

Combined Statement of Reasons

Highways Act 1980

Acquisition of Land Act 1981

**The Cheshire East Borough Council and
Cheshire West and Chester Borough Council
(Middlewich Eastern Bypass) (Classified
Road) Compulsory Purchase Order 2020**

**The Cheshire East Borough Council and
Cheshire West and Chester Borough Council
(Middlewich Eastern Bypass) (Side Roads)
Order 2020**

CONTENTS

1	INTRODUCTION.....	3
2	STATUTORY POWERS UNDER WHICH THE ORDER IS MADE	5
3	BACKGROUND AND SCHEME DEVELOPMENT	6
4	EXISTING AND FUTURE CONDITIONS.....	12
5	NEED FOR THE SCHEME.....	23
6	OBJECTIVES OF THE SCHEME.....	26
7	POLICY CONSIDERATIONS	31
8	DEVELOPMENT OF THE SCHEME.....	39
9	DESCRIPTION OF THE PROPOSED ROUTE	45
10	SIDE ROADS ORDER	47
11	THE COMPULSORY PURCHASE ORDER.....	50
12	EFFECTS ON LAND USE AND AGRICULTURE.....	53
13	SPECIAL CATEGORIES OF LAND.....	54
14	THE PLANNING POSITION	55
15	SCHEME FUNDING.....	58
16	RELATED WORKS, CONSENTS ORDERS AND PROCEDURES.....	60
17	PUBLIC SECTOR EQUALITY DUTY AND HUMAN RIGHTS ASSESSMENT	61
18	PUBLIC INQUIRY.....	63
19	FURTHER INFORMATION.....	64
20	APPENDICES	66

THE CHESHIRE EAST BOROUGH COUNCIL AND CHESHIRE WEST AND CHESTER BOROUGH COUNCIL (MIDDLEWICH EASTERN BYPASS) (CLASSIFIED ROAD) COMPULSORY PURCHASE ORDER 2020

THE CHESHIRE EAST BOROUGH COUNCIL AND CHESHIRE WEST AND CHESTER BOROUGH COUNCIL (MIDDLEWICH EASTERN BYPASS) (SIDE ROADS) ORDER 2020

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

1 INTRODUCTION

1.1 Under the provisions of the Highways Act 1980 (“1980 Act”) Cheshire East Council (“Council”) has made the following statutory orders in accordance with the powers contained in the 1980 Act:

- The Cheshire East Borough Council and Cheshire West and Chester Borough Council (Middlewich Eastern Bypass) (Classified Road) Compulsory Purchase Order 2020 (“**The CPO**”)
- The Cheshire East Borough Council and Cheshire West and Chester Borough Council (Middlewich Eastern Bypass) (Side Roads) Order 2020 (“**The SRO**”)

In this Statement the SRO and the CPO are together referred to as “**the Orders**”.

1.2 The Council is seeking confirmation of the Orders from the Secretary of State for Transport.

1.3 This Statement has been prepared to support the Orders by describing the aim and purpose of the proposals for the Middlewich Eastern Bypass Scheme (“**Scheme**”) and to explain the reasons, the deliverability and purposes for making the Orders on the basis of the satisfaction following principles:

- the justification and need for the Scheme;
- the consultation process and how third-party interests have been considered;
- the status of associated consents;
- the availability of all necessary funding;
- the availability of all the land required and the reasons why all the land identified is necessary;
- the statutory requirements that must be satisfied before construction can start; and
- confirmation that there are no legal impediments to the Scheme being implemented.

1.4 This Statement is provided in accordance with the guidance set out in:

- Department for Communities and Local Government “Guidance on Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (July 2019);
- 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
- 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).

Executive Summary

To be completed

2 STATUTORY POWERS UNDER WHICH THE ORDER IS MADE

- 2.1** The SROs are made under section 14 of the 1980 Act (powers of highway authorities as respects roads that cross or join classified roads), section 125 of the 1980 Act (further powers to stop up private access to premises), and in accordance with Schedule 1, of the 1980 Act.
- 2.2** The making and confirmation of the SROs will enable the Council to improve, raise, lower, divert or otherwise alter highways; stop up highways; construct new highways; stop up private means of access to premises required as a consequence of the construction of the Scheme and to provide new private means of access to premises.
- 2.3** The CPO is made under the following provisions of the Highways Act 1980: sections 239 and 240 (general powers of highway authorities to acquire land for the construction and improvement of highways), section 246 (power to acquire land for mitigating adverse effects of constructing or improving highways), section 250 (land acquisition powers to extend to creation as well as acquisition of rights) and section 260 (clearance of title to land acquired for statutory purposes). Section 249 prescribes the distance limits within which compulsory purchase acquisition powers can be exercised by the Council as local highway authority and these have not been exceeded.
- 2.4** Confirmation of Orders
The making and confirmation of the Orders will enable the Council to acquire the land and rights necessary for the construction and maintenance of the Scheme and ensure the necessary improvements are made to the local highway network.

3 BACKGROUND AND SCHEME DEVELOPMENT

3.1 Introduction

The Scheme involves the construction of a new single carriageway road, known as the Middlewich Eastern Bypass (MEB). The proposed route of the bypass follows a north-south alignment to the east of Middlewich, providing a new route between the A54 Holmes Chapel Road and the A533 Booth Lane to the south of Middlewich. It is located within Cheshire East, with the exception of a small area of the northern section of the road, which extends into the borough of Cheshire West & Chester.

A Scheme Plan is appended to this Statement at Appendix 1.

Middlewich is located in the North West region of England, 30km east of the city of Chester, 10km north of Crewe, 4.6km east of Winsford, 8.5km southeast of Northwich and 7.5km northwest of Sandbach.

It has been identified as one of the Key Service Centres for Cheshire East, and as such the vitality and growth of the town contributes to the prosperity of the Borough as a whole

The Scheme is located immediately to the east of Middlewich as shown in Figure 1.

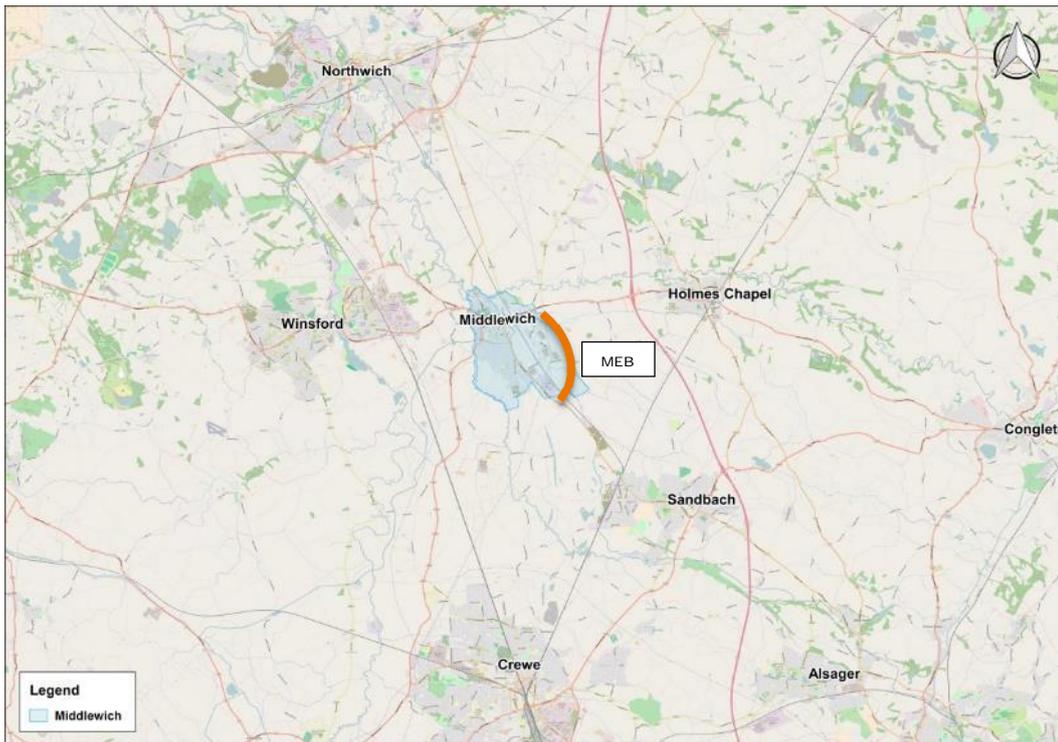


Figure 1: Location of Middlewich & Middlewich Eastern Bypass

The Scheme sits on the eastern edge of the Middlewich Settlement Zone and will provide traffic routes to avoid Middlewich town centre, relieving congestion and contributing strongly to the delivery of objectives within the Cheshire East Local Plan Strategy of supporting the economic growth agenda for Middlewich and the sub-region, with aims for up to 1,950 new dwellings and c.6,500 additional jobs in the town.

Delivery of the Scheme is noted in the Local Plan Strategy as paragraph 15.491 states: *'The timely delivery of the Middlewich Eastern Bypass is key to ensuring that Middlewich realises its full sustainable growth potential as a Key Service Centre and also contributes to the prosperity of the borough as a whole.'*

Paragraph 15.510 of the Local Plan Strategy then states that the bypass is: *'a key piece of infrastructure vital to the future prosperity of Middlewich, Cheshire East and the wider region.'*

Figure 2 shows the Local Plan Strategy allocated sites and locations for Middlewich.

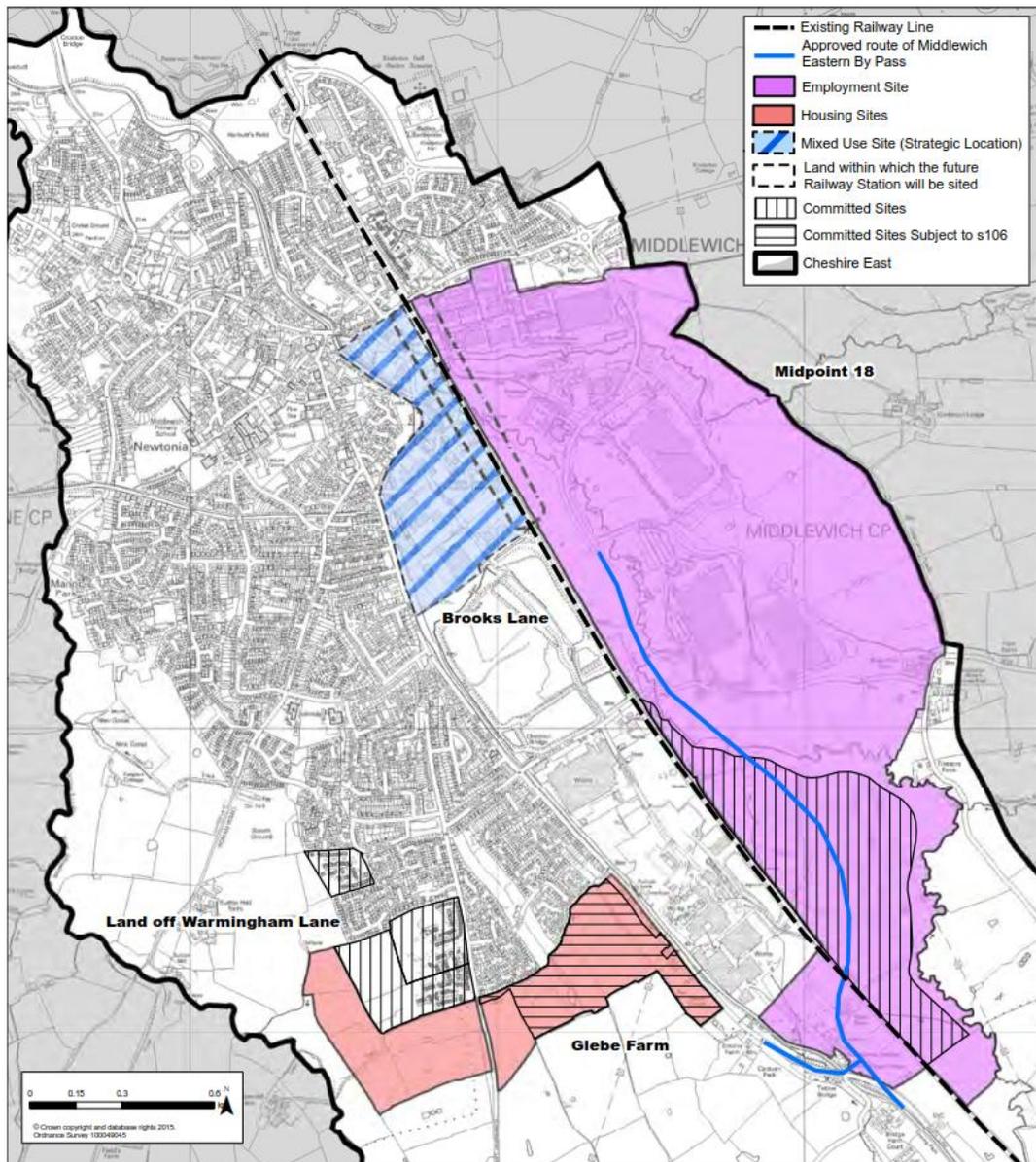


Figure 2: Local Plan Strategy Sites in Middlewich (excerpt from CEC LPS)

The allocations associated with the sites are:

- Glebe Farm (Site LPS 42) – 525 new homes
- Brooks Lane (Site LPS 43) – employment and mixed use likely to include: 200 homes; leisure and community facilities; retail facilities; green infrastructure,

- a potential marina, and; a new railway station
- Midpoint 18 (Site LPS44) – 70Ha of employment land
- Land off Warmingham Lane (Site LPS 45) – 235 new homes

Within the Local Plan Strategy The Scheme is linked specifically to the Midpoint 18 site, providing suitable means of access to significant inaccessible areas of the allocated site. An approved route for Middlewich Eastern Bypass is shown in the Local Plan Strategy, though it should be noted that this route is based upon a previously consented scheme as described in Section 3.3 and which formed the proposed bypass at the time that the Local Plan Strategy was adopted. A new preferred scheme following a different route has subsequently been developed and was granted Planning Permissions (by the two corresponding Local Planning Authorities) in 2019 and is described in Section 8.

The Scheme also is safeguarded under Policy INF 6 in the 2019 Publication Draft Site Allocations and Development Policies Document (DPD) produced by the Council to support the policies and proposals of the Local Plan Strategy. The draft plan was subject to public consultation during August and September 2019 and the Consultation Report was published in May 2020. If this consultation results in any proposed significant changes to the DPD, then a further round of public consultation would be required, prior to its submission to the Secretary of State, and it is anticipated that this further consultation would happen in the Autumn of 2020.

Cheshire East Borough Council (CEC) is the main Local Planning Authority (LPA) responsible for granting planning consent for the Scheme, but Cheshire West and Chester Council (CWACC) are also responsible for planning consent for the works associated with the Scheme within their administrative area.

CEC are the Local Highway Authority (LHA) responsible for maintaining the public highway in the borough and they will also maintain the scheme where it lies within CWACC via a Section 8 Agreement under the Highways Act 1980.

3.2 Local Context

The majority of the land required for the scheme is pasture farmland with gently rolling topography, subdivided into fourteen field parcels by mature hedgerows.

The land is used predominantly for grazing of sheep and fodder production (hay/haylage/silage) with occasional use for grazing of dairy cattle.

All but a small section of the land required lies within the Midpoint18 Strategic Development Site and is thus allocated as employment land.

A small number of minor land parcels which do not comprise pasture farmland are also required for the scheme. These parcels variously comprise:

- existing adopted highway (in respect of subsoil for subterranean works)
- previous industrial development (former RHM Foods 'Bisto' site)
- marginal (non-operational) areas of two existing logistics developments.
- Minor residual parcels of land left over from prior development activity and associated land transfers with no specific current use.

Title to 57.3ha is required to deliver the Scheme of which 49.6ha is in Cheshire East and 7.6ha is in Cheshire West and Chester. An additional 3.7ha of land over which rights are required is also needed of which 2.6ha is in Cheshire East and 1.1ha is in Cheshire West and Chester.

The location of Scheme and land requirements are shown in Figure 3, with the land required in Cheshire West and Chester shown in Figure 4.

Further information relating to land is given in Section 12.

