval for the development of up to 850 residential units (Use Class C3), land reserved for new primary school, a local centre (Use Class A1-A4, AA, B1a, C3 and D1) and associated infrastructure and open space” (Planning Reference 19/2178N). It is anticipated that planning for both development areas will be determined in May 2020. An update on the status of these applications can be provided on request.
- 4.12 The Flowers Lane Realignment is a new link to accommodate future traffic flows. It also provides for NMU access to the proposed development areas proposals. It consists of the realignment of Flowers Lane including a new roundabout junction connecting with the A530 Middlewich Road. The northern section of Flowers Lane would be realigned by approximately 150 m south of the existing A530 Middlewich Road and Eardswick Lane junction and linked by a new roundabout. The Flowers Lane Realignment connects to A530 Middlewich Road via A530 - Flowers Lane roundabout. The existing northern section of Flowers Lane would be prohibited to vehicular through traffic, however kept open for NMUs.
- 4.13 In addition to the four main sections described in the previous paragraphs, traffic measures would be introduced along Minshull New Road to reduce the number of vehicles using the road and to improve road safety outside of Leighton Academy. This would be achieved by prohibiting Minshull New Road to through traffic in front of the school and providing suitable vehicle turning points at the severed ends of the road.
- 4.14 The Scheme also includes for two (2) Traffic Regulation Orders (detailed further in Section 12 of this Statement) as follows:
- 4.14.1 No exit allowed for vehicles, except ambulances and access, from Leighton

Hospital onto the existing Smithy Lane west of hospital A&E entrance.
Left turn only on exit of old Smithy Lane alignment onto A530.
No right turn from A530 onto old Smithy Lane alignment; and

- 4.14.2 A speed limit of 40mph will be imposed on the A530 Middlewich Road between the Leighton Hall Farm Roundabout and the Smithy Lane Roundabout southwest of the hospital.
- 4.15 For the surrounding highway network minor mitigation and complementary measures have been proposed to ease congestion. These include alterations to the traffic signal timing at the existing Flowers Lane / Eardswick Lane traffic signal junction and widening of the south bound northern arm entrance of the Barrows Green roundabout located at the northern end of the existing Minshull New Road.
- 4.16 Initial engagement with key stakeholders on the design and Environmental Impact Assessment (EIA) process of the Scheme was held between August 2017 and the submission of the planning application in December 2018. Public engagement was held from 5th March to 3rd April 2018. A total of 251 people attended the three public exhibitions events, and a total of 116 questionnaires were received either by post, online participation or at the public exhibitions. In addition, 18 email responses were received.
- 4.17 As respondents were requested to make comments about the Scheme, many took the opportunity to express their concerns about certain elements of the proposals, while approximately a third (35 respondents) took the opportunity to state their support. It is important to note that, the few who showed support are not entirely representative of the overall support of the scheme as there was no yes or no question about the scheme but only an open-ended question where respondents were free to comment as they wish. It can therefore, be considered that more than 35 of the questionnaire respondents are supportive of the scheme but prioritised expressing their fears and concerns in their response.
- 4.18 Specific comments made on the Scheme as a result of the engagement process revealed several themes or topics that were mentioned more frequently by the respondents. These themes are detailed below:
- 4.18.1 Support for the Scheme - 35 respondents expressed their support for the Scheme. Of these comments, 24 respondents showed general support while seven comments highlighted the need for the Scheme;
- 4.18.2 Proposed Minshull New Road Closure - the proposed closure of Minshull New Road was mentioned by 43 respondents. 13 respondents directly stated their support for the closure to through traffic, whilst ten expressed their concern. Concerns raised included the volume of traffic diverted to Middlewich Road and the increase in parking on neighbouring estates by parents of pupils at Leighton Academy and visitors of Leighton Hospital as a result of the closure;
- 4.18.3 Further developments not directly related to the Scheme – comments were made relating to the additional housing and business development

that will be enabled by the Scheme. Some respondents expressed a desire for improvement of current amenities to accommodate the development of additional housing. Four comments raised concerns in relation to increase in traffic in the area resulting from additional housing;

- 4.18.4 Parking - comments about parking were made by 25 respondents. Most of the comments raised related to parking issues experienced by road users in specific areas. Parking in residential areas is known to present issues for respondents and was highlighted as a cause for concern in eight comments. Parking on James Atkinson Way was one of the most prominent concerns raised and, as previously mentioned, with the closure of Minshull New Road, respondents noted their fears that neighbouring roads will be used as a parking alternative;
 - 4.18.5 Recommended Route - 22 respondents referred to the recommended routes and, of these, twelve made requests for all roads to remain open until the Scheme has been completed. Some respondents considered the use of the recommended route would increase their travel distance to amenities.
 - 4.18.6 Bentley Motors - Bentley Motors was mentioned by 22 respondents. The Bentley proposal to close Pyms Lane and Sunnybank Road to through traffic received several comments, with Pyms Lane receiving most responses, some of which were not supportive of the closure. In addition, Bentley's input into the Scheme was queried by a small number of respondents.
- 4.19 In response to the engagement, the design of the Scheme was amended to address some of the key issues raised. This includes the relocation of the closure at Minshull New Road, street lighting, realignment of proposed East-West link road to avoid ecological constraints, changes to the surface water strategy and changes to location of junction access points to interface with adjacent development proposals. In summary the engagement process has demonstrated that the Scheme has had good levels of public and stakeholder feedback and support. Following the engagement feedback and suggestions for improvement, the design of the Scheme was updated.
- 4.20 All routes affected by the proposed Scheme will remain open as much as possible during construction of the Scheme, including Minshull New Road, which will only be closed to traffic when an available north south route along the proposed Primary Hospital Link Route is constructed. The closure of Pyms Lane to traffic sits separately to the Scheme (coming forward by way of a separate and unrelated application) and, as a result, the Scheme has no bearing or control over this.
- 4.21 Support for the Scheme can be referenced in the Statement of Community Involvement (Appendix 16).

5. ALTERNATIVES TO THE SCHEME

- 5.1 The primary purpose of the Scheme is to unlock development parcels (LPS 4 and LPS 5) (Appendix 13) designated in the Cheshire East Local Plan Strategy in order to facilitate access from these sites to the adjacent transportation network. The Scheme is also intended to have the additional benefits of facilitating access to Leighton Hospital and improving traffic capacity and permeability of movement within the surrounding road network. As such, the Scheme development and optioneering concentrated on highway provision and improvement rather than looking at alternative methods of transport, such as the provision of park and ride facilities and upgrades to existing public transport facilities.
- 5.2 The Acquiring Authority considered several options in order to unlock the development parcels (LPS 4 and LPS 5) detailed within the Cheshire East Local Plan Strategy before the selection of a preferred route. This preferred route was selected based on meeting the selection criteria detailed below, whilst avoiding as many of the identified constraints to the Scheme as possible.
- 5.3 The option appraisal process for the Scheme was based on the following appraisal criteria:
- a) Increase highway capacity in the local network to accommodate the increase in traffic expected to be generated by the proposed developments;
 - b) Maximise development land to allow Cheshire East Council to meet housing targets identified within the Local Development Plan;
 - c) Improve access for emergency vehicles to Leighton Hospital from the development sites and surrounding area; and
 - d) Increase the connectivity of the surrounding area and facilitate access and permeability of Non-Motorised Users (NMU)
- 5.4 The options appraisal also took in to consideration scheme constraints such as:
- a) The presence of Landfill sites and contaminated land areas;
 - b) Leighton Brook and associated Flood Zones;
 - c) Sites of National Importance (MoD Crash sites / War Memorial site);
 - d) Site Topography;
 - e) Existing 'pinch' points on the local highway network relating to capacity and NMU provision;
 - f) National Utility Infrastructure facilities (Electricity Pylons);
 - g) Surrounding development and infrastructure such as Leighton Hospital, Bentley Motors and residential areas;
 - h) Location of protected species such as Badgers and Bats; and
 - i) Minimise the amount of separate land parcels required for the proposals.
- 5.5 Taking into consideration the relatively constricted nature of the site, design requirements for roads of this nature and the requirement to maximise development area, options for various elements of the Scheme were considered and are detailed in

Table 1 below.

Table 1

Options	Description	Comment
Do Nothing	Allow development to be accessed by means of the existing local highway network.	Not acceptable due to inadequate traffic capacity, safety risks and physical affects on the local highway network.
Option A	Allow the development areas to be accessed by means of developer delivered estate roads.	<p>This option was rejected as:</p> <p>(a) The scheme would not provide additional network capacity in order to accommodate the traffic generated by the development of the sites (LPS 4 and LPS 5).</p> <p>(b) There are safety concerns with the amount of traffic generated by the sites travelling through lower class estate type roads.</p> <p>(c) The estate roads option would not address the education strategy associated with Leighton Academy.</p>
Option B	Provide a completely new Crewe North By-Pass.	<p>This option was rejected as:</p> <p>(a) It is unaffordable.</p> <p>(b) It is undeliverable within the required timescale of the project.</p> <p>(c) It does not directly provide access provision for the prosed development areas (LPS4 and LPS 5).</p>
Option C	Provide Access Roads to facilitate Development and increase capacity of the Highway Network.	<p>As bellow split into sub-options for the main Spine Road and the East West Link. The Spine Road options vary in the location of Smithy Lane (The Hospital Link Road) as the North South route of the road has been defined and fixed with reference to the development area masterplan.</p> <p>The East West Link options considered vary</p>