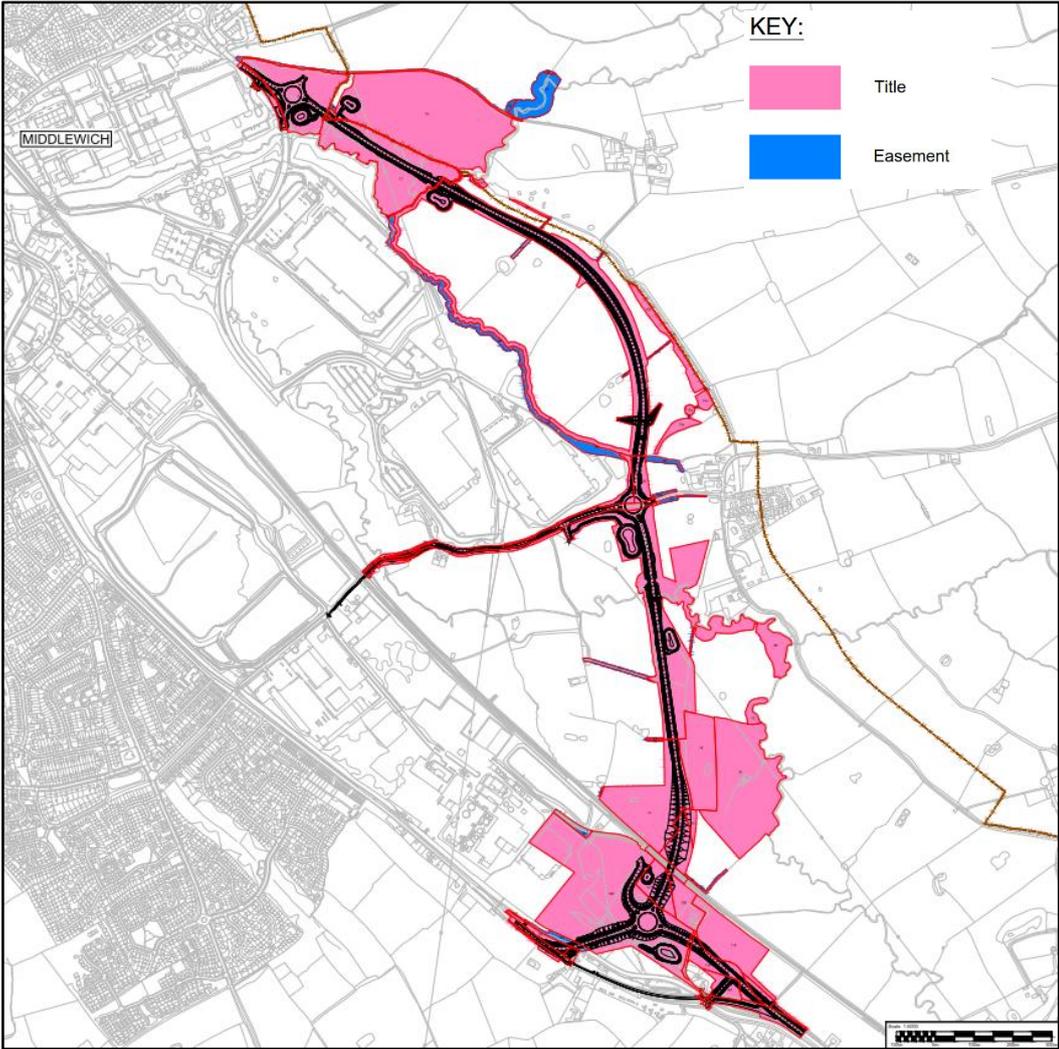


Figure 3: Middlewich Eastern Bypass Land Requirements

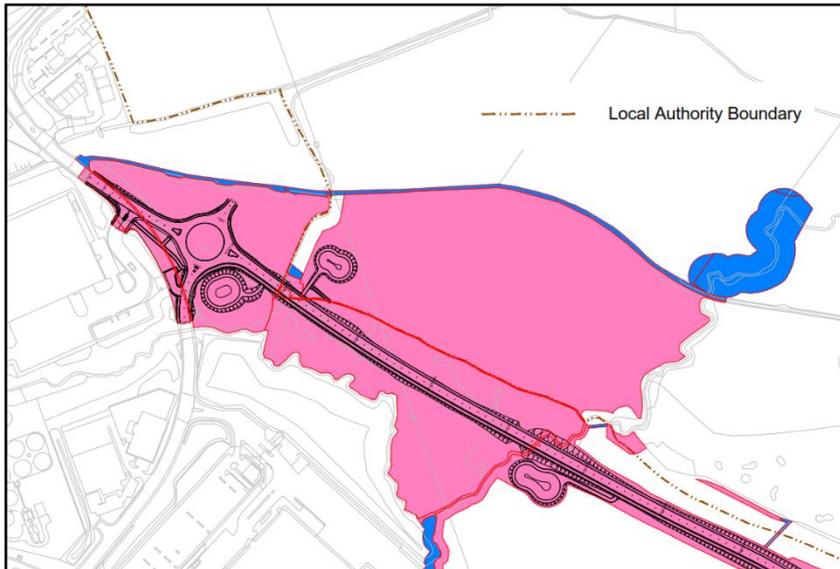


Figure 4: MEB Extents Within Cheshire West and Chester

3.3 Scheme History

The need for an eastern bypass of Middlewich has been acknowledged for many years and a Middlewich Eastern Bypass was first proposed around 40 years ago by the then Cheshire County Council to deliver objectives which were broadly similar to those of the current Scheme.

The Council worked in collaboration with private sector developers (Pochin) to deliver the bypass in conjunction with the construction of major logistics facilities on the Midpoint 18 site, with the scheme being effectively developer lead and financed.

The previous bypass scheme was partially completed in the late 1990's and currently extends from the A54 into the Midpoint 18 Business Park. The partially completed route, called Pochin Way, currently serves several commercial units but does not connect with any other highways and terminates in a dead end.

In 2008, planning permission was granted for the final section of the previous Middlewich Bypass, which would connect Pochin Way to the A533 at Tetton Bridge. The consent included several commercial units in the southern section of the Midpoint 18 site, but was conditioned such that further development could not take place until the completion of the bypass. A five-year extension to the planning permission was granted in July 2011.

The route of the final section of the bypass was an approved Cheshire County Council scheme identified in the County Council's LTP and was safeguarded in the Congleton Local Plan under Policy DP10, and has been carried forward as saved policy in Appendix B: Saved Policies, of the CEC Local Plan Strategy.

Following a long period of stagnation in the development market, during which funding opportunities for completion of the bypass were severely limited, Cheshire

East Council assumed responsibility for the delivery of the bypass from Pochin in 2015 and commenced a strategic review, with needs having changed significantly since the original bypass was conceived.

In June 2016, consent was granted for an application made under Section 73 of the Town & Country Planning Act to vary planning conditions that were attached to the 2011 planning consent. This effectively extended the consent for a further three years enabling it to be retained as an implementable option whilst the strategic review was being undertaken and completed

All former consents for the previous scheme have now lapsed.

4 EXISTING AND FUTURE CONDITIONS

4.1 Strategic Road Links

Middlewich connects with the M6 at Junction 18 via the single carriageway A54 which runs in an east – west orientation between Chester and Congleton. The town centre is 3.8km from Junction 18.

4.2 Existing Road Network

The existing road network in the vicinity of Middlewich is shown in Figure 5 below.

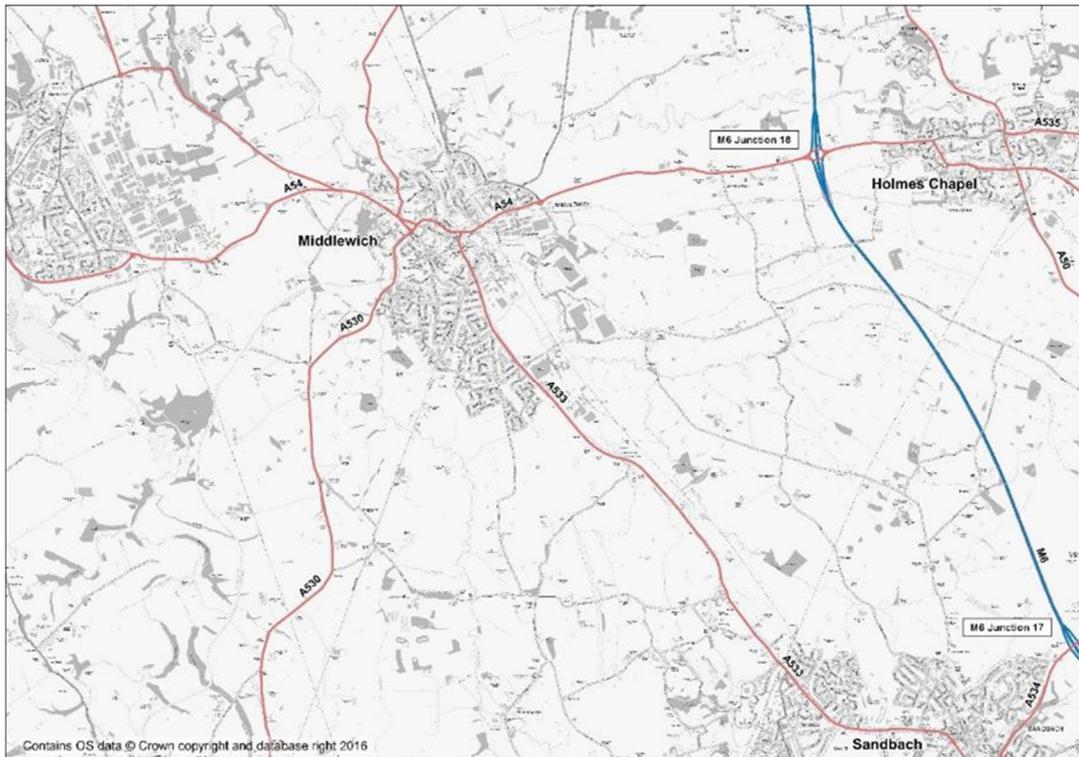


Figure 5: The Existing Highway Network

Two major highways, the A530 and the A54, converge in Middlewich town centre. The roads through the town centre carry both local traffic and strategic traffic, which is passing through the town in order to travel to destinations further afield such as the M6, Winsford, Northwich, and Crewe. A further road, the A533 passes through Middlewich town centre, from Northwich to Sandbach.

The A530 Nantwich Road is a single-carriageway situated to the west of the proposed Scheme route. The road is subject to a 30mph speed limit with a national speed limit in place from Brynlow Drive to the south of Middlewich Road. The road provides connections to a number of urban centres including Crewe (circa 11 kilometres) and Nantwich (circa 14 kilometres) to the south but has a height restriction of 3.5m where it passes beneath the Shropshire Union Canal Branch south of the town centre restricting the use of the road by large vehicles. The road converges with the A54 close to the centre of Middlewich, which offers a connection to Junction 18 of the M6 east of Middlewich.

The A54 is a 30mph single carriageway route in the vicinity of Middlewich town centre. Away from the town centre the speed limit varies according to surroundings and context but is typically 50mph. The A54 extends through a significant area of Cheshire East, with close connections to Chester to the west. To the east there is a direct link to Junction 18 of the M6, and onwards towards Congleton.

The A533 is a single carriageway, with speed limits similar to the A54. The A533 forms the southern arm of the A54 Kinderton Street/A533 Leadsmithy Street signalised junction which suffers acute congestion in peak hours. Vehicles which cannot use the A530 due to the height restriction typically use the A533 as a suitable north-south route.

4.3 Traffic

The 2011 Census indicated that car ownership in Cheshire East was high with 83.9% of households having access to at least one vehicle and 10% of households having access to three or more vehicles. It also identifies that the most common mode of transport to employment was the private car.

Within Middlewich the corresponding ownerships are 86.6% and 11.2%, compared with respective averages of 74.3% and 7.4% in England.

The Census also shows that 77% of workers residing in Middlewich drive to their place of work compared to 60% in Cheshire East and 57% nationally.

The proximity of Middlewich to urban centres such as Northwich, Crewe, Winsford and Manchester, as well as other major employment locations in the region indicates that much of the workforce use Middlewich as a base to commute to work in these urban centres, with 40% of Middlewich residents travelling between 5km and 20km to work.

Traffic surveys undertaken for the development of the Winsford and Middlewich Traffic Model in November 2014 show that the road network in Middlewich carries a higher proportion of HGV's than the national average for roads of a similar type. Table 1 below shows proportions derived from Manual Classified Counts (MCC) for key roads in the vicinity of the scheme compared with annual averages, with locations of the counts shown on Figure 6.

Road / Link	Observed Proportion of HGV's	Class of Road	Annual Average Proportion of HGV's by Class of Road (from COBA manual)
B5081 Byley Lane (MCC 5)	6.9%	Non-Built Up Principal	5.3%
A54 Holmes Chapel Road (MCC 6)	15.5%	Non-Built Up Principal	5.3%

A533 Booth Lane (MCC 7)	7.2%	Non-Built Up Principal	5.3%
A530 Nantwich Road (MCC 8)	4.0%	Built Up Principal	3.2%
A54 Chester Road (MCC 11)	9.1%	Built Up Principal	3.2%
A533 Lewin Street (MCC 12)	7.4%	Built Up Principal	3.2%
Warmingham Lane (MCC 16)	2.4%	Non-Built Up Principal	5.3%

Table 1: Comparison of Observed HGV proportions (Nov 2014) to the Annual Average Category

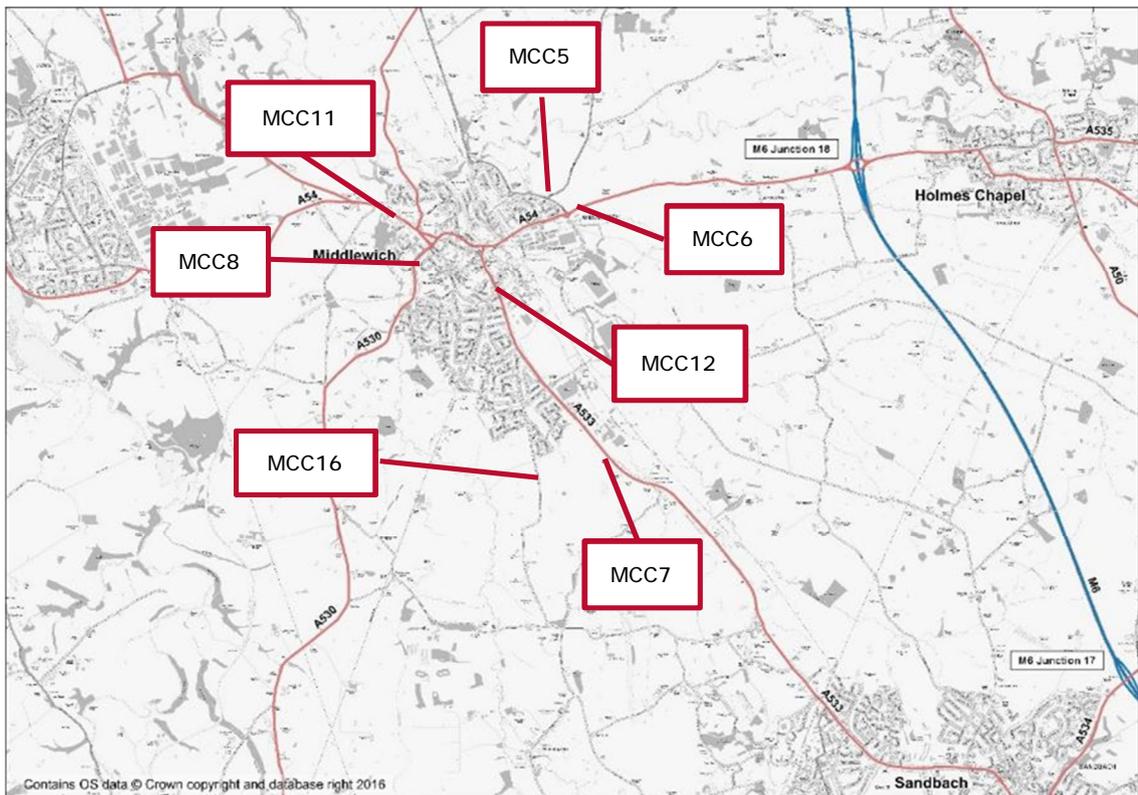


Figure 6: Manual Classified Count locations

The A54 Holmes Chapel Road between M6 Junction 18 and Middlewich carries a particularly high proportion of HGVs and examination of the DfT rolling ATC national data base indicates that this is the highest proportion of Heavy Goods Vehicles for its road class in England. Six of the main routes in Middlewich have significantly higher than average levels of HGVs for the type of carriageway.

The combination of these factors results in Middlewich experiencing slow moving traffic on the A54, A530, & A533 during peak hours and significant congestion and delay at key junctions during the morning and evening peak hours.

Observed travel time and speed

TrafficMaster 2016 data sets have been used to gain an understanding of the average traffic conditions on keys roads around Middlewich, with more detailed modelling of the network and key junctions on the networks undertaken as part of the scheme development.

Traffic data for the AM and PM peak periods have been analysed and during the AM peak the A54 Chester Road and the A54 Kinderton Street and Holmes Chapel Road are the most congested with traffic moving slowly on the approaches to Middlewich. In the PM peak all approaches to Middlewich are medium to slow speed with congestion and frequent delays.

Delays on five key routes through Middlewich have been calculated comparing TrafficMaster 2016 for AM, PM and inter-peak data to journey times calculated for free flow conditions as shown in Figure 7.

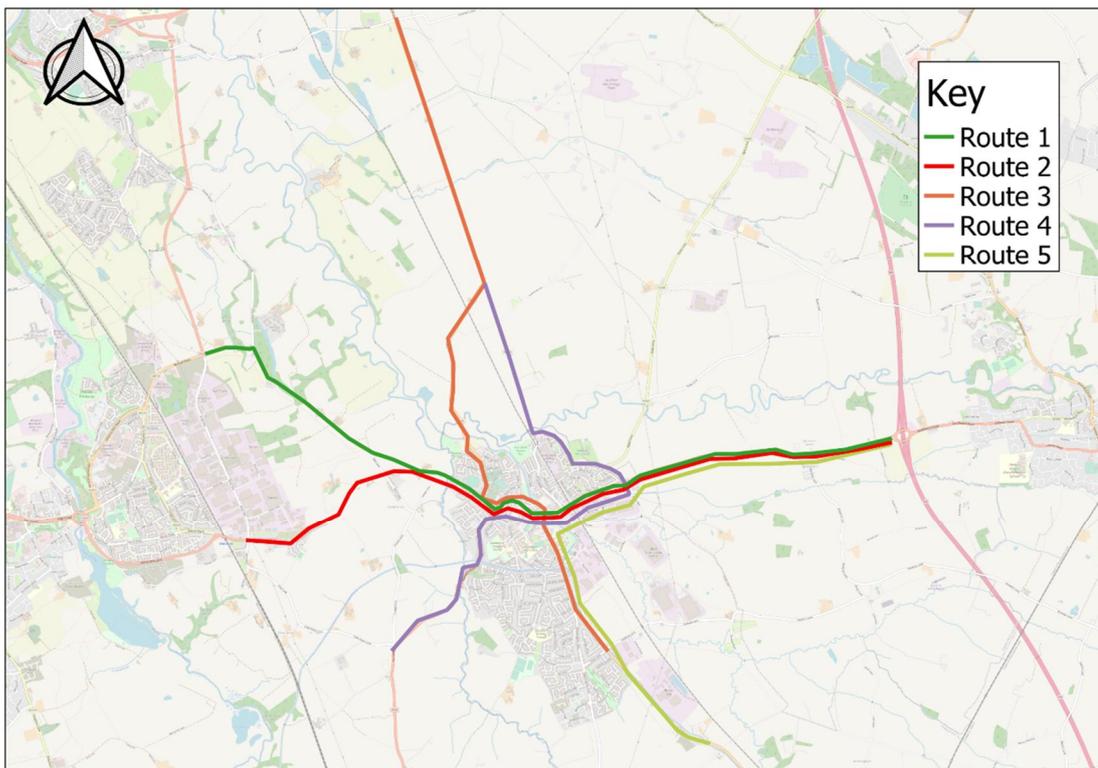


Figure 7: Routes Through Middlewich

Observed delays for each route are given in Table 2 below:

Route	Route 1		Route 2		Route 3		Route 4		Route 5	
Length (miles)	5		4.5		4.8		3.7		4.2	
Direction	EB	WB	EB	WB	NB	SB	NB	SB	NB	SB
AM PEAK										
Observed Delay (secs)	60	196	86	178	-5	-33	27	176	113	172
Average speed without traffic (mph)	33	33	34	30	32	32	28	32	32	32
TM 2016 average speed (mph)	30	24	29	23	32	34	26	22	25	23
INTER-PEAK										
Observed Delay (secs)	34	116	56	101	-9	-27	14	122	201	276
Average speed without traffic (mph)	33	33	34	30	32	32	28	32	32	32
TM 2016 average speed (mph)	31	27	30	25	33	34	27	25	22	20
PM PEAK										
Observed Delay (secs)	34	116	56	101	-9	-27	14	122	212	198
Average speed without traffic (mph)	33	33	34	30	32	32	28	32	32	32
TM 2016 average speed (mph)	31	27	30	25	33	34	27	25	22	22

Table 2: Observed delays on traffic routes through Middlewich

Significant delays are noted on westbound journeys on the A54 between the M6 and Winsford and journeys in both directions between the M6 and the A533 south of Middlewich.

Delays are attributable to congestion in Middlewich Town Centre, with the principal cause of congestion being the signal-controlled junction at A54 Kinderton Street / A533 Leadsmithy Street / A54 St Michael's Way shown in Figure 8 below.

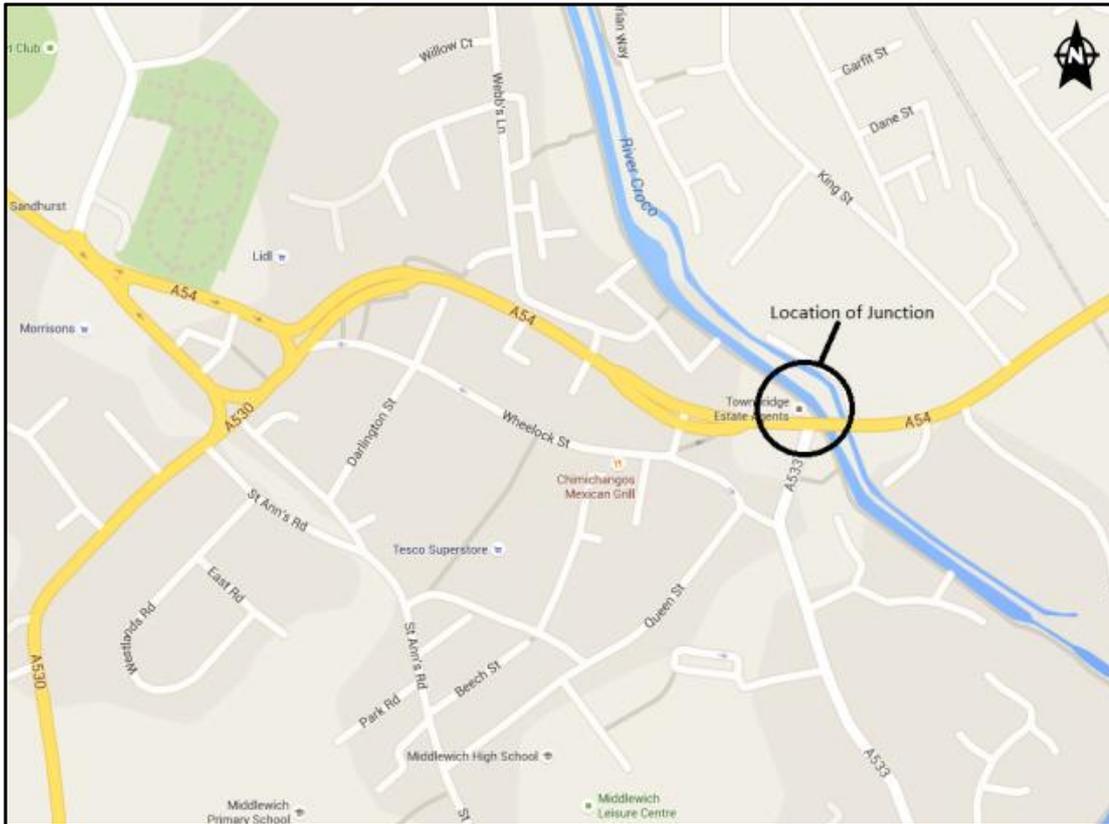


Figure 8: Location of the A54 Kinderton Street / A533 Leadsmithy Street Junction

Queue lengths recorded in surveys in 2016 showed extensive queuing at the junction as shown in Table 3 with queues and slow-moving traffic affecting key side roads in the vicinity of the junction:

Maximum recorded queue length (m)		
	AM Peak	PM Peak
A54 Kinderton Street	102	114
A533 Leadsmithy Street	90	96
A54 St Michael's Way	60	78

Table 3: Surveyed Queue Lengths

Table 4 shows modelled queue lengths and delays for the junction (from CEC Middlewich A54 St Michael's Way / A533 Leadsmithy Street (Town Bridge) Traffic Signal Junction Study December 2015):

	Mean Maximum Queue (m)	Delays per PCU (seconds)
A54 Kinderton Street	133.2	427.9
A533 Leadsmithy Street	116.3	435.5
A54 St Michael's Way (Nearside)	10.3	14.7
St Michael's Way (Offside)	52.3	391.8

Table 4: Modelled Queue Lengths and Delays

Additional traffic generated by developments or through general growth will cause delays to increase in future years.

Traffic modelling undertaken in 2018 during scheme development indicates heavy congestion at this and other junctions.

4.4 Bus Services

Bus services were subject to review by CEC in 2017 with changes to subsidised services approved at Cabinet in November 2017 and implemented in April 2018.

Two main bus routes pass through Middlewich:

- The 37/37A/37E operates between Northwich and Crewe and runs twice an hour Monday to Saturday.
- The 42 operates between Crewe and Congleton on an hourly service Monday to Saturday.

There are no bus services on Sundays.

Bus services are not segregated from other traffic on any routes and journeys subject to the same effects of congestion as other traffic.

4.5 Train Services

There are no passenger rail services available from Middlewich. Rails users must travel out of town to access rails services from network stations at Winsford, Sandbach, or Crewe. Winsford and Sandbach stations are 4km and 6km from Middlewich respectively and both stations have limited car parking facilities.

Paragraph 2.63 of The Local Plan Strategy states:

'There is no railway station or passenger rail service within the town [Middlewich]; during the development of the Site Allocations and Development Policies Document, an area of land will be safeguarded to explore the potential delivery of a new train station.'

The proposed new railway station in Middlewich is identified for a site off Brooks Lane, but there is currently no clear timeline for its construction.

4.6 Transport Related Environmental Issues

Air Quality and Noise

HGV's are a key source of noise, vibration and air pollutant emissions. Traffic counts show that 6 out of 7 of the sites in Middlewich have higher levels of HGVs than the national average for their type of road.

Existing Situation – Air Quality

There are currently 19 Air Quality Management Areas (AQMA) within the administrative boundary of CEC, declared for exceedance of the Air Quality Objective for Nitrogen Dioxide (NO₂). Two are within close proximity to The Scheme: Chester Road Middlewich which was declared in 2017, and; Lewin Street Middlewich which was declared in 2019.

Locations are shown on Figure 9 below.

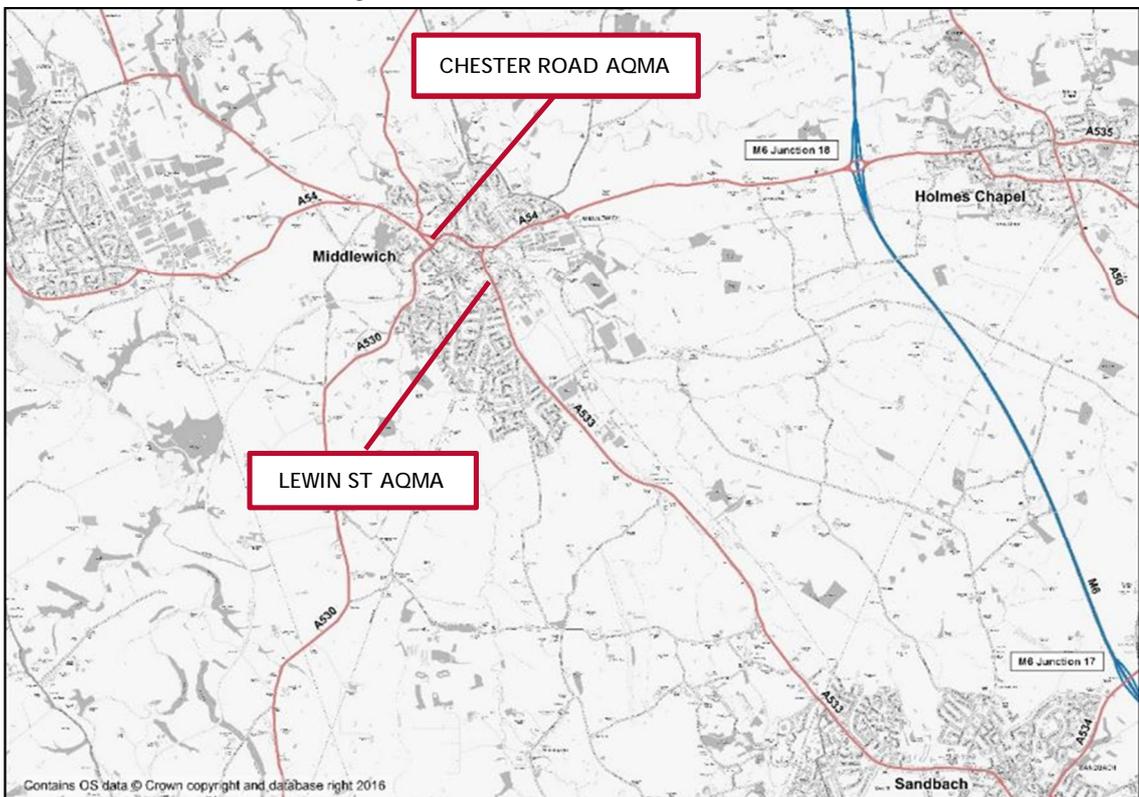


Figure 9: Locations of Air Quality Management Areas

Existing Situation – Noise

There are five designated Noise Important Areas (NIAs) within the vicinity of The Scheme. NIAs are designated by DEFRA to detail those areas within England that are currently exposed to the highest noise levels as a result of road, rail or aircraft noise in order to aid the noise management of those areas.

The sections of roads that are highlighted as NIAs are:

- ID – 10863, A530 Nantwich Road at its junction with Chester Road and St Michael's Way. CEC are the noise making authority;
- ID – 7157, A54 Kinderton Street. CEC are the noise making authority;
- ID – 10864, A54 Holmes Chapel Road. CEC are the noise making authority;
- ID – 7159, A54 Holmes Chapel Road. CEC are the noise making authority;

and,

- ID – 10862, A533 Lewin Street. CEC are the noise making authority.

The NIAs are shown on Figure 10 below:

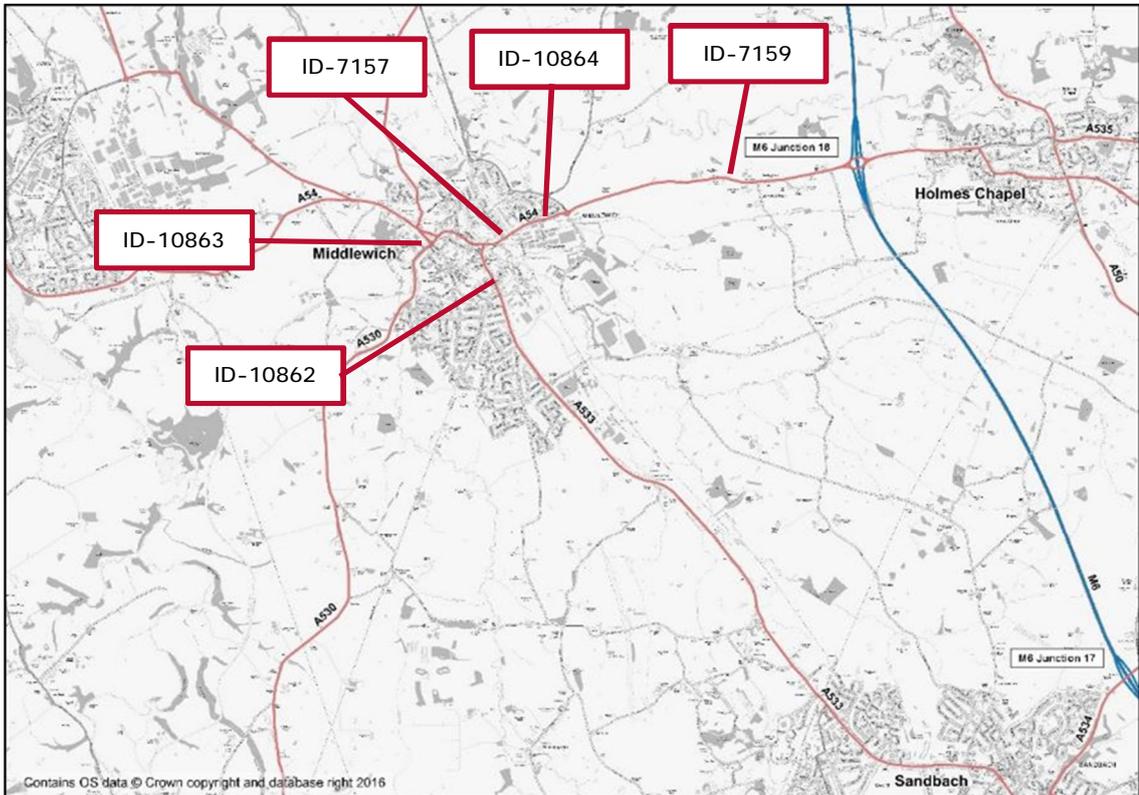


Figure 10: Locations of Noise Important Areas

4.7 Road Safety

Personal Injury Accident data for a five year period between May 2012 and December 2017 shows a total of 66 accidents of which a large proportion were on or around the M6 at Junction 18. Of the 66 accidents, 54 were slight, 11 were serious, and there was 1 fatality. The fatal accident occurred in 2015 at the roundabout junction on the A54 Holmes Chapel Road and Pochin Way, and was the result of a motorcyclist hitting the central kerb on exiting the roundabout causing the driver to lose control. The accident does not appear to be the result of the roundabout arrangement. Locations of recorded accidents are shown on Figure 11 below and no significant accident sites or areas are noted.



Figure 11: Locations of Recorded Accidents

A more significant highway safety concern relates to a section of Lewin Street which forms part of the A533 approximately 250m south of Middlewich town centre, where there is a narrow section of road with narrow footways constrained by buildings fronting straight onto the street.

High proportions of HGVs using the road (7.4% of the total traffic at MCC12 as shown in Table 1 above) combined with the restricted carriageway and footway widths create significant potential hazards for pedestrians as illustrated in Figure 12 below which combines photographs taken from a study undertaken by the Council in 2015.





Figure 12: Photographs Illustrating Lewin Street Hazards

5 NEED FOR THE SCHEME

- 5.1 The Scheme is being promoted by the Council as a means of relieving congestion in Middlewich, improving journey time reliability on the existing wider highway network, directly facilitating the development of the Midpoint 18 strategic employment site, and indirectly facilitating other developments in the Local Plan Strategy, as discussed in Section 3, through improvements to the wider highway network.

Additional connectivity benefits from the Scheme are realised by mitigating traffic congestion in the town and relieving delays on strategic roads linking the mid-Cheshire towns, especially Middlewich, Winsford and Northwich via the A54 to the national motorway network at M6 Junction 18.

As mentioned, paragraph 15.510 of the Local Plan Strategy states that The Scheme is: *'a key piece of infrastructure vital to the future prosperity of Middlewich, Cheshire East and the wider region'*

The Cheshire East Local Plan Strategy states that Middlewich has been identified as one of the Key Service Centres for Cheshire East, and as such the vitality and growth of the town contributes to the prosperity of the borough as a whole.

As highlighted in Section 3, the timely delivery of The Scheme is identified in the Local Plan Strategy as key to ensuring that Middlewich realises its full sustainable growth potential as a Key Service Centre and also contributes to the prosperity of the Borough.

The Middlewich Eastern Bypass is referred to in Transport for the North's Major Roads Report first published in 2017 and updated in 2018. It is noted as a scheme which will help deliver the Manchester Airport HS2 to North Wales Arc which is one of the thirteen Pan-Northern Connectivity Priorities identified by TfN for the north of England.

The Manchester Airport HS2 to North Wales Arc would create an enhanced east-west corridor of movement which capitalises on the major opportunities provided by HS2 at Manchester Airport and Crewe to benefit Greater Manchester, Cheshire and Warrington, the North Midlands, and North Wales. The scheme will contribute to the growth ambitions of the North by improving connections within Cheshire.

The Scheme also contributes to the HS2 Growth Strategy for the Northern Constellation Partnership which is an alliance of 7 major local authorities and 2 Local Enterprise Partnerships (LEPs), including Cheshire East Council and the Cheshire & Warrington LEP.

HS2 is expected to strengthen the national and international reach of the Constellation enabling the area to become a leading economic powerhouse in the UK and helping to rebalance the economy.

Middlewich sits within the core growth area of the Constellation due to its proximity to the key HS2 rail hub at Crewe, and the development of the Midpoint 18 employment and logistics site is an example of the constellation towns potential for future growth.