Options	Description	Comment
		regarding the alignment of the link road connecting the roundabout on the A530 Middlewich Road to the roundabout on the Spine Road / Minshull New Road Roundabout.
Spine Road Option 1	<p>The Hospital Link road uses the same alignment as the existing Smithy Lane. To the west, the Smithy Lane junction and A530 Middlewich Road there is a cross road junction, to the east the connection with Flowers Lane / Minshull Road the existing Barrows Green roundabout remains.</p> <p>The location of the Hospital Roundabout is situated close to the existing Smithy Lane.</p>	<p>This option was rejected as:</p> <ul style="list-style-type: none"> (a) The option would move traffic closer to Leighton Hospital and therefore would not improve access for emergency vehicles. (b) There are safety concerns with the existing Smithy Lane and the amount of traffic generated by the sites travelling on the existing Smithy Lane. There would be considerable amount of improvement works required to cater for the additional traffic from the development sites. (c) The improvement works would be costly compared to the other options identified due to traffic management required to undertake the works online. (d) This option would create severe disruption as the Spine Road roundabout and improvement works would need to be constructed online and therefore will impact on the daily operation of Leighton Hospital. (e) The option would limit Leighton Hospital expansion to the south, as illustrated within the CEC Local Plan Strategy. (f) The option has the potential to create increase queuing on Smithy Lane to access the A530 Middlewich Road. (g) The option would potentially require additional design measures such as traffic lights at the A530 Middlewich Road / Smithy Lane junction to distribute the uneven traffic flow. This will create a bottleneck on the existing highway network and minimise the

Options	Description	Comment
		benefits of the scheme.
Spine Road Option 2	<p>The Hospital Link Road is positioned south of the existing Smithy Lane.</p> <p>To the west of the link road there is a roundabout connecting the A530 Middlewich Road to the new Smithy Lane alignment. The section of new road between the Hospital roundabout and the A530 Middlewich Road roundabout there is a road connecting to the Leighton Hospital.</p> <p>The location of the Hospital Roundabout is situated close to the existing Smithy Lane.</p> <p>To the east there is a roundabout to connect the new Smithy Lane to Flowers Lane.</p>	<p>This option was rejected as:</p> <ul style="list-style-type: none"> (a) The option would limit Leighton Hospital expansion to the south, as illustrated within the CEC Local Plan Strategy. (b) The location of the east roundabout on Flowers Lane is directly in line of the pylons. This will create a risk during construction working in close proximity to the overhead pylons. (c) The location of the Spine Road roundabout would cause disruption to Leighton Hospital and access of emergency vehicles during the construction. As this roundabout will need to be constructed online.
Spine Road Option 3	<p>The Hospital Link Road is positioned south of the existing Smithy Lane.</p> <p>To the west of the link road there is a roundabout</p>	<p>This option was rejected as:</p> <ul style="list-style-type: none"> (a) The location of the east roundabout on Flowers Lane is directly in line of the pylons. This will create a risk during construction working near the overhead pylons.

Options	Description	Comment
	<p>connecting the A530 Middlewich Road to the new Smithy Lane alignment. The section of new road between the Hospital roundabout and the A530 Middlewich Road roundabout.</p> <p>The location of the Hospital Roundabout is situated close to the existing Smithy Lane.</p> <p>To the east there is a roundabout to connect the new Smithy Lane to Flowers Lane. The roundabout is located on the existing road alignment,</p>	
Spine Road Option 4	<p>The Hospital Link Road is positioned south of the existing Smithy Lane.</p> <p>To the west of the link road there is a roundabout connecting the A530 Middlewich Road to the new Smithy Lane alignment. The section of new road between the Hospital roundabout and the A530 Middlewich</p>	<p>This option was chosen as:</p> <ul style="list-style-type: none"> (a) The design supports the schemes objectives and improves traffic capacity and safety. (b) The number of affected land owners and stakeholders is minimised.

Options	Description	Comment
	<p>Road roundabout.</p> <p>The location of the Hospital Roundabout is situated offset from the existing Smithy Lane.</p> <p>To the east there is a roundabout to connect the new Smithy Lane to Flowers Lane. The roundabout is located on the existing road alignment,</p>	
Spine Road Option 5	<p>This option specifically detailed the replacement of Barrows Green Roundabout with a T junction type arrangement. (This option could be combined with either option considered for the Spine Road and Hospital Link detailed within this table)</p>	<p>This option was rejected as:</p> <ul style="list-style-type: none"> (a) The option details removal of Barrows Green Roundabout which requires significant alterations to the existing junction and existing private means of access. (b) Traffic modelling was carried out on this arrangement and showed no significant benefit to traffic capacity when the Spine Road and East West Link was in place.
Spine Road Option 6	<p>The Hospital Link Road is positioned south of the existing Smithy Lane at the eastern end and along the line of the existing Smithy Lane at the western end.</p> <p>To the west of the</p>	<p>This option was rejected as:</p> <ul style="list-style-type: none"> (a) The option conflicts with an approve planning permission for adjacent developers. (b) (c) This will minimise development area for the adjacent developer. (d) The location of the roundabout on the

Options	Description	Comment
	<p>link road there is a roundabout connecting the A530 Middlewich Road to the new Smithy Lane alignment. The section of new road between the Hospital roundabout and the A530 Middlewich Road roundabout.</p> <p>The location of the Hospital Roundabout is situated offset from the existing Smithy Lane.</p> <p>To the east there is a roundabout to connect the new Smithy Lane to Flowers Lane. The roundabout is east of the existing road.</p>	<p>A530 Middlewich Road has the potential to impact on nearby properties and increases negative environmental impact on air quality, noise and light intrusion.</p> <p>(e) There is a safety concern with access to residential properties. This has the potential to create a road safety risk accessing and egressing the properties.</p>
East West Link Option 1	<p>The roundabout on A530 Middlewich Road is located south of the Leighton Hall Farm Barns and north of the Brassey Bank Bridge.</p> <p>The East-West Link connects to the roundabout situated on the Spine Road.</p>	<p>This option was rejected as:</p> <p>(a) This option reduces the development area to the south of the east west link road as outlined in the CEC Local Plan Strategy.</p> <p>(b) The option crosses the historic refuse site. This will be costly to construct over these ground conditions.</p>
East West Link Option 2	<p>The roundabout on A530 Middlewich Road is located in</p>	<p>This option was rejected as:</p> <p>(a) The option will require demolition and</p>

Options	Description	Comment
	<p>the vicinity of Leighton Hall Farm Barns.</p> <p>The East-West Link connects to the roundabout situated on the Spine Road.</p>	<p>purchase of properties at Leighton Hall Farm Barns.</p> <p>(b) This option would most likely impact on local residents due to environmental factors such as air quality, noise pollution and light intrusion.</p> <p>(c) This option is close proximity to a badger set.</p> <p>(d) This option reduces the development area outlined in the CEC Local Plan Strategy as LPS 4.</p>
East West Link Option 3	<p>The roundabout on A530 Middlewich Road is located south of Brassey Bank Bridge.</p> <p>The East-West Link connects to the roundabout situated on the Spine Road.</p>	<p>This option was rejected as:</p> <p>(a) The option would require crossing the culvert structure. There is a potential this would require the structure to be strengthened.</p> <p>(b) This option requires considerable earthwork to connect the roundabouts due to the topography of the land. This will be costly to the scheme and less sustainable as it requires greater import of material to site.</p> <p>(c) This option does not provide good connectivity for Non-motorised users to the new East-West Link and the A530 due to lack of footpaths at the location of the A530.</p> <p>(d) This option requires improvement works to the Brassey Bank Bridge to tie in to the existing A530 Middlewich Road.</p>
East West Link Option 4	The roundabout on A530 Middlewich Road is in the	<p>This option was rejected as:</p> <p>(e) The option crosses the historic refuse</p>

Options	Description	Comment
	<p>vicinity of Leighton Hall Farm Barns.</p> <p>The East-West Link connects to the roundabout situated on the Minshull New Road.</p>	<p>site. This will be costly to construct over these ground conditions.</p> <p>(f) The option will require demolition and purchase of properties at Leighton Hall Farm Barns.</p> <p>(g) The option would require crossing the culvert structure. There is potential that the culvert structure will require strengthening.</p> <p>(h) This option is near a badger set.</p>
<p>East West Link Option 5</p>	<p>The roundabout on A530 Middlewich Road is located south of the Leighton Hall Farm Barns and north of the Brassey Bank Bridge.</p> <p>The East-West Link connects to the roundabout situated on the Spine Road.</p>	<p>This option was chosen;</p> <p>(a) This option provides good connectivity to the A530 and facilitates better pedestrian tie ins to the new highway network.</p> <p>(b) This option avoids the landfill site and the badger set.</p> <p>(c) This option reduces the development area outlined in the CEC Local Plan Strategy as LPS 4, however the impact on this developable area was considered acceptable when taking into consideration the location of the existing landfill site.</p>
<p>East West Link Option 6</p>	<p>The roundabout on A530 Middlewich Road is located south of the Leighton Hall Farm Barns and north of the Brassey Bank Bridge.</p> <p>The East-West</p>	<p>This option was rejected as:</p> <p>(a) The option crosses the historic landfill site. This will be costly to construct.</p> <p>(b) This option requires considerable earthwork to connect the roundabouts due to the topography of the land. This will be costly to the scheme and less</p>

Options	Description	Comment
	<p>Link connects to the roundabout situated on the Minshull New Road.</p>	<p>sustainable as it requires greater import of material to site.</p> <p>(c) This option reduces the development area to the south of the east west link road as outlined in the CEC Local Plan Strategy.</p>
<p>East West Link Option 7</p>	<p>The roundabout on A530 Middlewich Road is located south of the Leighton Hall Farm Barns and north of the Brassey Bank Bridge.</p> <p>The East-West Link connects to the roundabout situated on the Minshull New Road.</p>	<p>This option was rejected as:</p> <p>(a) The option crosses the historic landfill site. This will be costly to construct.</p> <p>(b) This option requires considerable earthwork to connect the roundabouts due to the topography of the land. This will be costly to the scheme and less sustainable as it requires greater import of material to site.</p> <p>(c) This option reduces the development area to the south of the east west link road as outlined in the CEC Local Plan Strategy.</p>
<p>East West Link Option 8</p>	<p>The roundabout on A530 Middlewich Road is located south of Brassey Bank Bridge.</p> <p>The East-West Link connects to the roundabout situated on the Minshull New Road.</p>	<p>This option was rejected as:</p> <p>(a) The option crosses the historic landfill site. This will be costly to construct over these ground conditions.</p> <p>(b) The option crosses the culvert and therefore would potentially require strengthening of the culvert structure.</p> <p>(c) The option for the east west link will require extensive earthworks due to the existing topography of the land. This will be costly to the scheme to import material and less sustainable.</p> <p>(d) This option reduces the development area as outlined in the CEC Local Plan Strategy.</p> <p>(e) This option requires improvement works</p>