[could insert good graphics from HS2 growth strategy here but maybe overplaying the significance]

The Scheme also offers particular advantages for access to the proposed HS2 Crewe North Rolling Stock Depot at Wimboldsley by creating the opportunity for a future highway link from the southern end of the Scheme to the A530 which combined with the Scheme would form a high standard route between the M6 at Junction 18 and the Crewe North Rolling Stock Depot as shown in Figure 13 below.

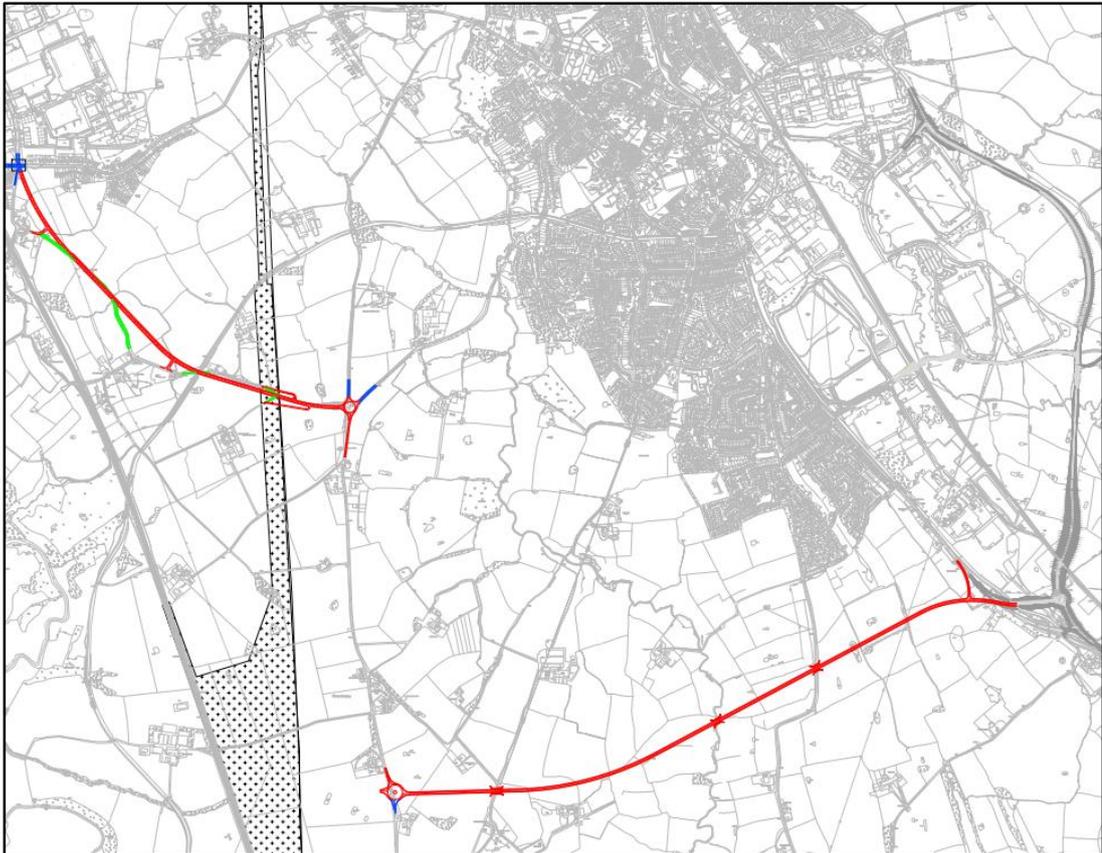


Figure 13: Potential Southern Link from MEB to A530 & HS2

5.2 Traffic Problems and Issues

Congestion and Delay:

The volume of traffic at peak times causes the road traffic to be slow in Middlewich town centre, especially on the A54 Chester Road, A54 St Michael's way, A54 Kinderton St and A54 Holmes Chapel Road. The A530 and the A533 which both enter Middlewich are also heavily congested at peak times. Section 4 provides information on the existing conditions giving journey time delays observed from collected data for key trips through Middlewich.

Traffic modelling undertaken for the development of the scheme has shown that with background growth in traffic and the inclusion of traffic from planned development for Middlewich, the traffic levels in future will be significantly higher than existing, leading to increased congestion.

Increased congestion would exacerbate all current traffic related problems within the

town described in Section 4, with the key junction at A54 Kinderton Road / A533 Leadsmyth Street operating over operational threshold capacity in the AM peak and significantly beyond maximum capacity in the PM peak.

Impacts on through routes have been analysed and further increases in journey times (delays) are predicted. The most heavily affected route is northbound from A533 Booth Lane to M6 J18 which increases by 5 minutes and 43 seconds in the short term and by 16 minutes and 15 seconds in the long term.

Bus Services:

Increased congestion and delay will directly impact bus services as there are no segregation or prioritisation opportunities on the existing road network.

Traffic Related Environmental Issues:

Increases in traffic are forecast on all routes which are currently designated AQMAs or NIAs. Traffic increases will cause a worsening of air quality and an increase in noise.

Safety:

If no improvements are made, the increase in traffic levels on the A54, A530 and A533 within Middlewich will cause key junctions to operate over capacity creating long delays. There is a risk that to avoid the congestion, drivers will increasingly use residential streets between A533 Booth Lane and A530 Nantwich Road and unclassified roads between A533 Booth Lane and A54 Holmes Chapel Road as alternative routes to mitigate delays. Re-assignment of traffic to roads that are not suitable would be expected to lead to a reduction in road safety for all categories or users.

The specific safety hazards for pedestrians and other non-motorised users associated with the narrow section of Lewin Street would be made worse with increases in traffic.

5.3 Employment

Local Plan Strategic Sites at Midpoint 18 and Brooks Lane, as described in Section 3, will provide employment opportunities through the development of a range of uses including logistics, manufacturing, leisure and retail facilities. However, these sites cannot be fully developed without measures to enhance the road network.

The Midpoint 18 site is approaching the current limits of development capacity. Recent and current planning applications and consents leave no opportunities for significant further development on the accessible part of the site to the north of Cledford Lane. Without the Scheme the area of site south of Cledford Lane is inaccessible to anything other than light vehicles from existing roads and will remain undeveloped.

The Brooks Lane site is land-locked by the Trent and Mersey Canal, the Sandbach to Northwich Rail Line and the Cledford Lime Beds which are a Site of Biological Importance. Access to and from the site is constrained to be from the A54 Kinderton Street which suffers from significant congestion and is a cause of traffic queuing to leave the site. A worsening of existing traffic conditions will reduce the appeal of the site to developers.

6 OBJECTIVES OF THE SCHEME

6.1 Scheme Objectives

On commencement as Scheme Promoter for the bypass the Council analysed and reviewed the strategic aims and objectives for the bypass with key stakeholders. This was informed by new and updated information and took account of all the requirements for Middlewich.

The result was a Strategic Case for the Middlewich Eastern Bypass which was adopted by the Council in May 2016.

6.2 The Strategic Case

The Cheshire East Council primary aim in developing the Middlewich Eastern Bypass is stated simply in the Strategic Case approved by Cabinet in May 2016 as:

‘To deliver a scheme which functions as a bypass and delivers a long-term sustainable traffic solution for Middlewich’

Implicit within the primary aim are considerations relating to:

- The quality of the provision and route standards;
- Alleviation of traffic congestion on the local highway network;
- Alleviation of road safety concerns on the local highway network;
- Impacts on non-peak journeys in terms of distance travelled and time taken.

In addition to functioning as a bypass, the scheme was required to deliver positive outcomes with respect to 10 key requirements that were identified through internal consultations within Cheshire East Council.

The requirements are listed below with additional narrative to give context:

Fulfilling delivery of the Local Plan

The bypass needs to be capable of enabling the delivery of the Local Plan with particular emphasis on the creation of employment through development of Midpoint 18 and other strategic sites, and housing commitments to support growth of the area.

Delivery of further development opportunities

It is desirable for the bypass to be capable of delivering or enabling development opportunities beyond those contained in the local plan thereby providing longer term benefits to Middlewich

Facilitation of High Growth City objectives associated with HS2 (Northern Gateway)

High Growth City objectives associated with HS2 include the Northern Gateway which requires improved highway access to Crewe from M6 J18 to the north. The bypass options will be assessed and ranked based upon their potential to be a key component of the Northern Gateway.

Facilitation of an east to west bypass (future strategic highway development)

Whilst an east – west route is not current Council Policy, a more direct route from M6 J18 to Winsford Middlewich Road in the future may be desirable or even

essential. The bypass route should preferably facilitate, and in any event not hinder the future development of a strategic east-west link providing improved linkage between M6 J18 and Winsford. Future-proofing opportunities associated with the options will be considered.

Connectivity with Cledford Lane

Cledford Lane provides access to a number of properties to the east and west of the bypass, and whilst minor and non-strategic in nature, the potential for connectivity in each direction between the bypass and Cledford Lane will be assessed.

Delivery of a new railway station site for Middlewich

A new railway station for Middlewich anticipated either within Midpoint 18 or in the Brooks Lane regeneration area will require highway access and the bypass shall be capable of delivering a suitable standard of access taking into consideration demands for park and ride and linkage for other modes of transport.

Facilitating further rail opportunities

Further rail opportunities associated with the chord line running from Sandbach to Northwich on the boundary of the Midpoint 18 site, associated with HS2 facilities (freight services relocation from Crewe), rail based manufacturing, and multi-modal facilities development will be considered by virtue of the ability of the bypass to support any or all opportunities. The potential for effective highway linkage to the bypass is an essential enabler for rail based development opportunities.

Speed of delivery

Speed of delivery of the scheme will be of fundamental importance in relieving traffic congestion, alleviating road safety concerns and generating the benefits for Middlewich and Cheshire East associated with the Local Plan. Options will be ranked based upon the scale and complexity of works required and anticipated time for implementation.

Environmental impacts

Environmental impacts may vary significantly between the route options and will form a consideration in the overall evaluation of options.

Cumulative impacts from habitats & species (including a nationally-significant population of lesser silver diving beetles) may potentially rule out some options. Those options which do not appear to be at risk of such cumulative impact will be assessed by species / habitat based upon: Population; Level of Protection (statutory); and Impact of the scheme on the resource.

Environmental ranking will be provisional at this stage (consistent with scoping) as ecology surveys are incomplete and EIA works will be undertaken in the next phase.

Cost and effectiveness of environmental mitigation

Closely linked to environmental impacts are the mitigation works required and their cost effectiveness. Key determinants to be considered include:

- Number of watercourse crossings and adjacencies of the options to the watercourses

- Number of ponds impacted and degree of severance of species communities

by the options

Hedgerow impacts based upon measurement of hedgerows lost and potential significance

Scheme objectives have evolved from this initial set of strategic objectives for route selection studies approved at the May 2016 Cabinet, through to the development of the current objectives defined for the development stage and stated in the planning application for the Scheme, with some of the initial objectives only being relevant as differentiators between options and no longer appropriate for scheme development and delivery.

6.3 The Current Scheme Objectives

The Scheme Objectives as listed below address the needs for the scheme as presented in Section 5, broad objectives of the Local Transport Plan, and specific access opportunities to maximise the benefits of The Scheme to Middlewich.

- Relieve traffic congestion and reduce road safety concerns in the town centre,
- Help deliver the Local Plan, to create opportunities for new business and employment in Middlewich,
- Help deliver the Local Plan sites for new housing in Middlewich,
- Help unlock more development opportunities in the future,
- Provide suitable access to Cledford Lane and Booth Lane from the bypass,
- Reduce any negative environmental impacts of the scheme,
- Provide facilities for pedestrians and cyclists.

6.4 How the Scheme Objectives are met

- Relieve traffic congestion and reduce road safety concerns in the town centre:
By providing a new route between the A54 Holmes Chapel Road east of Middlewich and A533 Booth Lane south of Middlewich, congestion through the town centre would be reduced by removing the proportion of traffic that currently uses the A533 to travel south towards Sandbach and Crewe or north from Crewe and Sandbach. This is estimated from modelling outputs to be circa 30% of the total traffic.
The traffic will divert onto the bypass which will form a quicker and more direct route with fewer junctions and higher speed limits.
Removal of this traffic from the total passing through the town centre will enable existing junctions to operate within capacity removing the causes of congestion.
The bypass will provide a suitable route for HGV traffic enabling it to avoid the narrow sections of road on Lewin Street improving safety for all road users, but particularly for pedestrians.
- Help deliver the Local Plan, to create opportunities for new business and employment in Middlewich
Completion of the bypass would:
 - Provide access to the remaining areas of Midpoint18 Strategic Employment site south of Cledford Lane enabling development of the full site allocation, and;

Reduce congestion on A54 Kinderton Street in the vicinity of the junction with Brooks Lane releasing capacity in the highway network to support the redevelopment of the Brooks Lane Strategic Location.
Provide access to the former RHM Foods 'Bisto' Site for redevelopment.

- Help deliver the Local Plan sites for new housing in Middlewich
The Local Plan Housing sites in Middlewich are at Glebe Farm and Warmingham Lane and are located to the south of Middlewich as shown in Section 3 Figure 2.
Delivery of the bypass would reduce traffic congestion on the adjacent section of A533 Booth Lane and provide the sites with easy access to a high standard route to the M6. Traffic wishing to head west towards Winsford and Chester would benefit from improved journey times through Middlewich town centre resulting from reduced congestion.
Whilst both sites have planning consent, the improvement in the highway network is expected to lead to the consents being implemented earlier than would otherwise be the case.
The creation of employment at Midpoint 18 and Brooks Lane would increase the demand for new housing in Middlewich.
- Help unlock more development opportunities in the future
Key features of the bypass have been designed to maximise the potential for future connectivity with the A530 facilitating via a southern link and the creation of an alternative route to Winsford (avoiding Middlewich town centre).
A southern link would provide high standard highway access to land which is currently inaccessible and would promote the possibility of further development to the south of Middlewich beyond the current Local Plan.
Development of a southern link is currently at Strategic Outline Business Case stage and is being studied collaboratively by Cheshire East and Cheshire West and Chester Councils.
- Provide suitable access to Cledford Lane and Booth Lane from the bypass
The bypass would connect with Cledford Lane via a roundabout junction enabling access to the bypass from the east and the west. Access from the west will enable a large proportion of traffic from the ANSA Environmental Hub site and from the TATA (British Salt) site on Cledford Lane to access the bypass further reducing traffic on the A533 and through the town centre.
Booth Lane would connect with the bypass via a roundabout junction, providing a high standard of connectivity. A new bridge would be constructed over the Trent and Mersey Canal future proofing the route against long term structural deterioration of the existing bridge over the canal at Tetton.
- Reduce any negative environmental impacts of the scheme
Whilst it is more of a key requirement than an objective in the truest sense, the environmental impacts have been carefully assessed and following initial screening and scoping a full Environmental Impact Assessment was undertaken for the scheme with the production of an Environmental Statement as part of the planning application.

Where significant impacts to ecological features have been identified,

additional mitigation measures to avoid, reduce or compensate for significant impacts have been identified and would be implemented to address these impacts. The effects of habitat loss and direct mortality on these species would be mitigated by:

Creation of alternative habitat areas, including new ponds for Lesser Silver Water Beetle and toads;

Creation of barn owl foraging areas remote from the scheme;

Creation of bat hop overs;

Creation of a reptile connectivity corridor;

Mammal tunnels installed under the road;

Inclusion of mammal ledges within culverts;

The installation of bat boxes;

The installation of nest boxes for Kingfisher; and

The installation of temporary and permanent badger fencing in key locations.

The areas of habitat creation and enhancement would be subject to continued monitoring and management to ensure they are successful. After 15 years it is anticipated that residual impacts to all the important ecological features identified above would be neutral once habitat creation works have had time to establish and mature.

The proposed Scheme has been designed to ensure no net loss of habitat and provide a net biodiversity gain through mitigation.

Other environmental mitigation that would be included in the scheme includes extensive landscaping to reduce visual impacts, and discrete lengths of acoustic fencing to mitigate noise impacts.

- Provide facilities for pedestrians and cyclists

A 3m wide dual use cycleway footway would be created on the western side of the bypass over its full length and carefully connected to existing facilities at each end of the scheme to provide a high standard of facility for pedestrians and cyclists.

Improvements would also be undertaken on Cledford Lane to segregate pedestrians and cyclists from vehicular traffic.

7 POLICY CONSIDERATIONS

7.1 Introduction

A review of relevant policy documents has been undertaken to identify how the Scheme fits with national, sub-regional and local policy.

7.2 National and Strategic Policy

The following National policy documents include relevant guidance:

- *National Planning Policy Framework, 2019 (includes minor clarifications to the revised version published in July 2018)*
- *Investing in Britain's Future, 2013*
- *Actions for Roads, A Network for the 21st Century, 2013*
- *National Infrastructure Plan, 2013*
- *HS2: Engine for Growth*
- *DfT's Strategic Vision, 2014*

- National Planning Policy Framework (NPPF)

The NPPF sets out the government's planning policies for England.

Paragraph 11 of the NPPF identifies a presumption in favour of sustainable development as being at the heart of the planning system, and also that development which is sustainable should be approved without delay.

Paragraph 8 of the NPPF sets out that there are three overarching objectives to achieving sustainable development:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives are interdependent and need to be pursued in mutually supportive ways.

The Scheme accords with the overarching objectives of the NPPF by providing key infrastructure to support economic development and provide environmental and access improvements to residential areas whilst increasing biodiversity and minimising environmental impacts.

- Investing in Britain's Future, 2013
This document outlines how the UK will invest in infrastructure to 2015 and beyond. There are 4 elements:
 - *A pipeline of public investment in infrastructure worth over £100 billion to 2020;*
 - *Policy reforms to stimulate new private sector investment in energy generation, building on the UK's world-leading track record in attracting investment;*
 - *Transforming the financing of major projects by the further roll-out and extension of the UK guarantees scheme; and*
 - *Strengthening public sector delivery of major projects and programmes, learning from successful approaches taken in the Olympics and elsewhere.*

The policy committed the Government to the biggest programme of investment in roads since the 1970s. It is to treble annual investment in major road schemes by 2020 – 2021. It has also committed to build HS2 with trains travelling at up to 400 km/h, which is to travel through Cheshire East with a stop at Manchester Piccadilly and Crewe Rail Station, providing faster, more regular connections between Cheshire East and London.