Options	Description	Comment
		<p>to the Brassey Bank Bridge to tie in to the existing A530 Middlewich Road.</p> <p>(d) This option reduces the development area to the south of the east west link road as outlined in the CEC Local Plan Strategy.</p>

- 5.6 The options presented in Table 1 above are illustrated on Figures 2 and 3 below.
- 5.7 An alternative junction improvement scheme which comprised of altering the existing staggered signal cross-roads junction at the Eardswick Lane / Flowers Lane junction and providing a new roundabout in the location of the junction was proposed by external developers. This alternative was assessed and discounted due to the technical inadequacy of the proposal and the impact the proposal would have on adjacent residential property.
- 5.8 The options considered for the Scheme were discussed informally with Statutory Undertakers and Utility Service providers in order to identify the constraints to the Scheme imposed by existing services, and to reduce potential service diversions as much as possible. This had an influence on the chosen option taken forward and influenced the final positioning of the Scheme. This was based on engineering judgment and constructability of the East West Link and Spine Road.
- 5.9 The preferred option for the Scheme has also been the subject of a Public Engagement exercise and a Statement of Community Involvement (Appendix 16) was prepared detailing the findings of this exercise.
- 5.10 As a result of this optioneering process and the responses provided during the public engagement process, a decision was made that Option C (Spine Road Option 4 combined with East West Link Option 5) would be the preferred option for the delivery of the Scheme.

Figure 2 - The Scheme: Route Options Spine Road

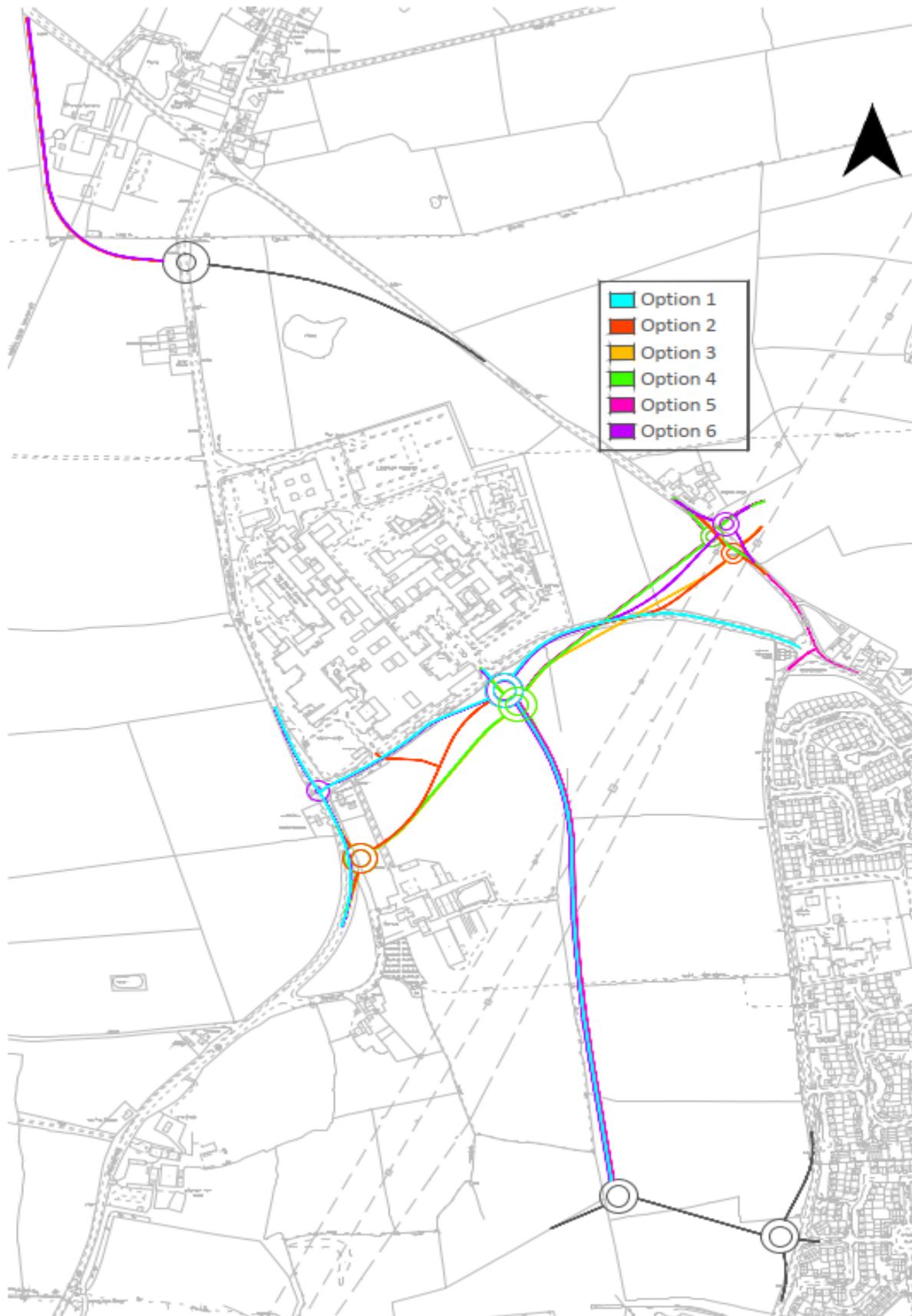
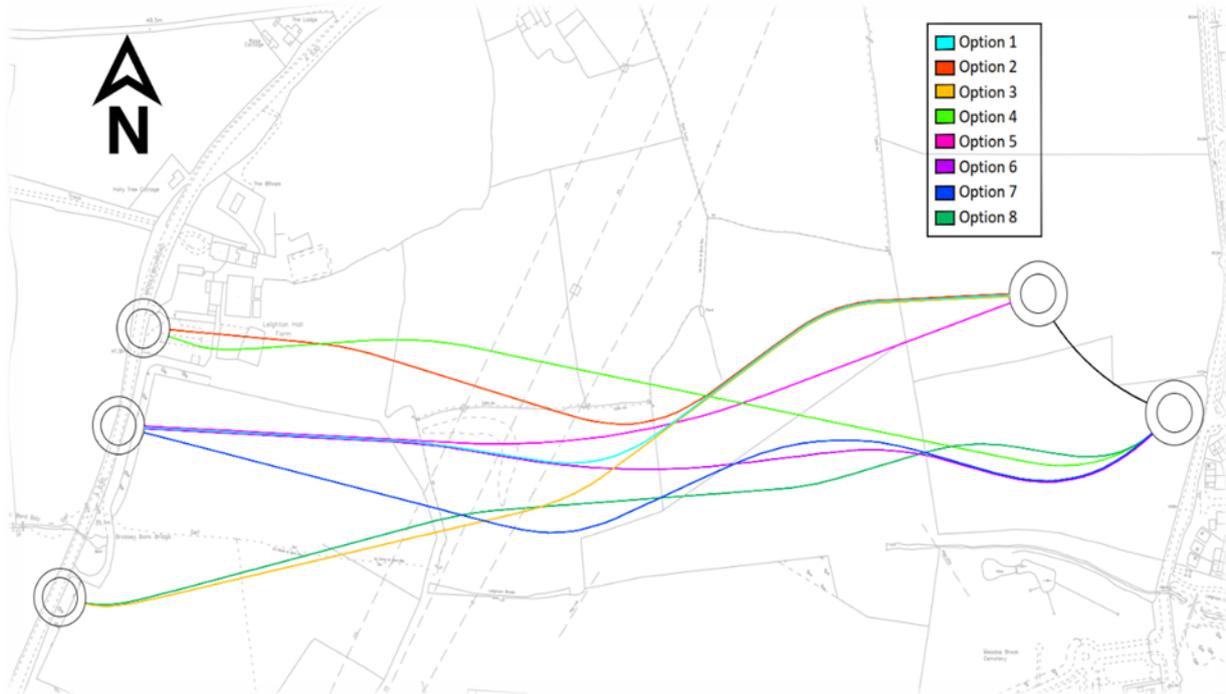


Figure 3 - The Scheme: Route Options East West Link



6. PLANNING CONSIDERATIONS

- 6.1 This section sets out the planning policy and material considerations for the Scheme that were identified through the planning process and refers to the conclusions that the Local Planning Authority reached in its determination of the planning application for the Scheme.
- 6.2 In making the Order, the Acquiring Authority has had regard to national planning policy, the Local Plan and other relevant local policy and guidance. At both a strategic and local planning policy level there is support for the Scheme, as detailed below.
- 6.3 The national and local planning policy relevant to the Scheme is listed below:

Policy:

Cheshire East Local Plan Strategy – 2010-2030

PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
CO1 – Sustainable Travel and Transport
CO2 – Enabling Business Growth Through Transport Infrastructure
LPS4 – Leighton West
LPS5 – Leighton

Crewe and Nantwich Local Plan (Saved policies)

NE5: Nature Conservation and Habitats
NE9: Protected Species
NE10: New woodland planting and landscaping
NE17: Pollution Control
NE20: Flood Prevention
NE21: New Development and Landfill Sites
BE1: Amenity
BE4: Drainage, Utilities and resources
TRANS3: Pedestrians
TRANS6: Provision for cyclists
RT9: Footpaths & Bridleways

Neighbourhood Plans:

Neither Crewe or Minshull Vernon has progressed towards making a Neighbourhood Plan.

Other Material Considerations:

National Planning Policy Framework
National Planning Practice Guidance
Cheshire East Infrastructure Delivery Plan

NPPF

- 6.4 The National Planning Policy Framework (“NPPF”) 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”.

Cheshire East Local Plan Strategy

- 6.5 The Local Plan Strategy was formally adopted on 27 July 2017 and sets out Cheshire East Council’s strategy for sustainable economic growth. The Local Plan Strategy sets the development framework for the period 2010 to 2030. In order to deliver its vision for Cheshire East as a whole, Cheshire East Council has set four strategic priorities:
- a) Promoting economic prosperity by creating conditions for business growth;
 - b) Creating sustainable communities where all members are able to contribute and where all the infrastructure required to support the community is provided;
 - c) Protecting and enhancing environmental quality of the built and natural environment; and
 - d) Reducing the need to travel, managing car use and promoting more sustainable modes of transport and improving the road network.
- 6.6 The 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 The Constellation Partnership’s HS2 growth strategy.
- 6.7 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.
- 6.8 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 (Appendix 7) and any additional site-specific requirements to support the Local Plan Strategy proposals. The Infrastructure Delivery Plan (July 2016) includes the Scheme as a Priority 1 Scheme, as detailed further at paragraph 3.3 of this Statement.

- 6.9 Local Plan Strategy 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.

Planning Permission

- 6.10 The Scheme was submitted to the Local Planning Authority for consideration on 7 December 2018 and validated on 14 December 2018. The Strategic Planning Board considered the proposals in the Committee Meeting of the 27 March 2019 and recommended approval with conditions. A Decision Notice under the reference 18/6118N was issued by the Local Planning Authority on 3 July 2019 (Appendix 7).
- 6.11 The Report to Committee for determination of the planning application considers the impacts of the Scheme (Appendix 8), a summary of which is set out in paragraphs 6.10 – 6.27 of this Statement. The Acquiring Authority confirms that it can meet the pre-commencement of development conditions attached to the planning permission.
- 6.12 The Scheme has been through a public engagement exercise, which is detailed in a Statement of Community Involvement (Appendix 16) and was the subject of an Environmental Statement.

Principal of Development

- 6.13 The majority of the site falls within Local Plan Site LPS 5 Leighton, Crewe, which states, *“Further road improvements to upgrade access to Leighton Hospital for emergency vehicles and suitable footpath and cycle lanes.”* All the elements of the proposals link to Leighton Hospital and as such are supported by this policy.
- 6.14 Only the northern most link (referred to as the Flowers Lane Link) falls outside this allocation and as such is in open countryside. Policy PG6 Open Countryside is therefore applicable here, and at bullet 2 the policy states, *“Within the Open Countryside only development that is essential for the purposes of... public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.”* As a result, on condition the works are essential, then this link would be acceptable in principle. Highways have confirmed that they have no objections to the proposals on the basis they are designed to accommodate local plan growth with associated growth in traffic levels. In addition the proposals allow for improvements to pedestrian and cycle access, together with improvements to bus travel all of which are considered to essential improvements to the network.

Environmental Impacts

Air Quality

- 6.15 Paragraphs 3.24-3.30 of this Statement of Reasons, set out matters concerning air quality and noise. Policy SE12 of the Local Plan supports the Scheme by stating that

the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy. When assessing the impact of a development on Local Air Quality, regard is given to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017). The Scheme is a proposal for the construction of highway infrastructure. Air quality impacts were considered within the air quality assessment submitted in support of the planning application.

Contaminated Land

- 6.16 The Scheme proposes several remedial measures including the removal of slurry beds, the removal of burial pits, the reuse of soil onsite, a watching brief during the development. A potential gas risk is noted at the southern end of the site, adjacent to the former landfill site near Leighton Brook. A Remediation Strategy is therefore required as part of the planning permission, defining the proposed remedial and verification procedures for the development.

Highway Implications

Sustainable access

- 6.17 Pedestrian and cycle facilities are to be provided in conjunction with the new road infrastructure as set out further within Section 4 of this Statement. The new links will enhance connectivity to the Connect2 extension scheme linking Leighton with Nantwich and markedly improving active travel facilities to and from Leighton Hospital particularly from Crewe. Bus stops are being provided which will allow future bus services to serve the new residential development.

Network Capacity

- 6.18 To assess the impact of the Scheme on the highway network, a SATURN and VISSIM model were utilised. Future developments and committed highway schemes were incorporated into the models following discussions with the Council's highway consultant using agreed vehicular trip rates and background growth datasets. Traffic demand was distributed across the network and both models were found to successfully meet the convergence and validation criteria and therefore are considered to be acceptable for traffic modelling use.
- 6.19 The North Crewe VISSIM model, used to inform the allocation of strategic sites as part of the local plan, was utilised by providing flows for use in the junction capacity assessments at the critical Monday to Friday AM and PM peaks. Included within the modelling analysis was the closure of Minshall New Road to through vehicular traffic and the reassignment of traffic that would result. Furthermore following the approval of the Bentley planning application (ref: 17/4011) in 2017 the model was amended to reflect the changes to the existing highway network brought about by this development namely the restriction of Pym's Lane and Sunnybank Road to through traffic.
- 6.20 Capacity analysis was also undertaken at key junctions not included within the VISSIM

model area, but would be effected by the Bentley planning application proposals. The new junctions and links proposed under the Scheme, to serve identified Local Plan growth, have been shown to be designed with appropriate capacity to accommodate the forecast future traffic volume at the design year of 2030. In addition the impact of the Scheme on the operation of existing junctions was found to be within acceptable capacity thresholds at the design year of 2030. Additional junction capacity analysis was also undertaken using ARCADY and LinSig software and the operation of these junctions was also found to be at or above the threshold of acceptability.

Soils

- 6.21 Soils are protected under National Planning Policy Framework (NPPF) 2012, which states in paragraph 170 that Local Planning Authorities should make decisions that contribute to and enhance the natural and local environment by protecting landscapes, geology, and soils. The NPPF also states that despoiled, degraded, derelict, contaminated and unstable land should be remediated and mitigated where appropriate. As part of the Scheme, a soil management plan will be submitted and approved.

Trees

- 6.22 An Arboriculture Impact Assessment dated November 2018 was prepared in accordance with BS5837 (2012) and submitted by the Council. The report identifies individual trees, groups of trees, woodlands and hedges that are within 15m of the development edge (i.e. highway development corridors within the wider site. The report identifies that 17 out of 33 Category A and B trees will be felled; 18 out of 49 groups will be wholly or partially felled; 4 hedges will be removed and 18 partially removed out of 29 hedges. The one existing woodland will be “encroached”, but felling is not required. It is recommended that where development encroaches on root protection areas (RPA) the work on site should be supervised by an arboriculturalist. The report assesses the overall impact on trees as being moderate. The submitted drawings show tree categorisation in accordance with BS5837, crown spread, RPAs and trees/hedges to be removed; they do not show tree protection measures.
- 6.23 The layout of roads within the Scheme is significantly constrained by the necessary connections to the existing road network. Most, if not all, of the tree losses are unavoidable without an unacceptable contortion of road alignment. Given the substantial proposals for replanting of trees and hedges it was accepted that the loss of trees caused by the Scheme is suitably mitigated.

Ecology

Habitat Regulations

- 6.24 The proposed development is located within 10km of the West Midlands Mosses Special Area of Conservation (SAC) and the Midland land Meres and Mosses Phase 1 and Phase 2 Ramsar sites. The application site is also located within close proximity to the Sandbach Flashes Special Site of Scientific Interest (SSSI). It is noted that Natural England advised that the Scheme is not likely to have an adverse impact upon the interest features for which the Sandbach Flashes SSSI was designated.

- 6.25 The Council carried out an 'Assessment of Likely Significant effects'.in respect of the SAC and Ramsar sites, which concluded that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated.

Protected Species

- 6.26 The Scheme includes replacement hedgerow and landscape planting to compensate for the loss of terrestrial habitat, and provides wildlife tunnels, which will provide some connectivity for common toads under the road.
- 6.27 A method statement of precautionary measures to reduce disturbance during the construction phase of the Scheme was provided as part of the planning application, which provides for two badger tunnels and appropriate fencing as a means of reducing road traffic collisions. Prior to the commencement of the Scheme, an updated badger survey report and mitigation strategy will be submitted.
- 6.28 The Scheme will result in the loss of habitat for some birds but the proposed replacement hedgerows and tree planting will reduce the potential impacts of the proposed development upon these species and nesting birds will be safeguarded.
- 6.29 The Scheme will result in the loss of a total of 2,541m of existing hedgerows, which includes losses from a number of hedgerows considered to be Important under the Hedgerow Regulations (as discussed further in Section 10 of this Statement). To compensate for the loss of existing hedgerows over 6,000m of new hedgerow plating is proposed.
- 6.30 The planning permission requires the submission of a detailed lighting scheme for the site that has been designed to minimise its effects on bats, and high hedgerows and trees will be provided along the route of the road to encourage barn owls to fly at height over the road.