The Scheme contributes to the delivery of key infrastructure by the public sector and supports development of HS2 through improved access to key construction areas.

- Action for Roads, A Network for the 21st Century
This document highlights that the local highway network is the country's most valuable asset and that without action, there is a risk that the condition of the highway network will deteriorate, leading to more road casualties, road closures, weight or width restrictions and longer journey times leading to having a negative effect on the economy and growth. Thus, the document states that Central Government have provided significant funding for major road schemes promoted by local authorities and the document announced that they are to free up longer term investment funding so that local authorities are better able to tackle transport problems in the area. It also announced that funding for local highway authority schemes is to be via the Single Local Growth Fund and Pinch Point funding.

The Scheme achieved programme entry for the Department for Transport Large Local Major Infrastructure Projects in November 2017 and assists the Government in the delivery of the key ambition.

- National Infrastructure Plan
The National Infrastructure Plan announced that the North West region would be allocated £630 million to upgrade their roads, a significant proportion of which would be through the Local Growth Fund, of which the spending will be devolved to 39 Local Enterprise Partnerships who would be responsible for determining local priorities with delivery of the projects remaining through local authorities.

The Scheme has been developed and promoted with the full support of the Cheshire and Warrington Local Enterprise Partnership.

- High Speed 2 (HS2)

The delivery of HS2 with a new central hub in Crewe is fundamental to the delivery of the Northern Gateway Development Zone (NGDZ) programme, which aims to capitalise on the investment of HS2 in Cheshire East, Cheshire West and Staffordshire.

The bypass is an initial part of HS2 growth strategy for the area, and it will better link Middlewich to the HS2 growth area. Construction of phase 2b of the HS2 line north of Crewe where the line diverges from the West Coast Mainline will create large traffic movements in Cheshire. The bypass would provide a key access route from the M6 and strategic roads to construction sites, following restrictions, such as height restriction on the A530 in the existing network in the area.

HS2's published plans for the proposed North Crewe Rolling Stock Depot at Wimboldsley show a network-significant facility located less than 3km west of Middlewich. The depot is connected to the national motorway network at M6 Junction 18 via A530/A54 through Middlewich town centre. Both construction and operational traffic associated with the depot is highly likely to experience delays and congestion within the town centre, leading to sub-optimal performance at the facility. Therefore, the opportunities to alleviate congestion in Middlewich can be an important influence on the successful delivery of plans for HS2 in Cheshire East.

This transformational change would play a key role in delivering the Government's vision of a Northern Powerhouse to revitalise the north and rebalance the UK economy. The NGDZ programme will also play a key role in linking the Northern Powerhouse with the Midlands Engine, bridging the gap between the two areas.

- DfT Strategic Vision

The DfT has eight performance areas and each area has a long-term aspiration. The eight performance areas are:

 - *Making the network safer*
 - *Improving user satisfaction*
 - *Supporting the smooth flow of traffic*
 - *Encouraging economic growth*
 - *Delivering better environmental outcomes*
 - *Helping cyclists, walkers and other vulnerable users of the network*
 - *Achieving real efficiency*
 - *Keeping the network in good condition*

The Scheme contributes to all performance areas within its local context.

7.3 Sub-Regional Policy

The following sub-regional documents are relevant:

- *Strategic Economic Plan and Growth Plan for Cheshire and Warrington*
 - *Cheshire East Local Transport Plan*
- A Strategic and Economic Plan for Cheshire and Warrington

The aim of the Cheshire and Warrington Local Enterprise Partnership (LEP) is to make Cheshire and Warrington the best place to do business in the UK by creating the ideal environment for businesses to grow, providing access to the right skills,

delivering supportive and efficient public services, infrastructure and utilities and maintaining the sub region as a beautiful part of the country to enjoy.

The LEP produced a Strategic Economic Plan (SEP) in March 2014 which outlines how this aim is to be achieved. The SEP outlines three priority areas:

- *Atlantic Gateway*
- *Cheshire Science Corridor*
- *Crewe High Growth City*

A Middlewich Eastern bypass is identified as an enabler to maximize growth assets (property and place), and attract and retain talent. In Cheshire and Warrington. Delivery of the bypass is also critical in the delivery of housing and employment also as part of Crewe High Growth City, accelerating growth and potential for the Cheshire areas to be linked and grow together. Other development projects may be hindered without the bypass as a result of current congestion. The Cheshire and Warrington LEP Transport Strategy notes that Middlewich and Winsford will experience the highest growth in demand for movement (+31% to 2030) in the sub-region, which is likely to exacerbate congestion problems in the future.

The Middlewich Eastern Bypass, as a constituent part of a more significant solution to deliver improved connectivity across the Cheshire and Warrington area is critical to the delivery of the SEP, both in terms of strategic economic benefits associated with journey time savings, but also locally in terms of unlocking and improving the attractiveness of significant development aspirations around Middlewich, Winsford, and north west Crewe. The central location of Middlewich and its strategic proximity to the M6 means that an improvement to the highway network will support the three priority areas of the SEP.

- **Cheshire East Local Transport Plan**

In 2011 Cheshire East Council published a Local Transport Plan (LTP) in accordance to guidance produced by the Department for Transport (DFT). It is a strategic plan for the development of transport within Cheshire East over the next 15 years, outlining how transport will contribute to and support the longer-term aspirations of the borough.

Key objectives outlined in the plan are below:

- *Objective 1 (Congestion): Minimise congestion and improve the overall efficiency of the highway network.*
- *Objective 2 (Accessibility): Improve accessibility to key services (employment, education, health, shopping and leisure) and reduce the need to travel.*
- *Objective 3 (Maintenance): Improve maintenance of the highway and transport network.*
- *Objective 4 (Community): Support community involvement and decision-making.*
- *Objective 5 (Health): Support active and healthy lifestyles.*
- *Objective 6 (Environment): Protect and enhance the local and global natural environment (including environmental assets such as biodiversity, geodiversity, soils and protected landscapes).*
- *Objective 7 (Safety): Improve road safety for all users and increase personal and community safety.*

The proposed Middlewich Eastern Bypass scheme would align positively with the key objectives of Cheshire East Council's Local Transport Plan.

7.4 Local Planning Policy Context

The Scheme extends over two Local Planning Authorities, which both have a Statutory Local Development Plan.

For Cheshire East this Plan is made up of:

- Cheshire East Council - Local Plan Strategy 2010-2030 (adopted on 27th July 2017);
- Congleton Local Plan, Saved Policies (January 2015)

For Cheshire West and Chester, this Plan is made up of:

- Cheshire West and Chester Local Plan - Parts One and Two (adopted on 29th January 2015 and 18th July 2019 respectively). and
- Vale Royal Borough Local Plan – Saved Policies (from 29th January 2015)

• Cheshire East Local Plan

The adopted Local Plan Strategy is underpinned by a need to improve transport connections across the Authority area. Completion of the Middlewich Eastern Bypass is identified as one of the projects which are planned to address congestion issues in the area, in addition to Congleton Link Road and improvements on the A51, A530 and the A500 Barthomley Link, and as such it is explicitly listed in the Infrastructure Delivery Plan.

The Local Plan Strategy also sets out the overall vision and planning strategy for development in the borough and contains planning policies to ensure that new development addresses the economic, environmental and social needs of the area. It also identifies 50 strategic sites and three strategic locations that will accommodate most of the new development needed for the borough's growth predictions.

The Local Plan identifies Middlewich as an area of high-quality employment led growth to accommodate the expansion of existing businesses and attract new investment in to the town, as well as new housing. Delivery of the Bypass would increase connectivity, and relieve current congestion in Middlewich.

The Local Plan states that the delivery of The Scheme should take place alongside new Local Plan developments to ensure its full growth potential.

Of the proposed new homes, a significant amount are located to the south of the town at Glebe Farm and Warmingham Lane as shown in Section 3 Figure 2, and will therefore have good access to the southern end of the Bypass route.

The employment opportunity within Midpoint 18 will be accessed directly off the Bypass and the opportunity is severely limited without The Scheme.

Should The Scheme not be completed, delivery of all future development sites may be hindered due to access limitations and existing traffic issues in the town centre.

Cheshire West and Chester Local Plan

The Cheshire West and Chester Local Plan (Part One) includes strategic objectives to provide efficient transport networks that support sustainable growth, whilst improve accessibility to jobs and services. In addition, it includes objectives to ensure development is supported by the necessary infrastructure and services.

Although within Cheshire East, Middlewich is enclosed to the east, west and north by the boundary of Cheshire West and Chester (CW&CC). Therefore, the growth of Middlewich and surrounding transport improvements are of importance to CW&CC.

7.5 Planning Policy

Local Level:

The need for supporting infrastructure is set out in the 'Vision for Cheshire East' in 2030, from the Local Plan:

"Well designed new employment and housing development will have been developed to fully meet identified needs in locations that reduce the need to travel. The infrastructure to support this growth will have been delivered in partnership with other organisations, whilst maximising and enhancing those built and natural features most valued across the borough."

In order to achieve the vision CEC have developed four strategic priorities; Strategic Priority 4 is:

"Reducing the need to travel, managing car use and promoting more sustainable modes of transport and improving the road network", which will be delivered by measures including "...Providing additional transport infrastructure to improve connectivity".

In terms of planning policies in the Local Plan, Policy IN 1 (Infrastructure), states that:

"Infrastructure delivery will take place in a phased co-ordinated manner guided by the Infrastructure Delivery Plan".

Policy CO2 (Enabling Business Growth Through Transport Infrastructure) of the Local Plan, specifies that support will be given for schemes identified within the CEC Infrastructure Delivery Plan. The Scheme is included in the current Infrastructure Delivery Plan (July 2016), and is also identified in the supporting text to Policy CO2, as a major highway scheme that the policy will support.

CEC's Infrastructure Delivery Plan identifies the importance of Middlewich Eastern Bypass. The Scheme is also identified in the emerging Draft Transport Strategy of the Strategic Economic Plan (SEP) for the Cheshire and Warrington LEP.

The support for The Scheme is also reflected in CW&CC Local Plan Policy STRAT 7 Middlewich, which states its support for working with Cheshire East Council:

“Cheshire West and Chester Council will continue to work closely and effectively with Cheshire East Council to plan for sustainable development in and around the town of Middlewich. This will include, if justified, allocating land in Cheshire West on the edge of the town through the Local Plan (Part Two) Land Allocations and Detailed Policies Plan.

The councils will also investigate the longer-term potential for further sustainable growth in the mid-Cheshire towns of Northwich, Winsford and Middlewich coupled with journey time improvements along the A54 between Junction 18 of the M6 and Winsford, particularly around Middlewich.”

National Level:

Paragraph 8 of the National Planning Policy Framework (NPPF) (2019), describes the roles of the three dimensions of sustainable development: economic, social and environmental. The description of each objective includes:

“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

Within CEC the proposed Scheme will contribute to achieving the economic, social and environmental objectives of the NPPF through the following:

- By improving the efficiency and reliability of the highway network, the Scheme will contribute to CEC’s economy by reducing congestion and enhancing connectivity, improving business efficiency and productivity, as well as supporting future growth by assisting the delivery of key employment sites and HS2;
- The Scheme will contribute to achieving social objectives by supporting the delivery of housing allocations, improving journey times and improving the reliability of public transport; and

- The Scheme will support environmental objectives by reducing congestion, minimising amenity impacts through improved landscaping and acoustic fencing and providing a net gain in biodiversity.

8 DEVELOPMENT OF THE SCHEME

In line with best practice contained within DfT guidance, the Council has considered a broad range of options to reduce traffic congestion affecting the town, including improvements to the existing road network and public transport alternatives.

The Council's assessments showed that these options performed poorly, when compared to the benefits of a bypass.

The Council's Options Assessment studies undertaken for the bypass in 2015/16 considered 8 potential routes, all creating a new road between the A54 (Salt Cellar Roundabout), passing to the east of Middlewich to the A533 Booth Lane close to Tetton Bridge.

The original scheme that was partially implemented was included in the Council's assessments as Option 1, and several of the other options shared common sections with the original scheme.

The 8 options identified are shown below in Figure 14.

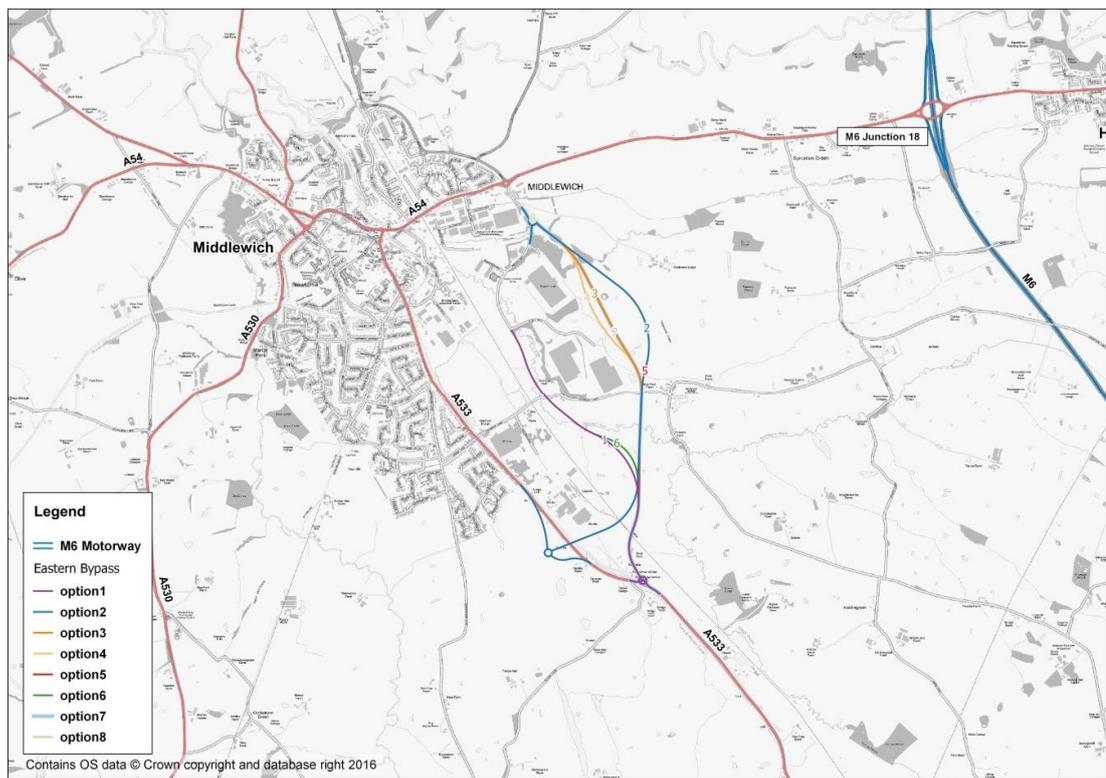
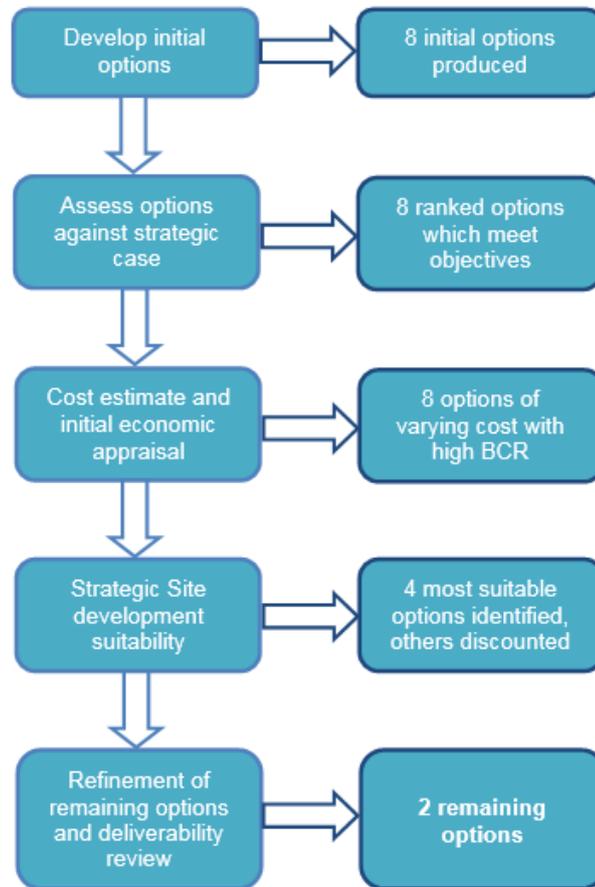


Figure 14: Middlewich Eastern Bypass Route Options

Individual General Arrangements for each option are shown in Appendix 4.

The Council compared each of the options against the strategic case objectives for the scheme given in Section 6.2.1, which led to a ranking of the options. The following process was followed:



An Options Assessment Report (OAR) was produced which covered the initial sifting of options and identified two options (Options 1 & 5) to be taken forward for further study and assessment.

The historic option (Option1, with planning permission) formed the low-cost option.

Option 5 followed a new alignment, connecting at its northernmost extent to Pochin Way, passing through open largely farmland, and connecting into the existing A533 in the south formed the preferred option on the strength of high-level assessments as reported in the OAR.

The two options were subject to further design and assessment in 2016 and 2017 culminating in the submission of an Outline Business Case (OBC) to the Department for Transport on March 2017 with a Preferred Option based on Option 5 and an Alternative (Low-Cost) Option based on Option 1. The two route options were independently assessed on the strategic case objectives, costs and economic benefits, and assessed environmental impacts for the OBC.

The two options presented in the OBC are included in Appendix 4.

The Preferred Option had a number of significant benefits compared with the Low-

Cost Option including higher design speed and reduced journey times, lower flood risk impacts, and improved connectivity potential with Cledford Lane.

Despite being the higher cost option, the OBC was approved by DfT in November 2017 with the Preferred Option as the preferred scheme due to its broader benefits.

The Preferred Option was subsequently adopted as The Scheme and was subject to further design and development and Public Consultation in advance of planning applications to the Cheshire East Council and Cheshire West and Chester Council Local Planning Authorities in November 2018.