Conclusion

- 6.31 The Scheme supports the Local Plan allocations LPS4 & 5 and has secured planning permission (Appendix 7).
- 6.32 The Scheme has some impact on air quality and with regard to contaminated land issues, but these matters have been mitigated and/or will be dealt with through the submission of schemes to be approved by the Council in its capacity as Local Planning Authority.
- 6.33 The Scheme was deemed to be acceptable in planning terms in accommodating the predicted traffic from the proposed Local Plan residential allocations and background increases in traffic growth. The Scheme includes infrastructure provision for facilitating sustainable modes of transport in the form of foot and cycleways, and individual crossings and bus stops will be provided as part of the development of the future residential sites.
- 6.34 The Scheme is not predicted to have any adverse impact on statutory site

designations. Although the proposals will have some landscape and ecological impacts, both can be readily mitigated and have been controlled by the use of planning conditions that the Council is able to comply with and discharge. Biodiversity metric calculations for the Scheme show that the Scheme would actually deliver an overall gain for biodiversity.

- 6.35 The Scheme will have neutral effects on most other matters with the benefits set out above. There are no planning impediments to the Scheme proceeding if the Orders are confirmed.

7. THE ORDER LAND

- 7.1. The Order Land consists of 39 plots of land within a number of different ownerships, including freehold, leasehold and occupational interests. The full extent of the Order Land is set out in the Order Map (Appendix 3), with interests to be acquired shown in pink shading and new rights to be acquired shown in blue shading. The Order Schedule (Appendix 2) sets out the details of those interests. Details of the negotiations with the affected parties to date are detailed in Section 8 of this Statement.

Land required for the Scheme:

Adopted Highway - Plots 1, 4, 9, 13, 16, 19, 23, 34 and 35

- 7.2. These sections comprise part of the adopted highway. Where subsoil interests are going to be impacted, the ad medium filum rule has been adopted and the freehold owners of the adjacent land have been presumed to own the subsoil up the centre line of the adopted highway. The Acquiring Authority has sought wherever possible to reduce these interests and only included those areas where it is known that subsoil will be impacted in excess of the rights that the Council currently enjoys as statutory Highway Authority.

Charlesworth - Plot 2

- 7.3. This section comprises of agricultural land and hedgerow required for the widening of the highway in this location to house the A530 / Flowers Lane Roundabout.

Smith Family - Plots 5, 11, 12, 15, 21, 22a and 29

- 7.4. These plots comprise of agricultural land interspersed with field ponds. They are required for the construction of the Primary Hospital Link Road, the Fairfield Link Road, the Flowers Lane Realignment and sections of the East - West Link together with the Fairfield Roundabout, A530 / Smithy Lane Roundabout, Hospital Roundabout, A530 / Flowers Lane Roundabout and electricity diversions.

- 7.5. The majority of this land is included in LPS4 (Leighton West) having been promoted for residential development by house builders, Bloor Homes and Galliford Try Partnerships Limited, under the terms of an option agreement. The majority of this land is also included within the parameters of an undetermined planning application submitted by Bloor Homes and Galliford Try Partnerships Limited for the development of up to 850 residential units, land reserved for new primary school and a local centre (planning application reference 19/2178N). This planning application corresponds with the design and alignment of the Scheme to ensure that both schemes are mutually inclusive.

Torus Homes - Plot 8

- 7.6. Plot 8 provides a combination of garden and agricultural land, which is required for the widening of the highway in this location to house the Fairfield Roundabout.

7.7. It forms part of a substantial parcel of development land, which has outline planning consent for the construction of up to 400 dwellings under planning application reference 16/2373N. This planning consent is subject to a Section 106 Agreement, which obliges the developer of this site to construct a roundabout within this section of land to connect the proposed housing scheme to Flowers Lane. The Section 106 Agreement provides the Acquiring Authority with step-in rights to construct the roundabout if works have not commenced by 30 March 2019 (or such other date agreed between the parties). As detailed in the Side Roads Order section of this Statement, the Acquiring Authority has provided for the construction of alternate roundabout scenarios in this location.

Cheshire East Borough Council – 15a 17, 22, 24, 26, 27, 31, 33, 36 and 37

7.8. These plots of land comprise of agricultural land, grassland, a series of barns and a former landfill site, which are subject to rights and charges to third parties.

7.9. The majority of this land is required for the construction of the East - West Link, the Primary Hospital Link Road, A530 / Smithy Lane Roundabout, A530 / Flowers Lane Roundabout, Minshull New Road Roundabout and the Engine of the North Roundabout together with drainage for the Scheme and electricity diversions.

7.10. Plots 17 and 36 are owned by the Acquiring Authority pursuant to transfer dated 29 April 2016. Albeit that this plot has been acquired by the Council pursuant to this agreement, the property is subject rights and charges to third parties.

7.11. Plot 24 is owned by the Acquiring Authority and provides a public footpath, cycleway and grassland. Albeit that this plot is owned by the Council, the property is subject rights to third parties.

7.12. Plots 15a, 22, 26 and 27 are owned by the Acquiring Authority and comprise of agricultural land interspersed with woodland and field ponds. The majority of this land is occupied by J K Smith and Son under an agricultural tenancy which is governed by the Agricultural Holdings Act 1986. This land is also subject to rights and covenants to third parties.

7.13. The majority of Plots 22, 26 and 27 are included in LPS4 (Leighton West) and within the parameters of an undetermined planning application submitted by Engine of the North Limited (a company wholly owned by the Council) on behalf of the Council, as a private land owner, for the development of up to 400 residential units (planning application reference 19/2178N). This planning application corresponds with the design and alignment of the Scheme to ensure that both schemes are mutually inclusive.

7.14. Plots 31 and 37 are owned by the Acquiring Authority and comprise of agricultural land. The majority of this land is subject to an adverse possession claim dated 13 August 2026 submitted by Michael William Vernon. It is also subject to rights and covenants to third parties.

7.15. Plot 33 is owned by the Acquiring Authority pursuant to transfer in May 2018 made between (1) Rawlins Jones Developments Limited and (2) Cheshire East Borough

Council. Albeit that this plot has been acquired by the Council pursuant to this agreement, the property is subject to rights and charges to third parties.

- 7.16. As such, these plots are still included within the Order to facilitate the use of Section 260 of the 1980 Act, in that there are third party rights that could jeopardise the delivery of The Scheme. In order to provide a cleansed title to the land and not stymie development in any way, these plots have been included despite the Acquiring Authority's ownership of them.

Unknown – Plot 18

- 7.17. This plot is a wooded area required for the widening of the highway in this location to house the A530 / Smithy Lane Roundabout. It was previously part of the adopted highway prior to a realignment of the highway that took place some time ago. The ownership of this land is unknown.

C E Cooke and Son Limited - Plot 30

- 7.18. This section comprises of agricultural land and hedgerow, which is required for the construction of the East - West Link.

Vernon - Plot 32

- 7.19. This plot is agricultural land and required for use as a temporary site compound in connection to construction of the Scheme.

New Rights Required for the Scheme: Plots 5a, 7, 14, 20, 25, 28, 38 and 38a

- 7.20. The Order Land includes land over which new rights are required, shown shaded blue on the Order Map, being Plots 5a, 7, 14, 20, 25, 28, 38 and 38a. These rights are set out in more detail in Part 1 of the Order Schedule and are summarised below:

1. A general right of access and construction, allowing surveys, making good of properties and enabling safe working practices to be followed on adjoining land;
2. Rights in respect of service media;
3. A right to amend access and egress routes, needed to facilitate safe working practices during development;
4. A right to construct a new access or accesses;
5. A right to carry out future inspections and maintenance;
6. A general right to carry out condition surveys on foot, to ensure safe working practices can be accorded with and to document the condition of properties before, during and after development, if so necessary
7. Rights in relation to deliveries, needed for construction of The Scheme or in

order to accord with safe working practices; and

8. Rights in relation to the discharge of water.

Sheridan – Plot 5a

- 7.21. Rights over Plot 5a are required to create a new access to agricultural land due to the realignment of Flowers Lane.

Harrison – Plot 7

- 7.22. Rights over Plot 7 are required to construct a new means of access/egress for the benefit of the Harrison family to Leighton Lodge. The land will not be permanently acquired.

Mid Cheshire Hospitals NHS Foundation Trust – Plot 14

- 7.23. Rights over Plot 14 are required to carry out some minor highways and drainage works to this plot as a result of the works to Smithy Lane. One side of the road will be retained open at all times to ensure the safe and continued access to Leighton Hospital and this will be discussed in full with the Hospital.

Smith – Plot 20

- 7.24. Rights over this plot are required to create a new access head from Minshull New Road into the agricultural land.

Brook Rights – Plots 25, 28, 38 and 38a

- 7.25. Rights over these plots are required to allow, amongst other things, the discharge of non-contaminated surface and highway drain waters into Leighton Brook.

8. NEED FOR THE COMPULSORY PURCHASE ORDER

Appropriateness of Powers

- 8.1. The Acquiring Authority's scheme for the improvement of the road network and construction of the Scheme is clearly within the scope of the compulsory purchase powers as set out in Sections 239, 240, 246, 250 and 260 of the 1980 Act.

The Public Interest Test

- 8.2. Paragraph 2 of the Guidance advises that a compulsory purchase order should only be made where there is a compelling case in the public interest. The Acquiring Authority is fully satisfied that this requirement is met and that this has been demonstrated within this Statement of Reasons. The Scheme will provide various benefits to the public, which are summarised below:
- a) Delivery of an improved highway network for the Town through the delivery of a key part of the Local Plan Infrastructure Programme for wider Crewe identified within the Infrastructure Delivery Plan.
 - b) Unlocking a number of housing as allocated in the Cheshire East Local Plan by improving traffic movements and transport links. This would increase the supply of new housing through the release of residential development land, making a significant contribution to maintaining Cheshire East 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).
 - c) Unlocking a number of employment use allocated sites and, therefore, creating new jobs through the release 5 ha of land for employment uses through Local Plan allocated site Leighton West (site ref LPS4).
 - d) Improved access to Leighton Hospital, Crewe and its catchment area which includes the towns of Middlewich, Nantwich and Sandbach through reduced congestion and by putting the Hospital at the locus of the North West Crewe highway network, by establishing a “blue light” route to Leighton Hospital. These improvements to the Hospital access junction will provide capacity for the predicted growth in traffic during the Local Plan period up to 2030.
 - e) Retention of advanced manufacturing employment by supporting the Bentley Motors Development Framework and Masterplan (Appendix 10) endorsed by Cheshire East Council's Cabinet in May 2017.
 - f) The successful delivery of these sites will also support the emerging strategy development work in the Crewe Masterplan and The Constellation Partnership's HS2 Growth Strategy (Appendix 12).

- 8.3. For the reasons stated above, the Acquiring Authority considers that there is a compelling case in the public interest for the making and confirmation of the Order to secure the Order Land required for the purpose of implementing and delivering the Scheme.

Need for the Order Land

- 8.4. The Acquiring Authority is seeking to acquire the Order Land, wherever possible, by means of agreement rather than by compulsory purchase and has sought to discuss/negotiate with owners and occupiers to achieve this end. It has fully considered the Guidance, which relates to the justification for a compulsory purchase order, to determine whether there is a compelling case in the public interest to compulsorily acquire and use land for the purposes of The Scheme. It is considered that a compelling case exists here.
- 8.5. The Acquiring Authority is already the owner of the freehold interest in a number of plots or parts of plots, and its interests in the various plots or parts thereof are included in the Order under the provisions of Section 260 of the 1980 Act.
- 8.6. The Acquiring Authority's approach is only to acquire land and rights compulsorily where they are strictly needed to assure successful delivery of the Scheme in accordance with best engineering and environmental practices.
- 8.7. The Acquiring Authority has given careful consideration to the reasons as to why it is necessary to include the land and new rights shown on the Order Map and described further in Section 7 of this Statement. All freehold owners, lessees and occupiers affected by the Order have been invited to enter into discussions with a view to agreeing appropriate terms for acquisition of the land and new rights required and, where appropriate, to discuss options for relocation.
- 8.8. The Acquiring Authority has a very clear idea how it will use the land it intends to acquire and has the necessary resources to acquire the land and interests needed for the Scheme.

Attempts to Acquire by Agreement

- 8.9. In accordance with the Guidance, all owners and occupiers with an interest in land have been approached to ask if they would be prepared to enter into negotiations with the Acquiring Authority for the purchase of their respective interests.
- 8.10. Detailed negotiations are taking place with a number of landowners and occupiers, however, the Acquiring Authority has concluded that acquisition by agreement is unlikely to occur in all cases or, in any event, within sufficient time to ensure that the programme for the construction of the Scheme is met. There are also some interests where the owner is unknown and, therefore, it will not be possible to acquire the interest except by way of compulsory acquisition.
- 8.11. Discussions will continue with owners of relevant interests and new rights required, in an endeavour to secure them by agreement, wherever possible, with a view to limiting the number of interests that need to be acquired compulsorily. The approach adopted

by the Acquiring Authority is in accordance with the policy advice and recognised good practice.

- 8.12. Where the Acquiring Authority has been unable to reach agreement with landowners and occupiers it will offer alternative dispute resolution to enable agreement on compensation to be reached. The Acquiring Authority will also offer information on the Scheme, a case manager, assistance in relocation (wherever necessary), and reassurance on fees.
- 8.13. The Order will be made to secure the outstanding interests and rights required to enable implementation of the Scheme, necessary to achieve the Acquiring Authority's objectives for the area.
- 8.14. The Council has entered into negotiations with landowners affected or has offered to do so with a view to agreeing voluntary terms of acquisition, but it is also necessary to seek authority for compulsory purchase to ensure that all land required for the Scheme can be available at the appropriate time to enable The Scheme to proceed and which is in the public interest.

Negotiations with Affected Landowners

- 8.15. The Acquiring Authority has sought to engage in private treaty negotiations with key landowners. Brief details of the negotiations that have been undertaken to date are further outlined below.

Charlesworth - Plots 2 and 38

- 8.16. The Acquiring Authority is currently in negotiation with the freeholder, Thomas James Charlesworth, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

Smith Family – Plots 5, 11, 12, 15, 20, 21, 22, 22a and 29

- 8.17. The Acquiring Authority has come to an agreement on compensation with the interest holders, the Smith Family, Bloor Homes and Galliford Try Partnerships Limited, but they are only prepared to release the land required for the Scheme when planning consent has been secured for the residential development contemplated on their broader land holding. The Acquiring Authority expects the agreement to exchange prior to confirmation of the Order but there is no certainty as to whether the interest holders will secure the planning consent required.

Sheridan – Plot 5a

- 8.18. The Acquiring Authority has sought to contact the freeholder, David Sheridan, but has not received a response.

Harrison – Plot 7

- 8.19. The Acquiring Authority is currently in negotiation with the freeholders, Glenys Letitia Harrison and Peter Harrison, and active discussions are taking place to reach an

agreement prior to confirmation of the Order.

Torus Homes - Plot 8

- 8.20. The Acquiring Authority is currently in negotiation with the freeholder, Torus Homes, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

Mid Cheshire Hospitals NHS Foundation Trust – Plot 14

- 8.21. The Acquiring Authority is currently in negotiation with the freeholder, Mid Cheshire Hospitals NHS Foundation Trust, and active discussions are taking place to reach an agreement prior to confirmation of the Order.

C E Cooke and Son Limited – Plot 30

- 8.22. Following a period of negotiation with the freehold owner, C E Cooke and Son Limited, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the Order.

Vernon - Plot 32

- 8.23. The Acquiring Authority is currently in negotiation with the freehold owners, Michael William Vernon and Vera Rosemarie Vernon, and active discussions are taking place to attempt to reach an agreement prior to confirmation of the Order.

Conclusions

- 8.24. As set out within this Section 8, the Acquiring Authority considers it has demonstrated that there is a compelling case in the public interest whereby the public benefit will outweigh any private loss. Interference with rights under the European Convention on Human Rights (as further set out in Section 10) is considered to be justified, in order to secure the benefits that The Scheme will bring.
- 8.25. It is, therefore, considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any unlawful interference with individual property rights. The compulsory purchase process enables objections to be submitted and a Local Public Inquiry to be held to consider those objections.
- 8.26. The parties directly affected by the Order will be entitled to compensation in accordance with the Compensation Code, which is the collective term used for the principles set out in the Land Compensation Act 1961, the Compulsory Purchase Act 1965, the Land Compensation Act 1973, the Planning & Compulsory Purchase Act 1991 and the Planning & Compulsory Purchase Act 2004. This is supplemented by case law relating to compensation for compulsory acquisition, and the recent provisions relating to compulsory purchase contained in the Housing and Planning Act 2016 and the Neighbourhood Planning Act 2017.

8.27. All of the Order Land is required in order to deliver the Scheme, and there is no certainty that the necessary land and interests can be assembled by agreement within a reasonable period or, where such interests have already been acquired, there is no certainty as to the existence of third party rights that could threaten delivery of the Scheme. As such, the Order is necessary to deliver The Scheme, although efforts to acquire all interests by negotiation will continue in parallel, both up to the making and confirmation of the Order, and also post-confirmation, prior to its implementation.

9. FINANCE OF THE SCHEME AND TIMESCALES FOR IMPLEMENTATION

- 9.1 Paragraph 14 of the Guidance sets out the elements that will be considered by the Secretary of State when confirming an Order, and requires that evidence is provided as to the sources and timing of funding.
- 9.2 The total estimated cost of the Scheme is £36.5 million, which will be met from a combination of central government funding, reinvestment of capital receipts from sale of Council land, the potential for contributions from developers pursuant to Section 106 planning obligations and Council contributions. The Acquiring Authority will forward fund the full cost of the Scheme.
- 9.3 A Land Cost Estimate was commissioned from Sanderson Weatherall, with the total estimated value for the acquisition of land and property being assessed at £1.01M, based on current market conditions.
- 9.4 The Acquiring Authority has given proper consideration to potential blight claims being received by affected owners and occupiers. It was identified that the primary exposure would be derived from new roundabouts connecting the Scheme to the local highway network. The new carriageways (e.g. Fairfield Link, Realigned Flowers Lane and Primary Hospital Link Road) were not considered to sufficiently impair any dwellings to trigger blight. There were early concerns surrounding the dwellings located adjacent to the original location of the Minshull New Road Roundabout. The location of this roundabout was subsequently moved to the south west away from the dwellings into Council owned land to reduce its impact. The location of the Fairfield Roundabout has also been moved to the south east (as opposed to the location set-out in the Fairfield planning application), away from Leighton Lodge, to reduce its impact. Based on the information currently available, it is considered unlikely that any claims received would meet the minimum criteria set out within the statutory provisions.

Public Sector Funding

Housing Infrastructure Fund (HIF)

- 9.5 On 1 February 2018, the Secretary of State for Housing, Communities and Local Government announced an 'in principle' contribution of £10.0 million to the Scheme from the Housing Infrastructure Fund (Marginal Viability Fund Programme).
- 9.6 The Marginal Viability Fund Programme has been set up to enable the delivery of homes where the cost of infrastructure required to facilitate house building is too great. For these types of development, HIF funding will contribute to the final, or missing, piece of infrastructure funding to get additional sites allocated or existing sites unblocked quickly. In this case, the Scheme will unlock land at Leighton and Leighton West in the north west of Crewe for the provision of homes. The funding must be spent by 31 March 2022.

National Productivity Investment Fund (NPIF)

- 9.7 On 19 October 2017, Ministers at Department for Transport announced a contribution to the Scheme of £5.0 million to the Scheme from the National Productivity Investment Fund.
- 9.8 The National Productivity Fund aims to ease congestion and provide upgrades on important national, regional or local routes to help unlock economic and job opportunities or enable the delivery of vital new housing developments. Funding was paid as grant under Section 31 of the Local Government Act 2003. The Funding was spent on Scheme development up to 31 March 2020.