8.1 Public Consultation

Consultation Background

Comprehensive engagement with the public has been undertaken during the development of The Scheme and through the planning application process with the opportunity being given for interested parties to make representations regarding the proposals. The process and its outcomes were summarised in Statement of Community Involvement (SCI) that was submitted to support the planning application for the scheme and the main events are highlighted in the following paragraphs.

Further representations can also be made in the context of any public inquiry which the Secretary of State decides to hold in connection with the Order.

Middlewich Transport Consultation

Cheshire East Council engaged local residents and businesses in a wide-ranging consultation exercise for transportation in Middlewich, which was undertaken during August and September 2016. The purpose of the consultation was to further understand the transport issues affecting the residents of Middlewich. Whilst the primary focus was on other wider issues particularly; congestion; traffic associated with the waste depot; safety; public transport; absence of rail services; highway condition; walking; cycling and parking, the consultation elicited comments on the Scheme.

Consultation materials were available to view in Middlewich Library between 15th August and 16th September 2016.

A public engagement event was held between 25th August and 13th September 2016 at St Mary's Parish Hall, New King Street in Middlewich.

In total, 516 completed questionnaires were received – 389 online and 125 from the staffed events.

The key messages that respondents reported during the consultation can be summarised as follows:

- 79% respondents agreed that there are severe issues on the roads in Middlewich, with a further fifteen percent identifying less severe, but still significant issues. No respondents believed there to be no issue or very few

issues with the roads in Middlewich;

- Respondents were keen to see traffic, particularly HGVs, given alternative routes which would pass through Middlewich, with a bypass being requested by a large number of respondents. The most popular suggestion (61%) for a bypass route was an Eastern Bypass. Suggestions were from Booth Lane to the A54 at the Salt Cellar roundabout;
- 48% respondents thought that there were severe problems with public transport in Middlewich. A further twenty two percent responded that there were significant issues. Only 5% expressed a view that there were no or very few issues with public transport;
- For rail, the overwhelming response was that a railway station and reintroduction of passenger rail services would benefit the town, giving access to places across the wider region; including Manchester, Chester, Liverpool, and Crewe;
- With regard to buses, respondents called for bus services that link to train services from Sandbach, Holmes Chapel and Gadbrook Park stations, enabling commuters to access work more easily;
- 39% respondents considered there to be severe issues for pedestrians in Middlewich, and a further twenty percent reported significant issues. Only 5% of respondents thought there were no problems for pedestrians in the town;
- The condition of pavements was referred to in many responses, citing unevenness and a need for repairs to make them safer for pedestrians, especially for people with prams or wheelchair-users;
- 37% respondents reported that they considered there were severe issues for cyclists in Middlewich, and a further twenty percent thought there were significant issues. Only 7% of respondents saw no issues for cyclists;
- Roads were reported to be in poor condition, with numerous potholes and crumbling kerbs making them unsuitable for cyclists.

Responses that identified priorities for transport improvements, showed that an eastern bypass was the highest priority. Other stated priorities were a new rail station, improvements to the existing roads and more reliable public transport. Responses demonstrated a general preference for current road issues to be addressed before the impacts of planning development is considered. There was concern that more housing would lead to greater pressures on existing transport provision with a negative impact on local residents. Respondents were seeking measures to remove bottlenecks in the town centre; most requesting a bypass. Respondents indicated that growth would be more acceptable in Middlewich if they were confident these improvements would be delivered.

Public Consultation during Development of the Scheme

A further Public Consultation was undertaken by CEC during the development of the Scheme to inform the planning application process between 19 March and 29

April 2018.

The Council held a public engagement in March and April 2018 to present the recommended route and request feedback on the Scheme. In total, 482 responses were received: 274 paper and 180 online, and a further 28 emails and letters.

Responses were received from across Middlewich, the majority (247) were received from the CW10 0 postcode area which is where the Eastern Bypass is proposed to be located. Based on analysis of the demographic questions included in the consultation questionnaire responses were received from a range of residents.

Almost all respondents (97%, 434 respondents) travel into or through Middlewich on a weekly basis, with nearly three quarters (74%, 331 respondents) travelling at least 5 days per week. The majority (93%, 422 respondents) of respondents said they drove through Middlewich and most respondents (91%, 412 respondents) said they lived in the local area.

Most respondents (95%, 433 respondents) agree that Middlewich needs a bypass and 87% of respondents (397 respondents) agree with the Council's proposed route. The need for the Scheme to reduce traffic and congestion was mentioned frequently.

The majority of respondents (88%, 400 respondents) agreed that the proposals would relieve congestion in the town centre and reduce road safety concerns in the town (83%, 377 respondents).

The majority of residents agreed with the proposals for all three junctions: 84% (380 respondents) agreed with the proposals for Roundabout 1 joining Pochin Way to the bypass, 77% (349 respondents) agreed with Roundabout 2 linking Booth Lane with the bypass, and 69% (313 respondents) agreed with the Cledford Lane junction crossing the bypass.

Comments were made at consultation events and in responses relating to safety concerns for a proposed staggered T junction with Cledford Lane.

Just under three quarters of respondents (71%, 322 respondents) agreed that the proposals will minimise impacts of the Scheme on the local environment. Seven out of ten respondents (70%, 318 respondents) agreed that the Environmental Impact Assessment covers all relevant topics. Three out of four respondents (75%, 341 respondents) agreed with the proposals for pedestrian and cyclist provision.

Other Consultations during the Development of The Scheme

Consultations during the development of The Scheme were undertaken with key bodies including:

- Statutory Undertakers
- Environment Agency

- Countryside Access Forum
 - Cheshire East Highways
 - Local Lead Flood Authority
 - Natural England
 - Historic England
 - Network Rail
 - Canal and River Trust
-
- **Planning Application Consultation**
In addition, as part of the formal planning process all statutory consultees, affected landowners, and interest groups were contacted by the Local Planning Authorities and invited to make comments and representations of the scheme.
A small number of objections to the scheme were received.

9 DESCRIPTION OF THE PROPOSED ROUTE

9.1 Scheme Description

The proposed Middlewich Eastern Bypass is 2.6 km long from a new roundabout off Pochin Way to the north, to a new roundabout junction at its southern end where it ties into Booth Lane (A533). Approximately 750m of Booth Lane (A533) would be realigned to connect with the bypass and this includes a new bridge over the Trent and Mersey Canal.

The Scheme would be a 10m wide single carriageway throughout its length, kerbed on both sides and connecting with single carriageway highways of the same width at each end of the scheme. It would be partly formed in cuttings and partly formed on embankments. At the southern end of the Scheme, where the route crosses the Northwich to Sandbach railway, embankments would be formed over approximately 600m to achieve the necessary grade separation.

On the western side of the carriageway, a 3m wide dual-use footway/cycleway would be formed and would tie into existing footways, cycle routes and Public Rights of Way at each end of the scheme, at Cledford Lane and at two locations where Public Rights of Way cross the bypass route.

The proposed Scheme would connect with Cledford Lane via a new roundabout junction, and Cledford Lane is proposed to be improved to provide access to the southern areas of Midpoint 18 and an alternative route to the bypass for low height commercial vehicles predominantly from the CEC Environmental Hub (ANSA).

The proposed Scheme would include four watercourse crossings. The River Croco and also its unnamed tributary, Sanderson's Brook and also its unnamed tributary would all be culverted beneath the proposed scheme using reinforced concrete box culverts sized to convey flood flows associated with events with an annual exceedance probability of 1% with additional allowances for increased rainfall associated with climate change.

The southernmost extent of the proposed Scheme would cross the Sandbach to Northwich railway line and the Trent and Mersey Canal, and a single span bridge is proposed for each crossing. The bridges will both be constructed with reinforced concrete abutments and wingwalls, with precast concrete beams and insitu concrete decks. The rail bridge will have concrete parapets on each side to provide protection to the railway below. The canal bridge will have standard aluminium parapet on the northern side and a concrete parapet on the southern side providing an environmental barrier for nearby residential properties.

The Scheme would include extensive planting adjacent to and remote from the scheme and environmental mitigation measures to mitigate impacts on protected species, enhance biodiversity, ensure risks of flooding aren't increased, reduce noise impacts, and address visual impacts on sensitive receptors.

The Scheme would be illuminated at each roundabout junction and for a distance of

approximately 100m on each approach to the roundabouts.

Drainage of the scheme would be provided by traditional gully and piped systems with discharges to watercourses restricted to be no greater than existing greenfield drainage rates through seven separate attenuation ponds.

Pochin Way would become an estate road serving current and future development of the northern section of the Midpoint18 Strategic Site.

9.2 Design Standards

The design of The Scheme and two side roads will be in accordance with the Highways England Design Manual for Roads and Bridges (DMRB).

The following speed limits are applicable to the Scheme:

- MEB Mainline = 50mph
- Cledford Lane Improvements = 30mph
- A533 Booth Lane = 40mph

The geometry associated with each element of the Scheme has been developed based on corresponding design speeds.

The design complies with the geometric requirements set out in the DMRB however, due to some of the existing constraints, some departures have been designed into the Scheme. All such departures have been reviewed to ensure that they do not create safety risks.

10 SIDE ROADS ORDER

10.1 The Need for a Side Roads Order (SRO)

The SRO is required to enable the Council to stop up existing side roads and private means of access affected by the construction of The Scheme, to improve existing side roads, and to create new side roads and private means of access required as a consequence of the main works. These are summarised below.

Impacts on Private Means of Access are summarised in table form in Appendix XX

In this section the Middlewich Eastern Bypass is referred to as “the Classified Road”.

10.2 Pochin Way and Public Right of Way Alterations (Plan No. 1)

A 210m section of Pochin Way between the access to Kinderton Lodge Farm and the bridge over the River Croco incorporating Private Means of Access to Optima Logistics (Plot 5) and a surface water pumping station owned by United Utilities will be improved.

Within the improvements the access to Optima Logistics will be maintained with alterations to the central pedestrian refuge, the access to the United Utilities pumping stations will be maintained, and the alignment of the combined footway/cycleway will be altered to separate it from the edge of carriageway.

New lengths of highway shown as A & B on the plan will be constructed to tie Pochin Way into the new northern roundabout forming the start of the Middlewich Eastern Bypass.

A 370m long section of Middlewich FP22 and Sproston FP4 Public Rights of Way will be stopped up and replaced by new / improved footpaths provided as part of the highway in the improvements described above, 290m of new footpath on the new bypass and 40m of new Public Right of Way shown as C on the plan.

10.3 Private Means of Access Alterations (Plan No. 2)

A new Private Means of Access to the west of Plot 21 will be provided as shown as 1 on the plan due to severance of land by the bypass. The access will be formed off an access track which provides for maintenance of the highway drainage system. The PMA does not replace an existing access which is being stopped up as a result of the scheme.

10.4 Cledford Lane and Public Right of Way Alterations (Plan No. 3)

A 35m long section of Middlewich FP19 Public Right of Way will be stopped up and replaced by 80m of new Public Right of Way shown as A & B on the plan to enable pedestrians to cross the bypass in a safe location.

A 60m section of Cledford Lane including Private Means of Access a will be stopped up to enable construction of the new roundabout junction between Cledford Lane and the bypass. Private Means of Access a will be replaced by a new PMA to the same field shown as 1 on the plan.

Private Means of Access b and c will be stopped up and recreated in altered locations as 2 and 3 as shown on the plan to accommodate a scheme of improvement to Cledford Lane which includes incorporation of a segregated footway / cycleway, improvements to drainage, and improvements to the carriageway.

The line of National Cycle Network Route 71 will be diverted around the new

roundabout.

10.5 Cledford Lane and Private Means of Access Alterations (Plan No. 4)

Improvements to Cledford Lane consisting of incorporation of segregated footway / cycleway, carriageway improvements, drainage improvements, and introduction of passing places impacts on 7 Private Means of Access as described below:

PMA a providing access to Cledford Villa is stopped up and recreated in the same location shown as 1.

PMA b providing access to Cledford House is stopped up and recreated in the same location shown as 2.

PMA c providing access to fields (Plot 38) and Middlewich FP20 is stopped up and recreated in the same location shown as 3.

PMA d providing access to fields (Plot 41) is stopped up and recreated in the same location shown as 4.

PMA e providing access to fields (Plot 66) is stopped up and recreated 5m from its current location shown as 5.

PMA f providing access to fields (Plot 31) is stopped up and recreated in the same location shown as 6.

PMA g providing access to fields (Plot 66) is stopped up and recreated 5m from its current location shown as 7.

Access to the Cledford Hall site is unaffected by the proposals and subject only to minor tying in alterations within the highway boundary.

10.6 Public Right of Way and Private Means of Access Alterations (Plan No. 5)

A 275m long section of Middlewich FP20 Public Right of Way will be stopped up and replaced by 275m of new Public Right of Way shown as A & B on the plan to enable pedestrians to cross the bypass in a safe location.

A new Private Means of Access to the east of Plot 66 will be provided as shown as 1 on the plan due to severance of land by the bypass. The access will be formed off an access track which provides for maintenance of the highway drainage system. The PMA does not replace an existing access which is being stopped up as a result of the scheme.

10.7 Booth Lane Alterations (Plan No. 6)

Booth Lane south of Tetton Bridge will be stopped up over a length of 145m and Public Right of Way Moston FP6 will be stopped up over a length of 23m as shown in Inset 1.

Booth Lane north of Tetton Bridge will be stopped up over a length of 80m as shown in Inset 2.

Private Means of Access a to Plot 115 will be stopped up and recreated 25m northeast shown as 1 on the plan.

Private Means of Access b to No. 1 East Tetton Cottages will be stopped up and recreated 25m south shown as 2 on the plan.

80m of new cycleway / footway will be formed on the stopped up section of Booth Lane shown as B on the plan.

New pedestrian accesses to the towpath of the Trent and Mersey Canal of 43m total length will be formed shown as A and D on the plan.

210m of new highway will be formed between the roundabout forming the end of the

bypass and Booth Lane heading towards Middlewich, shown as C on the plan.
360m of new highway will be formed between the roundabout forming the end of the bypass and Booth Lane heading towards Sandbach, shown as E on the plan.
65m of new highway will be formed between the realigned Booth Lane and Tetton Bridge shown as F on the plan.
115m of new cycleway / footway will be formed on the stopped up section of Booth Lane shown as G on the plan.

11 THE COMPULSORY PURCHASE ORDER

11.1 Introduction

The Scheme requires the acquisition of land for which the CPO has been made. The Council, will continue to negotiate with the owners of affected land to arrange for transfer by agreement, but it is necessary to proceed with the CPO to ensure that all land required for the Scheme is available at the appropriate time.

Land is currently in the ownership of the Council, [xxx], private owners [etc]. The Council is currently negotiating with private owners [insert details of negotiations with third parties etc].

11.2 Consultation with Land Interests

11.3 The CPO

The CPO has been made and is about to be submitted to the Secretary of State for confirmation pursuant to the 1980 Act (sections 239, 240, 246, 249 and 250) and the Acquisition of Land Act 1981.

The full title to the Order is:

CHESHIRE EAST COUNCIL BOROUGH COUNCIL AND CHESHIRE WEST
AND CHESTER BOROUGH COUNCIL (MIDDLEWICH EASTERN BYPASS)
(CLASSIFIED ROAD) COMPULSORY PURCHASE ORDER 2020

11.4 The Need for the Order Land

The need for the Scheme and the Scheme objectives are set out in Chapters 5 and 6.

A description of the Scheme proposals, the effects of the Scheme and how it addresses the established objectives are detailed in Chapters 6 and 9.

Under the powers contained in section 239, 240, 246, 249 and 250 of the 1980 Act, the Council are acquiring land and rights for the purposes of:

- construction and maintenance of a new public highway;
- diversion and extinguishment of drainage/carrying out of drainage works;
- mitigating the adverse effect that the existence or use of the highways will have on the surroundings thereof by the provision of landscaping and habitat creation.

11.5 The Order Land

The Order Land has a total area of [xxxha]. This comprises [xxxha] for which title to the land is required and [xxxha] for which Rights over land for [maintaining/cleansing watercourses] are required.

The Order Plans detail the specific plots within area for Title shaded pink and areas for Rights shaded blue.

The majority of land required for the Scheme is agricultural.

The breakdown of land by existing use is set out in Table 5, below.

Existing Land Use	Area Required by Scheme	%
Agricultural Land	Xxx Ha permanently required	Xx%
	Xxx Ha temporarily required	Xx%
Non-Agricultural Land	Xxx Ha permanently required	Xx%
	Xxx Ha temporarily required	Xx%
Industrial Land	Xxx Ha permanently required	Xx%
	Xxx Ha temporarily required	Xx%
Existing Highway	Xxx Ha permanently required	Xx%
	Xxx Ha temporarily required	Xx%

Table 5: Breakdown of existing land use

11.6 Description of Land Required for Title by Plot Reference

[insert after completion of land referencing]

11.7 Description of Land Required for Rights by Plot Reference

[insert after completion of land referencing]

11.8 Special Consideration affecting the Order Land

There are no listing or locally listed buildings, monuments or areas of historical significance within the Order Land.

There are no buildings in a conservation area that will be demolished as a result of the Scheme being delivered.

The Scheme does not require any common land.

11.9 Property Demolition

Demolition of the following properties will be required to deliver the Scheme:

- Three agricultural buildings (open sided barns) of no historical or conservation interest in the vicinity of the former New Farm at Tetton
- A free-standing garage building associated with the residential property No 1 East Tetton Cottages.

All property for demolition is in the ownership of Cheshire East Council having been acquired for the purposes of delivering the scheme.

11.10 Related Order

Other than the SRO, which is being submitted to the Secretary of State for confirmation at the same time as the CPO there are no other orders associated with these proposals.]

11.11 Order Summary

This document demonstrates how the Council justify their proposals for the

compulsory acquisition of land required to deliver the Scheme.
Sections 3, 4 and 5 of this document have demonstrated that there is a compelling case in the public interest for the compulsory purchase to be made, and regard has been had to the provisions of Article 1 of the First Protocol to the Convention.
The document has also demonstrated that, subject to confirmation of the Orders, all land required in order to construct the Scheme will be available to the Council.
The funding and planning approvals are also in place and there are no other impediments to the progression of the Scheme.
Accordingly, on confirmation of the Order all elements will be in place to enable the Scheme to proceed to construction.