Council Funding

- 9.9 The Scheme is fully funded as set out in the Acquiring Authority's Medium-Term Financial Strategy (Appendix 17) as approved by Cabinet on 4 February 2020 (Appendix 17) and is included in the 2020/24 Approved Capital Programme with a budget of £36.5m.
- 9.10 The Acquiring Authority intends to proceed with the delivery of the Scheme in early 2021, with an estimated 24-month construction period and completion during Spring 2023.

Conclusion

- 9.11 As set out above, the Acquiring Authority considers it has demonstrated the sources and timing of funding to deliver the Scheme.
- 9.12 Public Sector Funding for the Scheme has been secured from the Housing Infrastructure Fund and the National Productivity Infrastructure Funding, subject to compliance with conditions.
- 9.13 The Acquiring Authority has set out a funding strategy that has been endorsed by Cabinet Board on 5 December 2017 (Appendix 6) to forward fund the entire cost of the delivery of the Scheme. The Cabinet Board of [5 May 2020] (Appendix 5) [has] also endorsed powers for securing the land and interests required for the Scheme using compulsory purchase powers pursuant to the Order, where necessary as a matter of last resort.

10 HUMAN RIGHTS

- 10.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 10.2 The following articles of the Convention are relevant to the determination as to whether the Order should be confirmed:
- 10.2.1 Article 1 of the First Protocol protects the right of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. Any interference with possessions must be proportionate and, in determining whether a particular measure is proportionate, a fair balance must be struck between the public benefit sought and the interference with the rights in question;
 - 10.2.2 Article 6 entitles those affected by the powers sought in the Order to a fair and public hearing by an independent and impartial tribunal;
 - 10.2.3 Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. A public authority cannot interfere with these interests unless such interference is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic wellbeing of the country.
- 10.3 The Order has the potential to infringe the human rights of persons who own property in the Order Land. Such infringement is authorised by law provided:
- 10.3.1 the statutory procedures for obtaining the Order are followed and there is a compelling case in the public interest for the Order; and
 - 10.3.2 any intervention with the Convention right is proportionate to the legitimate aim served.
- 10.4 The Scheme has been designed to minimise interference with the peaceful enjoyment of a person's possessions under Article 1 of the First Protocol of the Human Rights Act. Under this Article, no person is to be deprived of their possessions, except in the public interest. Any interference with the right has to be provided for by law and strike a fair balance between the public interest and the protection of the rights of the individual. The public benefits associated with the Scheme are set out earlier in this Statement (Section 8) and the Acquiring Authority believes that the Scheme is in the public interest, and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for The Scheme.
- 10.5 In promoting the Order, the Acquiring Authority has complied with all relevant legislation and regulations. The Scheme has been extensively publicised (as detailed within the Statement of Community Involvement dated December 2018 (Appendix 16) and consultation has taken place with the communities and parties that will be affected by the Order. All those affected by the Order will be notified, will

have the right to make representations and/or objections to the Secretary of State, and to be heard at a Local Public Inquiry. It has been held that the statutory processes and associated right for those affected to pursue remedies in the High Court where relevant, are compliant with Article 6.

- 10.6 The Acquiring Authority considers that such interferences with Article 8, as may occur should the Order be confirmed, are in accordance with the law and are necessary in a democratic society in that they would be in pursuit of a legitimate aim, namely the economic well-being of the country and/or the protection of the rights and freedoms of others, and are proportionate, having regard to the public interest that the Scheme will bring, which will benefit the well-being of the area.
- 10.7 Although there is no obligation on the Acquiring Authority to establish that there are no less intrusive means available, the Order Land has been kept to the minimum necessary to construct the road and provide the associated mitigation measures.
- 10.8 Those directly affected by the Order will also be entitled to compensation, which will be payable in accordance with the Compulsory Purchase Compensation Code. This will be assessed on the basis of the market value of the property interest acquired, disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by the Acquiring Authority. The Compulsory Purchase Code has been held to be compliant with Articles 8 and Article 1 of the First Protocol.
- 10.9 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Acquiring Authority’s powers and duties. Similarly, any interference with Article 8 rights must be “necessary in a democratic society”, i.e. proportionate.
- 10.10 The public interest can only be safeguarded by the acquisition of this land and such acquisition would not place a disproportionate burden on the affected landowners. In addition, the Scheme already has the benefit of planning permission, the grant of which involved the weighing of all material planning considerations, including the public benefit of pursuing The Scheme against any disruption and interference that would be caused to individual rights.
- 10.11 In pursuing this Order, the Acquiring Authority has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the Scheme construction. Interference with Convention rights is considered by the Acquiring Authority to be justified in order to secure the economic regeneration, environmental and public benefits which the Scheme will bring.

11. SIDE ROADS ORDERS

- 11.1 The Acquiring Authority has also made the Side Roads Orders ("SROs") (Appendix 1) under Sections 14 and 125 of Highways Act 1980 and, if confirmed, they will enable the Acquiring Authority to carry out alterations to highways affected by the Scheme, which the Order is made pursuant to.
- 11.2 The SROs will authorise the stopping-up, diversion and creation of new lengths of highway or reclassification of existing highways, together with stopping up and/or amendments to private means of access, and re-provision of private means of access.
- 11.3 The impact of the Scheme will result mainly in the amendment of private access to premises and the provision of new means of access to premises, together with some small areas of stopping up where existing highway crosses the plain of new highway to be constructed. All beneficiaries of any stopped up private means of access will be provided with a reasonably convenient and commodious alternative means of access, unless there is no need for an alternative access to be provided.
- 11.4 The full title of the SROs published under the Highways Act 1980 are:
- 11.4.1 The Cheshire East Council (A530 Middlewich Road Classified Road) (Side Roads) Order 2020;
 - 11.4.2 The Cheshire East Council (B5076 Flowers Lane Classified Road) (Side Roads) Order 2020; and
 - 11.4.3 [The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout A) (Side Road) Order 2020] [The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout B) (Side Roads) Order 2020].
- 11.5 A copy of the respective SRO plans are appended hereto (Appendix 1), which show the extent to which it is necessary to carry out works to existing highways, stopping up of existing highways, stopping up of private means of access, and the provision of new private means of access to properties that are likely to be affected by the Scheme.

The Need for the Side Roads Orders

- 11.6 The SROs will, subject to confirmation of the Secretary of State, empower the Acquiring Authority to construct new lengths of classified road, carry out junction improvements with existing classified roads, generally improve the highway, and stop up existing private means of access affected by the Scheme, together with creating new private means of access because of the main Scheme works.

The Need for Side Roads Alterations

- 11.7 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are detailed in the Schedule attached to the SROs and shown diagrammatically on the Side Roads Order Plans (Appendix 1).

- 11.8 The Scheme will require alteration and stopping up of existing lengths of highway where they are crossed by the new classified road and will also require alterations to accommodate junction improvements and the replacement of private means of access. The SROs implements these alterations, as well as giving authority to the Order.
- 11.9 The SROs and the necessary changes to the highways affected by the SROs are an integral part of the proposed construction of the Scheme, which is designed to relieve traffic congestion, improve connectivity in north west Crewe and to unlock sites allocated for housing and employment uses under the Local Plan.

Alternate Side Roads Order

- 11.10 There is a proposal approved under planning decision reference 16/2373N to build 400 dwellings at the Fairfield site. As part of this planning decision, there is an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), which requires that works to the existing highway in the form of the creation of a roundabout (“the Fairfield Roundabout”) will be implemented pursuant to an agreement under Section 278 of the Highways Act 1980 . These works are only necessary if the landowner, Torus Homes Ltd, implements the planning permission.
- 11.11 The line of the roundabout is not in the same location as the Fairfield Roundabout proposed by the Scheme and so it is the case that only one of the two roundabouts can physically be implemented.
- 11.12 There are alternative provisions for SROs dependent on whether the Fairfield Roundabout is delivered as part of a consented development on land owned by Torus Homes (“the Torus Development”) or the as part of the Scheme, and also dependent on whether the Fairfield Roundabout is delivered by the Acquiring Authority or by Torus Homes.
- 11.13 If the Fairfield Roundabout is delivered along the alignment as permitted as part of the planning permission for the Scheme, The Cheshire East Council (A530 Middlewich Road Classified Road) (Side Roads) Order 2020, The Cheshire East Council (B5076 Flowers Lane Classified Road) (Side Roads) Order 2020 and The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout A) (Side Roads) Order 2020 will be required and will authorise the Order.
- 11.14 If the Fairfield Roundabout is delivered by the Acquiring Authority along the alignment provided for as part of the Torus Development, The Cheshire East Council (A530 Middlewich Road Classified Road) (Side Roads) Order 2020, The Cheshire East Council (B5076 Flowers Lane Classified Road) (Side Roads) Order 2020 and the additional Side Roads Order referred to as The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout B) (Side Roads) Order 2020 will be required and will authorise the Order.
- 11.15 If the Fairfield Roundabout is delivered along the alignment of the Torus Development but by Torus Homes, neither The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout A) (Side Roads) Order 2020 nor The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield

Roundabout B) (Side Roads) Order 2020 would be required. There may be a need for minor amendments to the Scheme's planning permission and a Section 73 variation plus Section 38/278 highways agreement, and these will be dealt with separately.

- 11.16 The alternate provision is being provided for as, at this time, it is not known which roundabout will come forward first. The Order Map provides for the widest area of Order Land in this location that may be necessary and will be finalised prior to the Order being confirmed, with modification as required to minimise the land take so as to only compulsorily purchase as much land as is required, in compliance with the Guidance.
- 11.17 Given that this matter is currently outside of the Acquiring Authority's immediate control, the Acquiring Authority is accounting for both situations at this stage but reserves the right to withdraw either or both of The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout A) (Side Roads) Order 2020 and The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout B) (Side Roads) Order 2020, should they be found unnecessary.