12 EFFECTS ON LAND USE AND AGRICULTURE

Agriculture is the dominant existing land use of the land included in the Orders, comprising predominantly arable land, livestock grazing, and grazing for dairy farming.

The Scheme will affect five principal agricultural land freehold interests due to permanent and temporary land take. Leasehold interests are more complex and extensive due to historical land transactions associated with development. The total land take for the Scheme is 60.9ha, of which 3.7ha is temporary land take, affecting four farm interests. This comprises the temporary loss of 1.5ha of grade 2 land, 0.33ha grade 3a land, 0.68ha grade 3b land. No grade 4 land would be required for temporary land take. The remaining 0.16ha of land required for temporary land take is non-agricultural land.

The total permanent agricultural land take totals 57.3ha, affecting seven land interests. This comprises the permanent loss of 13.1ha of the best and most versatile quality land, of which 6.23ha is grade 2 and 5.10ha is grade 3a and 0.87ha is grade 3b. The remaining permanent land take totals 6.43ha, which consists of 0.57ha of grade 4 agricultural land and 5.86ha of non-agricultural land.

This land is required in order to undertake the construction of The Scheme, as well as associated embankments and cuttings, drainage ponds, new access tracks and essential environmental mitigation. Farm units and land holdings will be affected by severance issues, including loss of access to land/fields, severance of fields and severance of land drainage systems. The Orders authorise the provision of new field accesses and accesses to farmsteads. Further accommodation works are proposed to mitigate the effects of severance, in agreement with the landowners as part of their overall entitlement to compensation.

All of the farming interests affected by the Orders would have to adjust their operations as a consequence of the Scheme, but none of those adjustments would be of such a scale as to materially alter the functioning of the holding or its operational sustainability. The majority of the changes relate to issues of revised accesses to land and increased journey times between areas of operational interest and can be addressed through accommodation works or the land compensation code. In the longer term, the majority of the farming interests are expected to be redundant due to the allocation of the land for employment purposes in the Local Plan.

The impacts on the agricultural land interests due to land take have been assessed as insignificant adverse.

The loss of agricultural land classified as best and most versatile is significantly outweighed by the benefits of the Scheme which is the product of a robust option and route selection process.

13 SPECIAL CATEGORIES OF LAND

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 ground, land in a general improvement area or land in a housing action area.

14 THE PLANNING POSITION

14.1 Introduction

This chapter sets out the planning status and other material considerations for the Scheme that were identified during the planning process and refers to the conclusions that the LPA reached in the determination of the application.

National, sub-regional, and local policy and planning policy considerations are given in Section 7.

14.2 Planning Applications

Two separate full planning applications were originally submitted for the Scheme in November 2018. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 an Environmental Impact Assessment was required and the Environmental Statement was produced for the whole scheme.

The main application was to Cheshire East Council and covered the majority of the scheme.

The other application was to Cheshire West and Chester and related only to the elements of the scheme and environmental mitigation that fell within that Borough. The application to Cheshire West and Chester consisted of selected parts of the main application as relevant to the scope within Cheshire West and Chester.

14.3 Other Planning Considerations

Assessments of the proposed Scheme's effect on the surrounding environment (in terms of landscape, ecology, cultural heritage, air quality, noise and vibration, soils, geology, hydrogeology and materials, drainage, people and communities and traffic) have demonstrated that through careful design, appropriate mitigation and enhancement, the proposed Scheme does not conflict with national and local planning policy and the public benefits of the scheme outweigh any harm or potential harm arising from the scheme.

14.4 The Planning Application Determinations

The original CEC application was the subject of a full consultation programme and was reported to the CEC Strategic Planning Board on 24th April 2019 with a recommendation for approval. The Planning Case Officer report stated:

'The proposed scheme would contribute to achieving the objectives of local and national planning policy in terms of enabling the delivery of housing and employment sites in Middlewich, including Midpoint 18, and helping to boost business productivity in the local area through improving the efficiency and reliability of the highway network. It would also enhance connectivity by providing an improved route for freight and business travel.'

The report also stated that:

'The nature of the scheme and its location, within areas of open land, would result in some adverse effects on the environment, particularly in terms of the landscape and visual impacts during construction and flood risk once operational. The Environmental Statement that accompanies this application identifies the impacts,

assesses them and describes any proposed mitigations. Where possible, mitigation has been proposed, but not all effects can be mitigated.

The proposals will have landscape, tree and ecological impacts, but it is considered they can be mitigated through the measures proposed.

In addition there will be some harm to the Canal Conservation Area, but this 'less than substantial harm' and the public benefits of the road outweigh any harm. Other issues are neutral while there are clear highway and economic benefits to the scheme'.

The Strategic Planning Board resolved that for the reasons set out in the report and in the verbal update given to the Board, power be delegated to the Head of Planning (Regulatory) to approve the application unless further consultation responses raising new issues are received by Monday 29th April 2019 and subject to 32 stated planning conditions.

A Decision Notice for the Planning Permission was issued on 19th July 2019.

The separate application to the Local Planning Authority of Cheshire West & Chester Council was submitted and determined under Delegated Powers with the scope of The Scheme being minor within that Borough.

A Decision Notice for the Planning Permission was issued on 3rd September 2019.

14.5 Changes to The Consented Scheme

Following the original planning permissions, a number of amendments to the Consented Scheme were identified along with an additional area required for environmental mitigation works. The changes were considered necessary to improve the deliverability of The Scheme by reducing costs of construction, and consisted of changes to the vertical alignment, relocation of ecological mitigation areas based upon early negotiations with land owners and alternative mitigation proposals for Great Crested Newts, and detailed changes to the scope of improvements on Cledford Lane.

Given the scale and extent of the changes, it was agreed with the Local Planning Authorities that further applications would be made as follows:

- 1) Cheshire East Council
 - a) An application (ref 20/2064C) under Section 73 of the Town & Country Planning Act for minor material amendments to the existing consent
 - b) A new application (ref 20/2162C) for additional areas for environmental mitigation
- 2) Cheshire West and Chester Council – An application (ref 20/01758/NMA) for a non-material amendment to the existing consent

Planning applications were submitted in May 2020 to secure planning permission for these changes, and the Cheshire East applications are currently under determination with a target decision date of 28th August 2020. Both Cheshire East applications are expected to be determined by the LPA under Delegated Powers.

The Cheshire West and Chester non-material amendment application was approved on 16th June 2020.

A full list of current documents under the consented and pending applications is included as Appendix xx.

14.6 The Planning Application Implementation

The Planning Permissions granted to date, and specifically the associated planning conditions have been reviewed by the technical specialists involved with the Planning Applications and, based on this review, it is considered that the Planning Conditions attached to the permissions are reasonable and can be complied with. A number of pre-commencement conditions have already been discharged.

Conditions associated with new permissions when received are expected to be similar in nature and detailed requirements to those previously imposed.

Overall, there are not known to be any planning impediments that would prevent the Scheme proceeding.

14.7 Planning Summary and Conclusion

The Scheme is identified as a planning and infrastructure policy priority in the CEC local development plan and would assist the delivery on numerous economic and social benefits in this part of Cheshire East. It is also supported in principle in the Cheshire West and Chester Local Development Plan. It has limited impact upon its surroundings, and any such impacts are limited by the proposed mitigation measures and outweighed by the public benefits of the scheme.

Whilst determining the scheme's Planning Applications, the LPAs considered all the aspects and potential impacts of the scheme including impacts on, residential amenity, landscape and trees, design, ecology, historic environment, air quality, noise and vibration, contaminated land, flood risk, public rights of way, traffic and highways, and economic sustainability.

Finally, it is considered that the remaining associated planning conditions (partially discharged or otherwise) can reasonably be complied with and that there are no other planning impediments that could prevent the scheme progressing.

15 SCHEME FUNDING

15.1 Scheme Approval and Financial Provision

- In June 2018 CEC Cabinet resolved to undertake all necessary preparatory works in advance of the Department for Transport (DfT) final funding decision in relation to the Middlewich Eastern Bypass.
- In January 2019 Cabinet resolved that:
 - i. The Executive Director Place will in accordance with the approved processes, draw down on the budget allocation within the Capital Programme Addendum in order to deliver the Scheme, reverting to Cabinet only in the event that the Executive Director Place or the Portfolio Holder for Communication and Finance identifies a material shift in the costs and/or risks associated with the Scheme;
 - ii. delegates to the Executive Director Place (insofar as such delegations are required), in consultation with the Portfolio Holder for Communication and Finance, authority to take all steps the Executive Director Place considers to be necessary or expedient to deliver the Scheme which, for the avoidance of doubt, shall include (but not be limited to):
 - a) taking all necessary steps to secure DfT Grant Funding;
 - b) exercising all statutory planning and highways powers, including the service of notices and the making, confirmation and implementation of all orders, including Compulsory Purchase Orders and Side Road Orders; and
 - c) entering into any contracts, licences, undertakings or other agreements, including Phase 1 (pre-construction) and Phase 2 (main construction) contracts under the SCAPE framework, to secure all services needed to deliver the Scheme.
- In July 2019 Cabinet resolved to approve to proceed with the Compulsory Purchase of land required to deliver the Scheme.

15.2 Scheme Cost

The Councils overall expenditure on Middlewich Eastern Bypass is expected to be £60.25m, which includes an approved budget of £1.8m for prior years which pre-dates the current proposed scheme and associated Outline Business Case.

As the project proceeds, there is a requirement for the Council to continue to forward fund the scheme pending successful completion of the Final Business Case (FBC).

The Council's Medium-Term Financial Strategy, as reported to Cabinet in February 2019, makes provision for this expenditure pending completion of the FBC.

15.3 Funding

The approved budget for Middlewich Eastern Bypass is £58.48m, subject to

confirmation of DfT Local Majors grant funding to the value of £46.78m. The Council is in receipt of confirmation from Government of this capital grant, pending acceptance of a Full Business Case for the scheme. A pre-requisite for the FBC is confirmation that all necessary land is available for construction.

At this stage, £6m of S106 developer contributions have been secured by signed S106 agreements with developers, with a further £1.4m expected from other developer contributions under S106 agreements.

This leaves a requirement of £4.3m payable by the Council. The council will however be required to both forward fund and underwrite the estimated level of developer contributions to the scheme. As signed letter from the Council's S151 Officer guaranteeing the Council's contribution was submitted to the DfT as part of the Outline Business Case.

15.4 Economic Benefits of the Scheme

The economic benefits of the scheme were assessed in detail as part of the Outline Business Case in full compliance with DfT and Treasury guidance.

The value for money calculation for the scheme expressed as the Benefit to Cost Ratio (BCR) was 2.7 which represents high value for money.

It should be noted that the OBC was produced and submitted prior to adoption of the CEC Local Plan, and the core scenario considered in the calculation did not include all Local Plan developments. A high growth scenario including all Local Plan developments generates a BCR of 3.5.

15.5 Programme

The current programme (subject to planning, confirmation of CPO, and final funding approvals) is for the main construction works to start in Spring 2022, with an estimated 24-month construction period.

The Council has engaged Balfour Beatty under a two-stage agreement for pre-construction and construction services. The delivery programme has been developed by Balfour Beatty under the pre-construction services agreement and has been fully reviewed and tested. It is considered to be both realistic and achievable.

Subject to approval of the foregoing and agreement of a target cost for the works the second stage of the contract will be executed on receipt of funding confirmation.

16 RELATED WORKS, CONSENTS ~~ORDERS~~ AND PROCEDURES

16.1 Planning Permissions and Other Consents

Planning Permissions have been secured from the two Local Planning Authorities within whose domain the scheme and its environmental mitigation lies as detailed in Section 14.

Consents for the diversion of three Public Rights of Way will be secured via the Side Roads Orders.

Other consents such as are required for implementation of the scheme (eg environmental consents) will be secured as part of the delivery stage following confirmation of the Order.

16.2 Mitigation Licence

Due to the impacts of the Scheme European Protected Species (EPS) licences will be required for a number of species including bats, badgers, and lesser silver water beetles. Great Crested Newt (GCN) mitigation will be implemented through the Natural England District Level Licensing scheme.

The proposed extent of the ecological mitigation measures has been agreed with the relevant statutory nature consultees, and full planning permission has been granted. As a consequence it is considered that, for the robust ecological mitigation prepared, the EPS Licences would be granted by Natural England without any difficulty.

Discussions with Natural England relating to the District Level Licensing scheme for GCN are at an advanced stage and are expected to be concluded shortly after making the CPO.

16.3 Water Discharge Consents

The consent of the Environment Agency under the Water Resources Act 1991 will be required for the discharge of highway drainage into controlled waters. For this the Council will apply and obtain an environmental permit. Consequently, the Council and its advisers have been in constant consultation with the Environment Agency during the design of the Scheme to date, and the Agency's comments and views have been taken into account in the design process to date.

16.4 Works Affecting Watercourses

Diversions and alterations will be required to watercourses of both Main River and Ordinary Watercourse designation, all of which will be subject to environmental permitting. The Council and its advisers have consulted with the Environment Agency during the design of the Scheme and the Views and requirements of the Agency have been taken into account.

17 PUBLIC SECTOR EQUALITY DUTY AND HUMAN RIGHTS ASSESSMENT

17.1 Public Sector Equality Duty

All public sector acquiring authorities are bound by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. This means that they must have 'due regard' or think about the need to:

- eliminate unlawful discrimination
- advance equality of opportunity between people who share a protected characteristic and those who don't
- foster or encourage good relations between people who share a protected characteristic and those who don't

Having 'due regard' means public authorities must consciously consider or think about the need to do the three things set out in the public sector equality duty. In exercising their compulsory purchase and related powers (e.g. powers of entry and powers to make side road orders) acquiring authorities must have regard to the effect of any differential impacts on groups with protected characteristics.

To date, equality implications have been considered in the options appraisal and are incorporated into the Outline Business Case. An Equalities Impact Assessment was prepared to accompany the planning application for the Scheme and was considered in determining to grant planning permission. The PSED was also considered when the decision was made by the Council to proceed to make the Orders.

Turning to the exercise of compulsory purchase powers, it should be noted that a significant area of land close to, though not within, the CPO boundary is owned and occupied by members of the Gypsy & Traveller communities. In implementing this Scheme and exercising the powers necessary for delivery it is not considered that any group with protected characteristics are adversely affected when it comes to the application of the PSED.

Having said this, in progressing the Scheme and carrying out any further consultations the Council will take into account the needs of persons with protected characteristics and the requirements of the PSED.

17.2 Human Rights

In deciding whether to proceed with the Orders the Council has considered the application of the Human Rights Act 1998 and Article 1 of the First Protocol and Article 8 to the European Convention on Human Rights.

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

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

In deciding to make the Orders the Council carried out a balancing exercise and considered whether the exercise of these powers are compatible with the European Convention on Human Rights. In weighing up the issues it is considered that the acquisition of land will bring benefits to the residents and businesses that could not be achieved by agreement and this outweighs any loss that will be suffered by existing landowners. The making of the Orders will follow existing legislative procedures and are therefore in accordance with the law. The decisions of the Secretary of State on the Orders can be challenged in the High Court, an independent tribunal, for legal defects. Those whose land is acquired through the CPO process will receive compensation based on the Land Compensation Code and should the quantum of compensation be in dispute the matter can be referred to the Upper Tribunal (Lands Chamber) for independent and impartial adjudication.

The Courts have held that this legal framework complies with the Convention on Human Rights.

Overall, the Council is of the view that there is a compelling case in the public interest and any interference with individual rights is justified having regard to the purposes of the acquisition.

18 PUBLIC INQUIRY

This Statement is not intended to discharge the Council's obligations to serve a Statement of Case under the Compulsory Purchase (Inquiries Procedure) Rules 2007 in the event that a public inquiry is held.

In the event of a public inquiry being held the Council will give evidence in support of the reasons for making the Orders and to further demonstrate that there is a compelling case in the public interest that this Scheme should proceed and that the Orders should be confirmed.

The Council may wish to refer to or put in as evidence at any public inquiry that may be held, the documents listed below.

The documents listed below are also available at the deposit locations listed in Section 19.1 of this Statement.

List of Documents:

- The Cheshire East Borough Council and Cheshire West and Chester Borough Council (Middlewich Eastern Bypass) (Classified Road) (Side Roads Order) 2020
- The Cheshire East Borough Council and Cheshire West and Chester Borough Council (Middlewich Eastern Bypass) (Classified Road) (Side Roads Order) 2020 – Site Plan
- The Cheshire East Borough Council and Cheshire West and Chester Borough Council (Middlewich Eastern Bypass) Compulsory Purchase Order 2020
- Map referred to in the Cheshire East Borough Council and Cheshire West and Chester Borough Council (Middlewich Eastern Bypass) Compulsory Purchase Order 2020
- Cheshire East Council Strategic Planning Board Report on 24 April 2019
- Middlewich Eastern Bypass Planning Decision Notice – Cheshire East Council
- The approved planning drawings, Environmental Statement, Planning and Design Access Statement, and Environmental Assessment Report highlighted in Appendix 8.

The Council reserves the right to add other documents to this list.

19 FURTHER INFORMATION

19.1 Access to Documents

The Order documents can be inspected at

Cheshire East Council
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

Or

Middlewich Library
22 Lewin Street
Middlewich
CW10 9AS

Alternatively, the documents can be inspected on the Cheshire East Council website at: <http://www.cheshireeast.gov.uk/MEB>

Specific queries relating to the Council's proposals should be sent by email to xxxxxxx

19.2 Compensation

Provision is made by statute with regard to compensation for the compulsory purchase of land and depreciation in value of affected properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation". These Booklets are listed below:

- Booklet No.1 - Compulsory Purchase Procedure;
- Booklet No.2 – Compensation to Business Owners and Occupiers;
- Booklet No.3 – Compensation to Agricultural Owners and Occupiers;
- Booklet No.4 – Compensation to Residential Owners and Occupiers; and
- Booklet No.5 – Reducing the Effect of Public Development: Mitigation Works

Copies of these booklets are available free of charge online and also from:

Communities and Local Government Publications
Cambertown House
Goldthorpe Industrial Estate
Rotherham
S63 9BL

Tel: 0300 123 1124

The Booklets can be downloaded directly from:

www.communities.gov.uk/publications/planningandbuilding/compulsorypurchase

Any person who does not have facilities to download these booklets should contact the Council for assistance at Cheshire East Borough Council, Westfields, Middlewich Road, Sandbach CW11 1HZ (Tel: 01270 686353).

20 APPENDICES

APPENDIX 1	SCHEME PLAN
APPENDIX 2	ORDER MAP
APPENDIX 3	ORDER MAP SCHEDULE
APPENDIX 4	ROUTE OPTIONS GENERAL LAYOUTS
APPENDIX 5	STATEMENT OF COMMUNITY INVOLVEMENT
APPENDIX 6	SIDE ROAD ORDER PLANS
APPENDIX 7	LETTERS OF SUPPORT
APPENDIX 8	LIST OF SUPPORTING DOCUMENTS

APPENDIX 1
SCHEME PLAN

APPENDIX 2

ORDER MAP

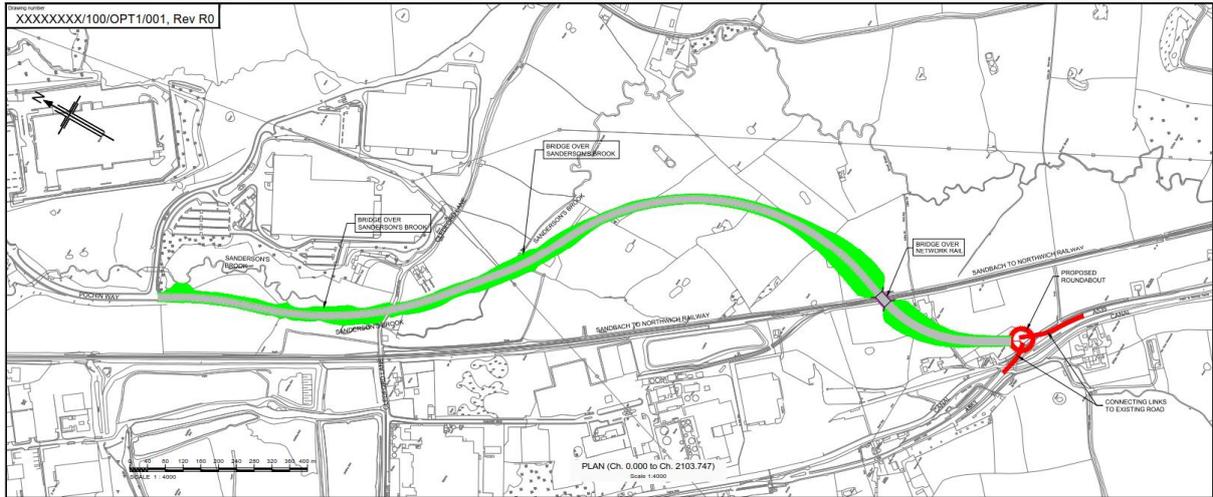
APPENDIX 3

ORDER MAP SCHEDULE

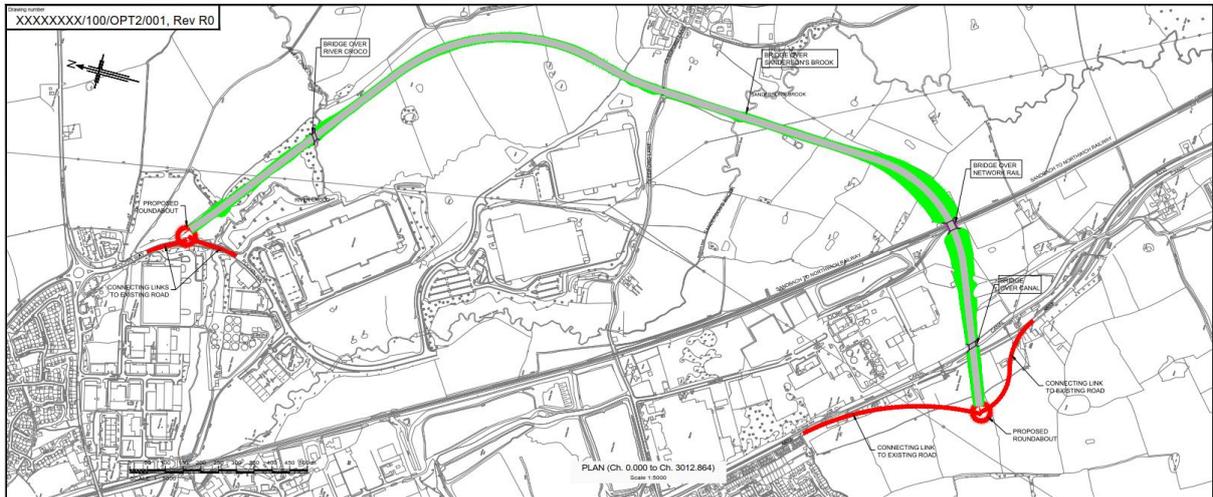
APPENDIX 4

ROUTE OPTIONS PLANS

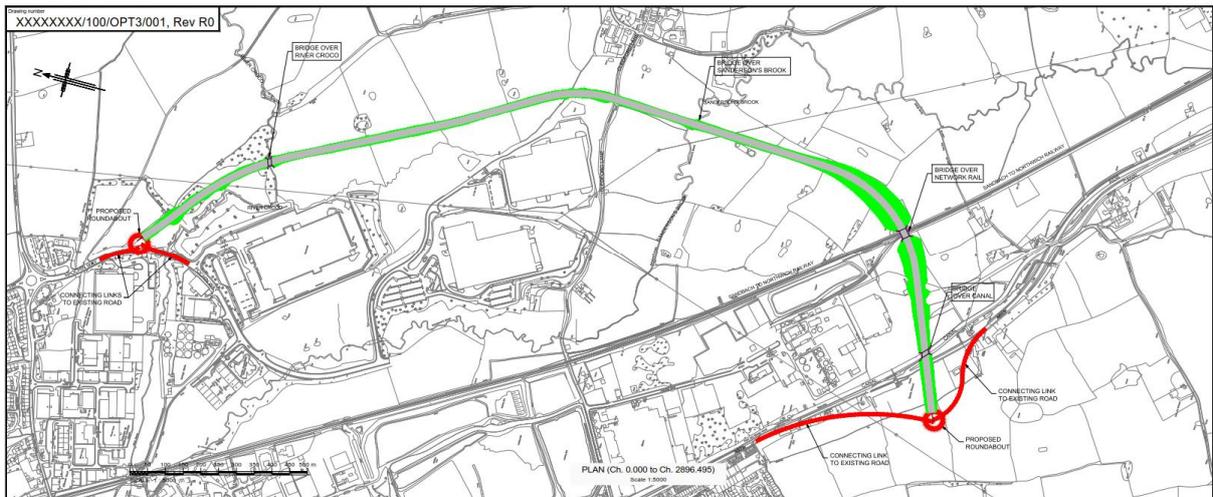
Option 1



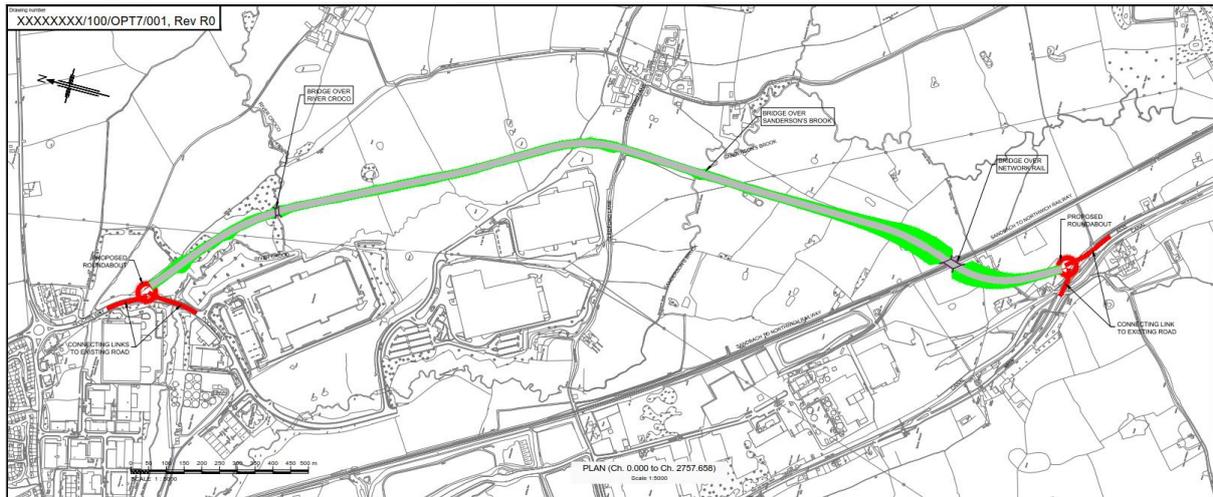
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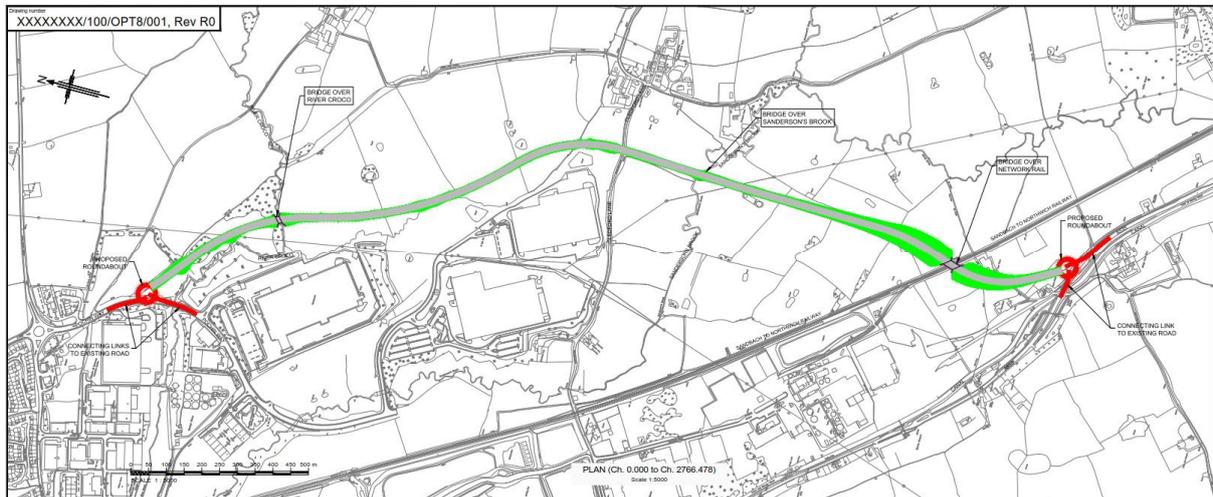
Option 3



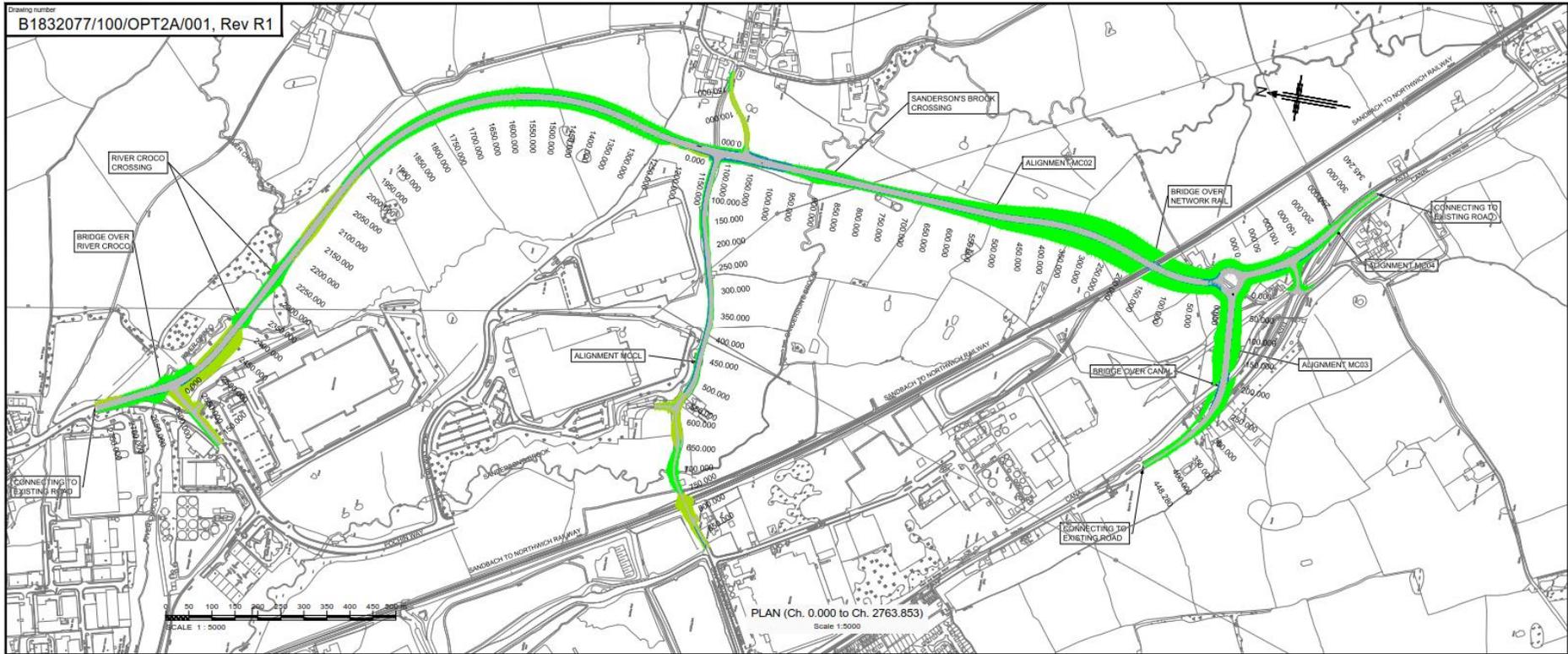
Option 7



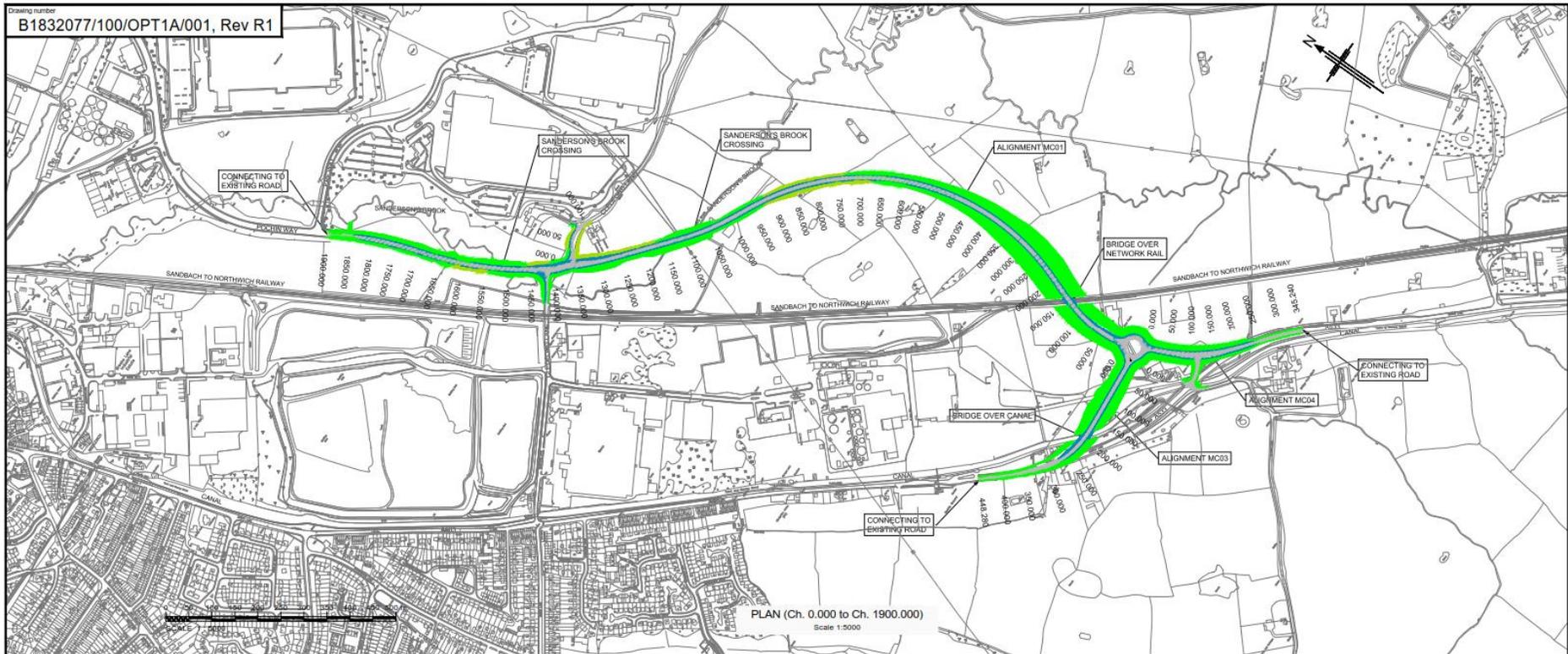
Option 8



Preferred Option



Alternative Option



APPENDIX 5

STATEMENT OF COMMUNITY INVOLVEMENT

DRAFT

APPENDIX 6

SIDE ROAD ORDER PLANS

APPENDIX 7

LETTERS OF SUPPORT

APPENDIX 8

LIST OF SUPPORTING DOCUMENTS

- Environmental Statement;
- Application for Original Permission, including Application Form, Supporting Information and Scheme Layout plans;
- Transport Assessment; and
- [xxx]