12. RELATED ORDERS AND SPECIAL CATEGORY LAND

Traffic Regulation Orders

12.1 Traffic Regulation Orders will be required to amend existing, speed limits, and to prohibit or restrict turning movements at the junctions of Smithy Lane. These will be made prior to construction of the works within the area that the specific order resides and are not considered an impediment to the delivery of the Scheme. The Orders will be as follows:

12.1.1 No exit allowed for vehicles except ambulances and access from Leighton Hospital onto the existing stopped up Smithy Lane west of hospital A&E entrance. Left turn only on exit of old Smithy Lane alignment onto A530. No right turn from A530 onto old Smithy Lane alignment; and

12.1.2 A New speed limit on the A530/Middlewich Rd. between the two proposed roundabouts south of the hospital.

Land Drainage Consent

12.2 The consent of the Land Drainage Authority under the Land Drainage Act 1991 will be required for the discharge of drainage into identified waters. For this the Council will apply and obtain the relevant permits. Consequently, the Council and its advisers have been in constant consultation with the Land Drainage Authority during the design of the works to date and the Land Drainage Authority's comments and views have been considered in the design process to date.

Ecology Licence

12.3 The Scheme has been identified as having adverse effects on bats and badgers. The Scheme would also result in the loss of trees with high potential to be used by roosting bats, and the loss of trees with moderate potential to be used by roosting bats. The construction of the Scheme would also result in the loss of significant areas of potential foraging and commuting habitat including hedgerows and woodland. The Scheme loss of one main sett and three outlier setts. There would also be potential for disturbance because of construction activities.

12.4 As a consequence of these adverse effects to bats and badgers, the Acquiring Authority will be applying to Natural England for licences in order to interfere with bats and badgers under Regulation 53(2)(e) of the Conservation of Habitats and Species Regulations 2010 (as amended), Section 16(3)(f) of the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992.

12.5 The Conservation of Habitats and Species Regulations 2010 (as amended) ("the Habitats Regulations"), fully protect the bats and badgers and their breeding sites and resting places, making it an offence to deliberately kill, injure or capture (take) them; to deliberately disturb; damage or destroy breeding sites or resting places; possess or transport any of these species or any part of them; sell (or offer for sale) or exchange any of these species or parts of them.

- 12.6 The Council is aware that the impacts associated with the Scheme will make it necessary to apply for and obtain a European Protected Species Licence (EPSL) for bats and badgers from Natural England under Regulation 53(2)(e) of the Habitats Regulations for the Scheme to be constructed.
- 12.7 Consequently, initial consultation with Natural England (NE) was sought as part of a pre-submission screening exercise through the Discretionary Advice Service (DAS) that NE offers. Furthermore, consultation with CEC Ecologists and the Cheshire Wildlife Trust (CWT) has informed the development of the outline bat and badger mitigation strategies across the Scheme as presented in the Environmental Statement. This will be developed as part of the final EPSL submission for agreement by NE.

Special Category Land

- 12.8 The Order Land does not contain land that is special category land within the meaning of the Acquisition of Land Act 1981 (open space, common land, allotments or field gardens), land held inalienably by the National Trust, consecrated land or ecclesiastical land, land in a general improvement area or land in a housing action area.

Statutory Undertakers' Land

- 12.9 The Order Land includes land which has been acquired by statutory undertakers for the purposes of their undertaking. In accordance with Section 16 of the Acquisition of Land Act 1981, any acquisition of such special category land could result in a separate and additional power in favour of statutory undertakers to make representations to their Minister and, until such an objection is withdrawn, no Order can be confirmed. Section 16(2) allows the confirmation of an Order notwithstanding the presence of an extant objection if the Secretary of State for Business, Energy and Industrial Strategy is satisfied that the land in question can either be purchased without serious detriment to the carrying on of the undertaking, or that replacement land can be given.
- 12.10 Utility companies with utility assets likely to be affected by the Scheme have been identified and consulted on the Scheme proposals. Under the New Roads and Street Works Act 1991, utility companies were consulted at several stages in the development of the scheme. The responses from the utility companies at the various stages of project development are detailed in Appendix 18.
- 12.11 A list of the utility assets currently affected by the Scheme and subject to diversion or reinforcement works are detailed in Table 2 below:

Table 2 – Utility Diversions

Scheme Location	Utility owner	Description of works required
Smithy Lane /A530 Roundabout	United Utilities	Divert 4" main to new alignment
	SP Energy	Scheme 8 Divert 33kv and supply 132kv fibre duct for site to lay
	SP Energy	Scheme 8 Divert LV overheads to underground
Minshall New Road Roundabout	United Utilities	Divert and abandon old main 4"
	SP Energy	Scheme 5 Local diversion of 11KV overheads
	BT Openreach	Demolish boxes, new boxes, ducting and cable diversion
Smithy Lane/Flowers Lane Roundabout	United Utilities	Diversion of 90mm to new road alignment (replacing with 225 at United Utilities cost)
	SP Energy	Scheme 9 LV - move and relocate overhead pole
	BT Openreach	New pole and Overheads
Hospital Roundabout	United Utilities	Inc in Smithy Lane East Quote
	SP Energy	Scheme 7 - divert 6No 33kv and 4No 11kv underground cables
Spine Road	SP Energy	Scheme 6a - Temp divert of overhead cables 33KV South
	SP Energy	Scheme 6b - Temp divert of overhead cables 33KV North
Smithy Road East	United Utilities	Divert and lower 12" main through crossing point and in front of hospital entrance
	SP Energy	Scheme 9 - Divert 11KV cable in Smith Field
	SP Energy	Scheme 9 - Divert 6No 33kv and 4No 11kv cables under new road crossing of Smithy Lane
	BT Openreach	Lower Clay ducts
	Cadent	Lower 315mm MP gas Main
Leighton Hall	United Utilities	Main and local feed diversions

Roundabout		
	SP Energy	Scheme 2 Divert 33kv and supply 132kv fibre duct for site to lay
	BT Openreach	Remove poles and duct under new road alignment
East/west Link	SP Energy	Temporary diversion of 2No 33KV Overheads under new road alignment
Middlewich Road North (flowers Lane /A530)	United Utilities	Divert and lower existing Main 4"
	SP Energy	Scheme 11 - Divert 11KV underground cable
	SP Energy	Scheme 2 Divert 33kv and supply 132kv fibre duct for site to lay
	BT Openreach	Remove overheads, duct and divert cables

Crown / Duchy Land

- 12.12 A letter was sent on 21 March 2019 to Fisher German LLP (Appendix 19), who act as the Duchy's Land Agent, to confirm whether the Crown / Duchy had any legal interests within the area identified on the plan provided, particularly in relation to subsoils, and mines and minerals. The letter requested a response to be provided within 4 weeks of receipt, and if no response was received then the Acquiring Authority would proceed on the basis that the Crown / Duchy does not have any legal interest in any part of the Scheme.
- 12.13 This initial letter was followed up with emails to representatives at Fisher German LLP on 08 May 2019 and 20 May 2019 (Appendix 19), stating that as no response was received the Acquiring Authority would progress on the basis that the Crown / Duchy does not have any interest within the Scheme.

13. INSPECTION OF DOCUMENTS AND CONTACT DETAILS

- 13.1 The following documents are available for public inspection during normal office hours at:

Cheshire East Council
Municipal Buildings
Earle Street
Crewe
Cheshire
CW1 2BJ

- 13.2 The documents are:

- 13.2.1 the Order and Order Schedule;
- 13.2.2 the Order Map;
- 13.2.3 the Side Roads Orders; and
- 13.2.4 this Statement of Reasons.

- 13.3 The documents can also be viewed on the Acquiring Authority's website at <http://www.cheshireeast.gov.uk/nwcp>

- 13.4 Interested parties affected by the Order and / or the SROs who wish to discuss matters with the Acquiring Authority should contact the NWCP project team, by one of the following means:

13.4.1 by e-mail to nwcp@cheshireeast.gov.uk

13.4.2 by post to Cheshire East Council, 7th Floor, Delamere House, c/o Municipal Building, Earle Street, Crewe, Cheshire, CW1 2BJ marked for the attention of North West Crewe Project Team

- 13.5 Owners and occupiers of properties affected by the Order who wish to progress discussions for the acquisition of their interest should contact John Goodchild MRICS, Sanderson Weatherall on 0161 259 7023 or via email at john.goodchild@sw.co.uk

14. APPENDICIES

APPENDIX 1	SIDE ROAD ORDERS
APPENDIX 2	ORDER
APPENDIX 3	ORDER MAP
APPENDIX 4	SCHEME PLAN
APPENDIX 5	MAY 2020 CABINET REPORT AND MINUTE
APPENDIX 6	DECEMBER 2017 CABINET REPORT AND MINUTE
APPENDIX 7	PLANNING PERMISSION FOR SCHEME
APPENDIX 8	PLANNING REPORT TO COMMITTEE
APPENDIX 9	INFRASTRUCTURE DELIVERY PLAN
APPENDIX 10	BENTLEY MOTORS DEVELOPMENT FRAMEWORK AND MASTERPLAN
APPENDIX 11	CREWE MASTERPLAN
APPENDIX 12	THE CONSTELLATION PARTNERSHIP HS2 GROWTH STRATEGY
APPENDIX 13	LOCAL PLAN POLICIES LPS4 AND LPS5
APPENDIX 14	TRANSPORT ASSESSMENT
APPENDIX 15	PLAN OF NETWORK
APPENDIX 16	STATEMENT OF COMMUNITY INVOLVEMENT
APPENDIX 17	MEDIUM TERM FINANCIAL STRATEGY
APPENDIX 18	CORRESPONDENCE WITH UTILITY PROVIDERS
APPENDIX 19	LETTERS AND EMAILS WITH FISHER GERMAN